

**TOWN OF PERTH PLANNING BOARD
FEBRUARY 8, 2021
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
FRAN SIKORSKI, VICE CHAIRMAN
JEFF GREEN
MICHAEL DIMEZZA
TRACY GUTOWSKI**

SEAN M. GERAGHTY, SR. PLANNER

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:00 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the January 11, 2021 meeting.

MADE BY: Michael Dimezza

SECONDED: Tracy Gutowski

VOTE: 5 in favor, 0 opposed

III. SUNEAST LIMESTONE SOLAR, LLC – PUBLIC HEARING ON SPECIAL USE PERMIT FOR SOLAR FARM ALONG BISHOP ROAD:

A. Background:

SunEast Limestone Solar, LLC would like to construct a 20+/- megawatt Solar Farm off of Bishop Road in the Town of Perth (Tax Map Parcel No. 165.-1-6, 165.-1-62.11, and 165.-1-65). The owner of the property is James Skiff. The combined size of the three (3) parcels is approximately 392+/- acres. The Solar Farm proposal will physically alter approximately 145+/- acres of the project site.

B. January 11, 2021 Meeting:

During its January 11, 2021 meeting, the Town of Perth Planning Board continued its review of Suneast Limestone Solar, LLC's Special Permit application for a Solar Farm Project on lands owned by James Skiff along Bishop Road. At that time, the Planning Board asked that the following information be provided on a revised submission prior to this evening's public hearing:

1. Language in the Vegetation Management Plan needed to be amended.

STATUS: Provided.

2. The Planning Board asked that the adjacent residential property owners who have submitted "waiver letters" be shown the Visual Analysis for the project.

STATUS: In its response to the Planning Board, Suneast Limestone Solar indicated that representatives met with landowners on January 26th to show them the visual exhibits.

3. A plan for handling construction traffic will need to be developed. The Planning Board is concerned specifically with the potential access location off of County Highway 107.

STATUS: Details on the driveway access location along County Highway 107 are shown on Drawing 406. The applicants have indicated that it will be tough to provide any further details regarding construction traffic until a contractor has been hired.

DISCUSSION: Planning Board Member Mike Dimezza stated that, if Humphrey Lane is a Town road, then the applicants can upgrade the road and use that for an access point along County Highway 107. Mr. Dimezza stated that this would be a preferable option to creating another access driveway adjacent to Humphrey Lane.

James Skiff indicated that he didn't believe Humphrey Lane is a Town road.

County Planning Consultant Sean Geraghty stated that he would have to do some research to find out if Humphrey Lane is a Town-owned and maintained road or if it is a private driveway.

Planning Board Chairman Ron Cetnar asked who owns the residences at the end of Humphrey Lane?

Mr. Skiff stated that the residence is abandoned and is owned by an entity out of California.

4. The term of the proposed Lease Agreement should be clarified.

STATUS: The Lease Agreement is identified as 25 years with up to three (3) consecutive 5-year extensions.

5. The Decommissioning Plan will need to be updated by factoring in a 2.5% escalator for the 25-year lease term.

STATUS: The applicants have asked that the final decommissioning bond estimate be left until the end of the review process.

DISCUSSION: The Planning Board agreed that the final decommissioning bond estimate can be left until the final decision on the project is ready to be made.

C. County Planning Board Referral:

In accordance with Section 239-m of the General Municipal Law of New York State, the Fulton County Planning Board reviewed Suneast Limestone Solar's Special Permit application for a Solar Farm along Bishop Road during its January 18, 2021 meeting. At that time, the County Planning Board recognized that the proposed project could have adverse regional implications in terms of visual impacts and recreational resources and recommended that the Town of Perth Planning Board approve Suneast Limestone Solar's Special Permit application only under the following conditions:

1. The applicants must map out a 50' wide corridor through the project site allowing the County's Snowmobile Trail System to stay intact.

STATUS: See attached letter from property owner James Skiff.

DISCUSSION: Mr. Geraghty stated that, in his opinion, Mr. Skiff's letter adequately addresses the County Planning Board's concerns regarding regional recreational resources.

2. A 20' wide x 4' high berm should be installed around each of the solar arrays. The berms must be constructed with native topsoil.

STATUS: The applicants have stated several reasons why they do not wish to construct berms as part of the Landscaping Plan including the cost of importing off-site material, the risk of creating drought conditions for the plantings, a higher risk of wind damage on the elevated berm, the alteration of onsite drainage patterns and the disturbance of NYSDEC wetland buffer areas.

DISCUSSION: Mike Mantell, P.E. explained that the County Planning Board's recommendation to construct an elevated berm will require a significant amount of material to be brought from off the site. He pointed out that the berm would be approximately 1.3 miles in length.

Planning Board Member Tracy Gutowski talked about the impact the berm could have on the Visual Analysis that was already prepared?

Mr. Mantell stated that the Visual Analysis does not show the trees being planted on a berm.

There was then several minutes of discussion concerning the different viewsheds shown on the Visual Analysis.

Mr. Dimezza stated that, if enough trees are planted, then perhaps the berms could be eliminated from the Landscaping Plan. He agreed that the construction of the berms will have a negligible impact on the view from County Highway 107.

Mr. Geraghty reminded the Board that if conditions stipulated by the County Planning Board are not met, then the Planning Board will need a supermajority vote to approve the project.

3. The option of planting a wall of arborvitae as opposed to a mix of species should be left to the local Planning Board's discretion.

STATUS: Agreed.

4. The plantings must be at least 10' in height at the time of planting.

STATUS: Agreed.

5. The plantings must be planted in a staggered formation at 10' on center along the berms.

STATUS: Agreed.

6. A mixture of Norway Spruce, White Spruce, White Pine, Nigra Arborvitae and Beeches should be used.

STATUS: The applicants have agreed to utilize the plantings requested by the County Planning Board with the exception of the Nigra Arborvitae. The applicants have indicated that they would prefer to use Green Giant Arborvitae for a variety of reasons.

DISCUSSION: Planning Board Member Jeff Green stated that he would rather see the applicants use the Nigra Arborvitae. Mr. Green stated that he would also prefer to see the tree plantings pulled away from the solar

arrays and be placed near County Highway 107 to immediately block the view of the solar facility.

Mr. Dimezza agreed that a row of plantings along County Highway 107 and Sacandaga Road would immediately provide the visual screening that the Planning Board prefers. He pointed out that the Planning Board represents Perth residents who clearly do not want to see these types of projects.

Mr. Skiff stated that planting trees along County Highway 107 and Sacandaga Road would negatively impact the snowmobile trail that passes through his property.

Mr. Green disagreed and indicated that he has ridden on that trail numerous times and felt that a significant number of trees could be planted along County Highway 107 and still allow snowmobilers to easily pass through the property.

Mr. Dimezza stated that, if Suneast Limestone Solar wants to avoid the construction of berms, the cost savings can be put into planting more trees. He noted that this particular Solar Farm Project is the largest one that has ever been proposed in Fulton County and therefore the Planning Board wants to make sure it does not have negative visual impacts.

Mr. Skiff pointed out that many of the solar panels will be at least a 1/3 of a mile away from County Highway 107.

Mr. Dimezza again pointed out that, by eliminating the berm construction, the applicants are going to save a considerable amount of money and therefore additional discussion needs to take place regarding the planting of more trees to enhance the Landscaping Plan.

D. Fulton County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Special Permit application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located in an Agricultural District must include an Agricultural Data Statement. All Agricultural District property owners within 500' of the project site must receive notice of the proposed action.

The Fulton County Planning Department forwarded a letter, along with an Agricultural Data Statement and map, to Agricultural District property owners within 500' of the property asking that they submit any comments or concerns regarding the proposal, in writing, to the Fulton County Planning Department by Monday, February 8, 2021.

STATUS: To date, the Planning Department has received no comments regarding the application.

E. Public Hearing:

1. The public hearing was opened at 6:30 P.M.
2. Speakers:

There was no one to speak regarding Suneast Limestone Solar's Special Permit application for a Solar Farm Project along Bishop Road.

3. The public hearing was closed at 6:31 P.M.

F. State Environmental Quality Review:

During its January 11, 2021 meeting, the Town of Perth Planning Board declared itself the Lead Agency for the purpose of issuing a determination of significance under SEQR for this proposed action. Comments from other Involved Agencies were reviewed and a preliminary Visual Analysis that was prepared for the project was discussed.

At that time, Planning Board members decided that they would like additional time to more closely examine the Visual Analysis and an opportunity to hear the public speak during a public hearing before issuing a determination of significance under SEQR.

DISCUSSION: Mr. Dimezza initiated the discussion concerning the idea of having the applicants plant additional trees along County Highway 107 and Sacandaga Road in order to more effectively screen the project.

Mr. Skiff pointed out that Dr. Frasier, who lives along Sacandaga Road, is really the only residential property owner that will have a view of a significant portion of the Solar Farm Project. He indicated that Dr. Frasier has expressed no concerns to him regarding any visual impacts.

Mr. Cetnar asked if the Volunteer Fire Department will be able to get access around each of the solar fields?

Mr. Mantell pointed out that there is an access road that will allow access to a significant portion of the project site.

Once again, Mr. Green stated that he would prefer that the plantings be pulled away from the actual solar fields and be placed out near the road where they will have more of a screening impact.

Mike Beckner, Suneast Limestone Solar, stated that he would be willing to provide additional plantings if he doesn't have to construct the berms. Mr. Beckner stated that he needed to find out how and where those plantings will be placed since he doesn't have a lease control over Mr. Skiff's entire property.

Mr. Green pointed out that if Mr. Skiff wants the project to move forward, then he will have to provide Suneast Limestone Solar with the authority to provide the extra plantings.

There was then a lengthy discussion between Mr. Green and Mr. Skiff concerning the potential impacts additional plantings will have on the snowmobile trail.

Eventually, the Planning Board decided that, until there is a final remedy to address the visual impacts, no further SEQR action should be taken.

G. Planning Board Action:

In accordance with Article 9 of the Town of Perth Zoning Law, the Planning Board must grant, deny or grant subject to conditions the application for Special Use Permit within sixty-two (62) days after the public hearing.

DISCUSSION: The Planning Board recognized that, in the absence of SEQR being completed, there was no further action that could be taken during this evening's meeting. Mr. Geraghty stated that he would work with Mr. Mantell and Mr. Beckner to find a solution for the Landscaping Plan.

MOTION: To table final action on Suneast Limestone Solar's Special Permit application until the Landscaping Plan for the project has been agreed upon.

MADE BY: Mike Dimezza
SECONDED: Tracy Gutowski
VOTE: 5 in favor, 0 opposed

IV. ACTIVE SOLAR – SPECIAL USE PERMIT FOR SOLAR FARM ALONG NYS ROUTE 30:

A. Background:

Active Solar would like to construct a 3.5 AC megawatt Solar Farm along the east side of NYS Route 30 in the Town of Perth (Tax Map Parcel No. 178.-2-25). The parcel is currently owned by Adelbert Pooler and is

approximately 27.1 acres in size. According to the applicant, the physical disturbance of the solar array will be approximately 5.85+/- acres.

B. January 11, 2021 Meeting:

During its January 11, 2021 meeting, the Town of Perth Planning Board began reviewing Active Solar's Special Permit application for a Solar Farm along NYS Route 30 on lands owned by Adelbert Pooler. At that time, the Planning Board asked that the following information be provided on a revised submittal prior to scheduling a public hearing:

1. A 1 or 3-line electrical diagrams detailing the Solar Farm layout, solar collector installation, associated components and electrical interconnection methods with all national electric code compliant disconnects and overcurrent devices must be submitted to the Town Code Enforcement Officer.

STATUS: Provided.

2. Documentation of the major system components to be used, including the photovoltaic cells, mounting systems and inverters should be provided.

STATUS: Provided.

3. Information on noise (inverter) and reflectivity glare of solar panels and the potential impacts to adjacent property owners must be provided.

STATUS: Provided. The applicants have noted that the inverters have a noise level less than 65 decibels at 1 meter and that the transformer has a rating of 62 decibels. The applicants note that both the inverter and the transformers will be located approximately 200 feet from any residential property line.

DISCUSSION: Scott Price, P.E. talked briefly about the information that was provided as part of the explanation on the potential noise impacts.

The Planning Board had no comments or questions concerning the information that was provided.

In terms of the Glare Analysis, there are no glare impacts identified for the flight path route for the Fulton County Airport. Likewise, there are no glare impacts for vehicles traveling along NYS Route 30. On the other hand, there are glare impacts for the property owners along the western boundary of the project site, as well as vehicles traveling on McQueen Road. According to the Glare Analysis, these glare impacts will only occur during about half of the year and will not last for a significant period of time each day. Furthermore, the Glare Analysis indicates that the

installation of the berms and landscaping for the project will eliminate any of the impacts.

DISCUSSION: Mr. Cetnar asked if any review of the Murphy Runway was conducted?

Mr. Price seemed unaware of the existence of Murphy's runway.

Mr. Geraghty pointed out that the Runway is essentially a dirt airstrip off of Midline Road.

Mr. Cetnar noted that the Murphy Runway is still used on a regular basis.

4. The term of the Lease Agreement should be clarified.

STATUS: Active Solar intends to purchase the property from the landowner.

5. The clarification regarding the chainlink fence has been made, changing the height from 7' to 8'.

STATUS:

6. A Visual Analysis of the project must be provided showing views from various locations along NYS Route 30, as well as showing a "reverse visual" from the solar field location towards the backs of residential and commercial buildings along Route 30.

STATUS: Provided.

DISCUSSION: Mr. Price pointed out that, rather than having the connection point be located right along NYS Route 30, only one (1) pole will be provided adjacent to Route 30 and the rest of the poles required for the interconnection will be moved back along the access driveway.

Planning Board members were very pleased with this design change.

The Board then spent several minutes listening to Mr. Price explain the various viewsheds that were shown in the Visual Analysis.

The Planning Board had no further comments or questions concerning the Visual Analysis.

7. The Planning Board has asked that some consideration be given to moving the inverter location further away from the residences along Route 30 to eliminate any potential noise concerns.

STATUS: The inverters have been moved at least 200' from all residential property lines.

8. Additional landscaping must be provided north of the access driveway in order to provide a buffer for the adjacent residential property.

STATUS: A row of Spartan Junipers has been added along the access driveway.

DISCUSSION: Mr. Price stated that the applicants have used the Spartan Junipers on several other Solar Farm Projects because they have a very nice shape and provide great screening.

The Planning Board was satisfied with the proposed planting of the Junipers along the driveway.

9. Additional screening should be provided in the southwest corner of the property.

STATUS: Two (2) additional landscaped berms have been added in the southwest corner of the site and a row of Spartan Junipers has been added along the southern property line for approximately 240' of additional screening.

DISCUSSION: The Planning Board was satisfied that the additional berms and landscaping will provide the screening that was talked about during last month's meeting.

10. Details on all required signage must be provided on the specification drawings for the project.

STATUS: Provided.

11. Elevation drawings for any equipment shelters, storage facilities, transformers, substations must be provided.

STATUS: Provided.

12. A mesh fabric should be provided along the fencing where the tree plantings will be limited because of the wetland location.

STATUS: Privacy slats have been added to 205 linear feet of chain link fencing in the location of the wetlands.

DISCUSSION: Mr. Price stated that he went with the slats because they allow more wind to go through the fenceline.

Mr. Cetnar asked if the slats were weather resistant?

Mr. Price stated that because they allow wind to pass through the fence, they seem to have less wear and tear than a mesh fabric.

After a brief discussion, the Planning Board asked that a comparison be provided between the mesh fabric and the individual slats.

13. The Town of Perth requires that a Decommissioning Plan for the project identify the present-day cost estimate to completely decommission the site and to then multiply that cost by a 2.5% inflation factor for the entire term of the lease.

STATUS: The applicants have identified a present-day cost to completely decommission the site of \$104,570.32. Multiplying that figure by a 2.5% inflation factor for a 35-year period leaves a future decommissioning cost estimate at \$248,166.83.

DISCUSSION: Mr. Geraghty stated that the final decommissioning estimate is essentially in the range of similar-sized projects throughout Fulton County.

C. County Planning Board Referral:

In accordance with Section 239-m of the General Municipal Law of New York State, the Fulton County Planning Board reviewed Active Solar's Special Permit application for a Solar Farm Project along NYS Route 30 during its January 18, 2021 meeting. At that time, the County Planning Board felt that the proposed project could potentially have adverse regional impacts from a visual standpoint and recommended that the Special Permit application be approved only under the following conditions:

1. A 20' wide x 4' high berm be constructed along the western and southern boundaries of the site. Native topsoil must be used for the construction of the berm.

STATUS: The applicants have actually agreed to the berm construction.

DISCUSSION: Mr. Geraghty pointed out that the applicants have actually not only agreed to the construction of the berms but, on parts of the site, the berms will exceed the County Planning Board's recommended height and width for berm construction.

2. The landscaping should include a mix of Norway Spruce, White Spruce, White Pine and Nigra Arborvitae.

STATUS: The Landscaping Plan has been updated to include several of the species recommended by the County Planning Board except for the

arborvitae. The applicants have added Spartan Junipers to the mix of species recommended by the County Planning Board.

DISCUSSION: Mr. Geraghty indicated that he would do some additional research on the Spartan Junipers to make sure that they can be substituted to address the County Planning Board's recommendation.

3. Plantings should be made at intervals of not more than 10' on center by planting either one (1) consecutive row or two (2) staggered rows so that the plantings maintain the 10' separation.

STATUS: The applicants have agreed to this condition.

4. The plantings all must be at least 8' in height at the time of planting.

STATUS: The applicants have agreed to this condition.

DISCUSSION: Mr. Geraghty pointed out that the applicants have essentially agreed to all of the County Planning Board's recommendations. He pointed out that, while the County Planning Board recommends the types of tree species to be used in the Landscaping Plans, it does not necessarily require that all of the species be used.

D. State Environmental Quality Review:

During its January 11, 2021 meeting, the Town of Perth Planning Board classified the proposed project as a Type I Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. Copies of the preliminary Site Plan drawings, along with the Full Environmental Assessment Form, were sent to other Involved Agencies asking that comments concerning the Planning Board's proposal to serve as Lead Agency or on the project itself be submitted, in writing, by Monday, February 8, 2021.

STATUS: To date, the Planning Board has received the following comments:

NYSDEC:

In a letter dated January 20, 2021, the NYSDEC concurs with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDEC notes that any disturbance of more than 1 acre of land will require a SPEDES General Permit for Stormwater Discharges from Construction Activities. NYSDEC also noted that the Upland Sand Piper is a threatened species that may be in the project area. NYSDEC has suggested that the New York Natural Heritage Program be contacted regarding this issue.

DISCUSSION: Mr. Geraghty told Mr. Price that he would forward him the letter he received from NYSDEC. He suggested that the Natural Heritage

Program be contacted so that the issue does not cause the project to come to a halt later on.

NYSDOT:

In an e-mail dated February 4, 2021, NYSDOT concurred with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDOT offered a list of six (6) items that the applicants will need to address during the highway work permit process.

DISCUSSION: Mr. Geraghty handed Mr. Price a copy of the email he received from NYSDOT.

MOTION: Declaring the Town of Perth Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for Active Solar's Special Permit application for a Solar Farm Project along NYS Route 30.

MADE BY: Ron Cetnar
SECONDED: Jeff Green
VOTE: 5 in favor, 0 opposed

FURTHER DISCUSSION: Planning Board members felt that there were no adverse environmental issues that couldn't be addressed as part of the Special Permit review process.

MOTION: Authorizing the filing of a negative declaration under SEQR for this proposed action since:

1. Existing tree lines and the construction of berms with additional landscaping will effectively screen the project from neighboring residential and commercial property owners.
2. There will be no traffic implications resulting from the proposed action.
3. Public utilities are readily available to service the new solar facility.
4. Wetland areas on the Project Site are generally being avoided and there will be minimal impacts to those wetlands and no wildlife will be adversely impacted by changes to those wetlands.

MADE BY: Mike Dimezza
SECONDED: Fran Sikorski
VOTE: 5 in favor, 0 opposed

E. Planning Board Action:

In accordance with Article 9 of the Town of Perth Zoning Law, the Planning Board shall hold a public hearing on a Special Use Permit application within sixty-two (62) days of the date the Planning Board determines that the application is complete. Consequently, does the Planning Board wish to schedule a public hearing on Active Solar's Special Permit application for a Solar Farm at this time?

MOTION: To schedule a public hearing on Active Solar's Special Permit application for a Solar Farm Project along NYS Route 30 for 6:00 p.m., Monday, March 15, 2021.

MADE BY: Ron Cetnar

SECONDED: Mike Dimezza

VOTE: 5 in favor, 0 opposed

V. OTHER BUSINESS:

A. Chairman's Update:

Mr. Cetnar reminded Board members that the March meeting will be conducted on the third Monday of the month.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:15 p.m.

MADE BY: Fran Sikorski

SECONDED: Tracy Gutowski

VOTE: 5 in favor, 0 opposed