

**TOWN OF PERTH PLANNING BOARD  
SEPTEMBER 21, 2020  
6:00 P.M.  
PERTH TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**RON CETNAR, CHAIRMAN  
BOB GORDON  
JEFF GREEN  
NICHOLE SURENTO  
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 August 10, 2020 meeting.

MADE BY: Michael Dimezza

SECONDED: Ron Cetnar

VOTE: 6 in favor, 0 opposed

**III. BORREGO SOLAR SYSTEMS - RECONVENING PUBLIC HEARING ON  
SPECIAL USE PERMIT FOR SOLAR FARM ALONG COUNTY HIGHWAY  
132:**

A. Background:

Borrego Solar would like to construct a 5 megawatt AC Solar Farm along the west side of County Highway 132 in the Town of Perth (Tax Map Parcel No. 180.-1-4). The existing parcel is approximately 20.05+/- acres in size and is owned by Robert and Joan Pawlak.

B. August 10, 2020 Meeting:

During its August 10, 2020 meeting, the Town of Perth Planning Board opened a public hearing on Borrego Solar's Special Permit application for a Solar Farm Project along County Highway 132. At that time, the Planning Board felt that additional information needed to be provided for the project. The Planning Board decided to leave the public hearing open and reconvene the hearing during this evening's meeting. The Planning Board also asked that the following information be provided with a revised submittal prior to the reconvening of this evening's public hearing:

1. Based on the current Landscaping Plan and Visual Analysis that was presented to the Planning Board, there is a consensus among Board members that the Landscaping Plan will not effectively screen the project from view along County Highway 132. Additional mitigation or a solution will need to be offered before the Planning Board will complete the State Environmental Quality Review process.

STATUS: The Landscaping Plan has been updated with additional low-level shrubs being added. Green vinyl slats have also been included in the fencing and the system has been moved back to 100' from the road.

DISCUSSION: Planning Board Chairman Ron Cetnar pointed out that anyone traveling west to east on County Highway 132 will still be able to see the solar panels. He questioned whether or not the fencing around the facility could be increased in height?

Mike Schauffert, P.E. indicated that he could look into increasing the height of the fence.

James Kondradt, Borrego Solar, stated that the foundational integrity of the fence will need to be examined if it gets increased up above 10'. He pointed out that there may also be an Army Corps of Engineer issue that will need to be addressed if a higher fence is installed through a wetland area.

Planning Board Member Bob Gordon asked if any type of economic analysis has been conducted to determine what impact the Solar Farm could have on residential property values?

Mr. Kondradt pointed out that there have been previous studies done that showed that these types of facilities have no impact on residential values.

Mr. Gordon stated that he wanted Borrego Solar to specifically look at this particular project and how it will impact the value of residences in the immediate vicinity of the project site.

2. Consideration should be given in moving the access driveway further east along County Highway 132.

STATUS: The driveway has been moved further east along County Highway 132.

DISCUSSION: Planning Board Member Tracy Gutowski recognized that the applicants have addressed the Planning Board's concern with the driveway location. However, she noted that, in her opinion, the project itself will undoubtedly have a visual impact on nearby residential property owners.

Mike Schauffert pointed out that Borrego has increased the amount of plantings it intends to provide for the project and feels that this effort, coupled with the slats being installed in the fencing, will minimize any visual impacts.

Planning Board Member Nicole Surento disagreed. She indicated that the slats won't eliminate the adverse visual impacts. In fact, she stated that the slats look cheap and may actually exacerbate the problem.

Planning Board Member Jeff Green agreed. He stated that additional low-growth shrubs would be better than the slats.

Mr. Kondradt pointed out that Borrego Solar has agreed to move the access driveway almost 250' from its original position on County Highway 132. He stated that Borrego Solar does not want to feel like they are invading the neighborhood. He indicated that he felt Borrego had been very accepting of the community's comments and have provided a very robust Landscaping Plan.

Ms. Gutowski stated that she felt Borrego had picked a very difficult spot to locate a Solar Farm Project, given its close proximity to the road and nearby residential property owners. She stated that, because of the location, the Planning Board will expect a lot of concessions from Borrego Solar.

Mr. Gordon stated that he would like to see some photo simulations from further away along County Highway 132 and from points at higher elevations adjacent to the project site.

Mr. Kondradt indicated that that type of analyses may be out of the scope of services that have been outlined for the project.

Planning Board Member Mike Dimezza stated that he would also like to know what the project will look like from various vantage points around the project site. He noted that previous projects in the Town of Perth have been a thousand or more feet off of the road and had no immediate visual

impacts. He noted that this project is the opposite of what the Planning Board has looked at in the past. He talked about some of the negative visual impacts other Solar Farm Projects have had in the Town of Johnstown and in Montgomery County.

3. The Operation and Maintenance Plan will need to be amended to show that any plantings that don't survive at least five (5) years must be replaced by the applicant. The Planning Board is also asking that Borrego Solar consider providing a Landscaping Bond for the planting schedule.

STATUS: Borrego has committed to providing a Landscaping Bond and Warranty for the plantings. The amount of the Landscaping Bond will be determined once the final landscaping design and costs have been identified.

DISCUSSION: Mr. Geraghty pointed out that Borrego has agreed to provide a Landscaping Bond and a Warranty on the plantings.

Planning Board Chairman Ron Cetnar stated that the Warranty should be for the life of the project.

Mr. Kondradt indicated that Borrego intends to warranty the plantings for the life of the project.

4. While the setback requirements for solar energy components is 50' from a property line, the Town of Perth Zoning Law also indicates that, based on neighborhood characteristics and topography, the Planning Board must examine the proposed location of a Solar Farm facility on a case-by-case basis. This is meant to ensure the potential impacts to residents, businesses and traffic are not a detriment. The system must also be designed and situated to be compatible with the existing uses on adjacent and nearby properties. The Planning Board feels that given the location of the project site in a residential neighborhood, the facility is too close to County Highway 132 and will negatively impact the character of the neighborhood. The Planning Board feels this must be addressed.

STATUS: Borrego Solar has agreed to move the components of the Solar Farm back 100' from the roadside.

DISCUSSION: Ms. Surrento stated that moving the solar panels back to 100' from the road right-of-way will have negligible effect on the visual impacts associated with the project. She stated that, from an elevation standpoint, the effect on visual impacts will be minimal.

Mr. Schaufert indicated that, by moving the project back to 100', the angles will raise the effectiveness of the screening slightly.

Ms. Gutowski stated that she felt the project should be setback at least a minimum of 500' from the road to have any impact on the visual concerns. She indicated that the pictures along County Highway 132 don't accurately show what the facility is going to look like once it is constructed.

Ms. Surrento agreed and noted that the elevation change on the backside of the property will leave the solar field very visible from adjacent residential property owners.

Mr. Kondratt pointed out that there is approximately a 15' difference from the front to the back of the site. He stated that the trees that have been proposed in the Landscaping Plan will grow to 15' to 20' in height and should adequately screen the project. Mr. Kondratt pointed out that the visuals showing vantage points along County Highway 132 are where the general public will be viewing the facility.

Mr. Gordon again stated that he would like to see photos from adjacent residential properties at elevations that will be looking down on the facility.

Mr. Dimezza stated that, when the trees start to lose their leaves, especially along the Healy Kill Creek, those residential property owners will be able to clearly see the facility?

Ms. Surrento agreed and stated that the house located near the wetlands area should also be included in any photo simulation.

Ms. Gutowski reminded Board members that the Planning Board previously approved a new home site for the Johnson property that will overlook this solar facility. She indicated that she had an opportunity to do a site visit and get a better perspective of how the Solar Farm will look to adjacent residential property owners. She stated that she can't imagine how Borrego Solar will be able to screen this facility from view.

Mr. Kondratt stated that Borrego Solar was not looking to negatively impact the community when it decided to construct a Solar Farm along County Highway 132. Mr. Kondratt explained that it was simply a matter of a landowner who was willing to sell a property at a location that made economic sense to Borrego Solar. He indicated that he had no knowledge of Mr. Johnson's proposal to build a new home overlooking the project site. He noted that the project will have a significant tax boost for the community.

Ms. Gutowski stated that the community will also likely lose any potential tax revenues that would be associated with other property owners building homes along County Highway 132.

Once again, Mr. Kondradt pointed out that the County and Town have opted out of the NYS Real Property Tax provisions and, consequently, the project will be heavily taxed.

Mr. Dimezza pointed out that, while the project may be taxed, the majority of those revenues will be going to the County and the School District, with a very small amount coming to the Town.

Mr. Cetnar pointed out that the plantings that have been shown in the Landscaping Plan don't effectively screen the project on day 1 and arguably may not even effectively screen the project after five (5) years.

Once again, Ms. Surrento talked about the need to have visual representations from adjacent residential properties.

Mr. Schauffert stated that he believed visuals could be provided from both sides of the project.

5. The Planning Board is still not comfortable with the cost estimates provided for decommissioning the site. Those numbers need to be reconsidered.

STATUS: Borrego Solar has revised the decommissioning estimate. The present-day value to decommission the site is now estimated at \$152,400.12. With a 2.5% escalator over the course of 25 years, the final decommissioning estimate is now at \$282,541.30.

DISCUSSION: Mr. Geraghty noted that the present-day estimate to decommission the site is still on the low side compared to what the Planning Board has seen from other projects and from what has been seen in projects in other communities.

Mr. Kondradt stated that, given the fact that the panels have been moved back on the site, a larger panel is now being used that will lessen the average cost to decommission the site.

Again, Mr. Geraghty stated that the cost estimates are on the low side and that he will consult with Town Code Enforcement Officer Mark Concilla concerning the accuracy of those estimates.

6. Some basic information concerning the inverter noise levels should be provided for the Planning Board's records.

STATUS: A study from the Massachusetts Clean Energy Center has been provided for the Planning Board.

DISCUSSION: The Planning Board had no comments concerning the study from the Massachusetts Clean Energy Center.

Ms. Surrento asked why the applicants needed to have 9' panels as opposed to the 8' panels that are stipulated in the Town's regulations?

Mr. Kondradt stated that the typical racking systems used by Borrego Solar increased the height of the panels to 9'. He stated that he could ask his engineers about reducing the size of the racking systems. However, he noted that the integrity of the racking systems themselves may be impacted if the structures are reduced in height.

C. Public Hearing:

1. The public hearing was reconvened at 6:35 P.M.
2. Speakers:

Jim McKale  
103 Linda Drive

Mr. McKale stated that he believed the project will be very visible from his property, especially after the leaves drop this fall. He stated that he can clearly see the fields from his kitchen and living room. He also questioned the angles of the panels and what type of glare impact may result.

Chris Johnson  
1023 Kania Road

Mr. Johnson talked briefly about the elevation changes on the project site. He noted that the topographic features on the maps that he has examined show approximately an 18' to 19' difference from the front to the back of the site. He noted that after the 9' panels are installed on the property, the visual impact will essentially be a 30' wall.

Planning Board Member Tracy Gutowski asked Mr. Johnson to show Board members the location of his driveway for the new home he intends to construct. She asked Mr. Johnson if it will alter his plans for the site?

Mr. Johnson stated that the Solar Farm will alter his plans for a future residence.

Bob Bagwell  
330 County Highway 132

Mr. Bagwell expressed his opposition to the project and pointed out that his residence is directly across the street from the project site. He noted that the berm that is being proposed along the front side of the property

is at the lowest end of the field and won't even match the adjacent road surface. He then questioned how wide the berm will be? He noted that he will still be able to clearly see this development from his property and that the plantings will not cover his view from the first floor of his residence, let alone the second floor of the residence.

Jeannie Pitkin  
236 County Highway 132

Ms. Pitkin asked for someone to show her where the new access driveway location will be.

Mike Schauffert pointed to the new driveway location on the aerial imagery.

Planning Board Member Jeff Green stated that he didn't feel there was anything positive about this project. He expressed his dissatisfaction that Borrego Solar is continuing to push for the project in a residential area.

Mr. Kondratt noted that, based on the Town's laws, Borrego Solar decided that the project may be a good fit and decided to submit an application. He noted that, after examining the local regulations and the location of the property, he didn't feel that the project was undoable.

Mr. Green stated that the property is located in an extremely tough spot in terms of trying to provide a visual buffer to adjacent residential properties.

Ms. Gutowski again stated her concern that the project was simply too close to the road.

Mr. Gordon indicated that he received an e-mail earlier in the day from Bob Renda, 267 County Highway 132. He stated that Mr. Renda expressed a concern with the hydrochloric acid that is used in the manufacture of the panels.

Mr. Kondratt stated that, at one time, hydrochloric acid was used in the manufacture of panels. However, Mr. Kondratt noted that, due to advances in technology, there are no harmful chemicals used in the panels being proposed by Borrego Solar.

Mr. Gordon asked what type of deterioration occurs in the panels after 20 years?

Mr. Kondratt indicated that the panels simply do not deteriorate.



Atty Johnson  
123 Kania Road

Mrs. Johnson stated that she and her husband bought the property along County Highway 132 because that is where they would like to make their permanent residence. She talked about hunting with some of the neighboring property owners and the quiet rural atmosphere along County Highway 132. She pointed out that the landowner who currently owns the project site no longer lives locally is unaffected by this project. She indicated that she appreciated the concessions that have been made by Borrego Solar, but pointed out that this is where her family and the rest of the families live and that she felt the Solar Farm will negatively impact the character of the area.

Bob Renda  
267 County Highway 132

Mr. Renda indicated that he bought property near the project site approximately 15 years ago with the intent of building his permanent residence. He indicated that, if this project goes through, he will not be building on that property. He stated that he chose the property because it was in a rural residential area and that he was hoping to retire in that home. However, he stated that he won't invest any more money in the property if a Solar Farm is located along County Highway 132.

Jim Carney

Mr. Carney indicated that he has lived at his current residence for approximately 45 years. He indicated that he would like to know how the project will impact his property value. He questioned whether or not some type of summary sheet was available for the project?

Mr. Geraghty stated that there is no summary sheet of the project available to the public. Mr. Geraghty explained that the entire application package is available for viewing in the Town Code Enforcement Office.

Lori Pisarczyk  
107 Watrobski Drive

Ms. Pisarczyk talked about four (4) empty homes around the circle in her neighborhood and the fact that most of the individuals attending this evening's meeting are from that neighborhood. She expressed a concern that the project will have negative visual impacts for her and her neighbors.

Rich Vokatis  
104 Linda Drive

Mr. Vokatis indicated that, based on the first pictures in the Visual Analysis, he felt that the panels could still be seen from his residence. He pointed out that there are many individuals who walk their dogs or ride bikes along County Highway 132, that will also be able to view this Solar Farm. He talked briefly about some of the wildlife, especially deer, that may be impacted by the project.

Jim McKale

Mr. McKale asked if an environmental study was done for the project?

Mr. Kondradt indicated that several environmental analyses were done prior to the application's submittal.

Mr. Geraghty asked Board members if they felt there were any reasons to leave the public hearing open?

After a brief discussion, there was a general consensus among Board members that, given the information that the applicants are going to be asked to provide, the community should have an opportunity to continue to express concerns during the public hearing.

MOTION: To leave the public hearing on Borrego Solar's Solar Farm Project along County Highway 132 open until the Planning Board's October 19, 2020 meeting.

MADE BY: Michael Dimezza

SECONDED: Nicole Surrento

VOTE: 6 in favor, 0 opposed

D. State Environmental Quality Review:

During its July 20, 2020 meeting, the Town of Perth Planning Board declared itself the Lead Agency for the purpose of issuing a determination of significance under SEQR for Borrego Solar's Solar Farm Project along County Highway 132. Since that time, the Planning Board has asked for additional information and changes to the Landscaping Plan, as well as information on how the applicants intend to make sure that the project does not adversely impact nearby residential property owners and change the character of the neighborhood.

DISCUSSION: Mr. Geraghty pointed out that, given the additional information that the applicants are going to be asked to provide, it appears as though the same issues regarding visual impacts and the character of the

neighborhood still remain unresolved. There was a general consensus among Board members that no further SEQR review should take place until the additional information has been provided by the applicants.

E. 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 hearing.

DISCUSSION: The Planning Board recognized that no further Planning Board action could take place during this evening's meeting.

(NOTE: Planning Board Member Nicole Surrento left the meeting.)

**IV. ALEKSANDR LENSKY – SITE PLAN FOR AUTO SALES OFFICE:**

A. Background:

Aleksandr Lensky would like to use a piece of property owned by Thomas and Stella Vera along NYS Route 30 for an auto sales office (Tax Map Parcel No. 178.2-1-14.2). The owner's property is approximately .4+/- acres in size and has an existing 1,500+/- sq. ft. building on the site along with a blacktopped parking area. The applicant is proposing to use the building as a sales office and is showing 20 vehicles displayed on the property along with two (2) customer parking spaces.

B. County Planning Department Review:

The Fulton County Planning Department has reviewed the applicant's Site Plan application in accordance with the Town of Perth's Site Plan Regulations and would like to offer the following comments:

1. The actual property boundary for the tax map parcel should be shown.
2. The location of the existing well and septic field servicing the building on the property should be identified.

DISCUSSION: Mr. Lensky indicated that he would provide the location of the well and septic field on the revised drawing.

3. The hours of operation for the sales office should be identified.

DISCUSSION: Mr. Lensky indicated that his hours of operation will be 7 days a week from 9:00 a.m. to 7:00 p.m.

4. The dimensions for all of the inventory parking spaces should be noted on the drawing.

DISCUSSION: Mr. Geraghty stated that a revised drawing should be provided specifically identifying the sizes of each of the inventory parking spaces. Mr. Geraghty noted that a maximum number of vehicles to be displayed on the site should be identified.

5. The size and design of the sign to be used to advertise the business should be identified.

DISCUSSION: Mr. Lensky indicated that he had not yet thought about a design for his sign.

Mr. Geraghty stated that, if any additional information becomes available on the sign, it should be presented to the Planning Board.

6. Any exterior changes to be made to the building should be identified.

DISCUSSION: Mr. Lensky stated that no exterior changes will be made to the building.

Mr. Cetnar asked if handicap parking spaces will be made available?

Mr. Lensky noted that the two (2) customer parking spaces are both handicap spaces. Mr. Lensky also pointed out that there is a ramp access to the building.

C. State Environmental Quality Review:

In accordance with Section 617.5 of 6NYCRR, the applicant's proposal to use an existing building as an auto sales office with new office space is essentially the replacement, rehabilitation or reconstruction of a structure in-kind and should be classified as a Type II Action under SEQR.

MOTION: To classify Mr. Lensky's proposal as a Type II Action that requires no further environmental analysis.

MADE BY: Tracy Gutowski

SECONDED: Michael Dimezza

VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

In accordance with Article 10, Section C(8), the Planning Board has the discretion to hold a public hearing on a Site Plan application. In either case, the Planning Board must schedule a public hearing or issue its final decision within sixty-two (62) days of its acceptance of a complete application.

DISCUSSION: Ms. Gutowski stated that she felt Mr. Lensky's proposal would be a great use for the property and she stated that the public hearing requirement should be waived.

Mr. Cetnar asked Mr. Lensky if two (2) customer parking spaces will be enough for his business?

Mr. Lensky stated that he typically deals with customers on an appointment basis. He stated that he didn't want to provide any additional spaces that may interfere with the fire lanes around the building.

MOTION: To waive a public hearing on Mr. Lensky's Site Plan application for an automotive sales office and to table final action on the Site Plan application pending receipt of a final submittal.

MADE BY: Tracy Gutowski  
SECONDED: Ron Cetnar  
VOTE: 5 in favor, 0 opposed

V. **SOLAR PARK ENERGY, LLC/ROSE INDUSTRIES, LLC – SUBDIVISION AND SPECIAL PERMIT FOR A SOLAR FARM ALONG NYS ROUTE 30:**

A. Background:

Solar Park Energy would like to construct a 5 megawatt AC Solar Farm along the west side of NYS Route 30 in the Town of Perth (Tax Map Parcel Nos. 178.-2-52, 189.-1-13.111, 189.-1-13.112, 189.-1-14.11, 189.-1-14.12 and 189.-1-17.2). The total amount of property available on the six (6) parcels is approximately 127.1+/- acres. As part of the project, a 52+/- acre parcel will be subdivided in an effort to create the project site.

DISCUSSION: Planning Board Member Mike Dimezza indicated that he will be abstaining from participating in the review of this application.

Dave Ingalls, P.E., Ingalls Associates, gave Board members a brief overview of the Solar Farm Project. Mr. Ingalls noted that the access to the Solar Farm will be off of NYS Route 30 just south of Tribe Fitness. He noted that

the Solar Farm will actually straddle both sides of the National Grid power line.

Ms. Gutowski asked how far off of McKay Road the Solar Farm will be?

Mr. Ingalls indicated that the Solar Farm will start approximately 1,500' from McKay Road. He indicated that he intends to provide evergreen screening along the west side of the project, which is the only side of the project that will conceivably be seen by adjacent property owners. He noted that the project is actually 2,000' off of NYS Route 30.

Mr. Gordon asked how tall the panels will be for the project?

Mr. Ingalls indicated that he would be proposing 8' panels. Mr. Ingalls stated that, even with no landscaping, it will be difficult to see the Solar Farm. He indicated that he could provide a rendering of the view from McKay Road.

B. Planning Department Review:

The Fulton County Planning Department has reviewed the Site Plan drawing in accordance with Article 13 of the Town of Perth Zoning Law which specifically outlines the submittal requirements and design standards for a Solar Farm Project:

1. The blueprints or drawings of the solar photovoltaic installation signed by a licensed professional engineer showing the proposed layout of the system and any potential shading from nearby structures.

STATUS: Provided.

2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.

STATUS: Preliminary details for the project have been provided on the submittal.

3. A description of the Solar Farm facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a professional licensed engineer.

STATUS: Provided. However, the details regarding the proposed subdivision of the property are unclear. The Planning Board needs to make sure that there are no landlocked parcels being created as part of the establishment of the project site.

DISCUSSION: Mr. Geraghty pointed out that several parcels will be used to assemble the project site. He stated that it appears as though the subdivision of the parcels may create some landlocked parcels, which is something that the Planning Board can't allow. Mr. Geraghty stated that he would like to provide some type of summary in next month's Agenda, that clearly outlines what will take place on each parcel.

Mr. Ingalls indicated that he would clear up the details on the subdivision plat. He noted that approximately 35 acres of the 52-acre project site will be taken up by panels.

Planning Board Member Jeff Green asked if the fencing will be gated and how the fencing will be grounded, given the fact that it's located beneath the high-power transmission lines?

Mr. Ingalls stated that the facility will have several forms of grounding because of the fact that it is located beneath the power lines.

4. Confirmation prepared and signed by a licensed professional engineer that the Solar Farm complies with all applicable federal and State standards.

STATUS: Provided.

5. One or 3-line electrical diagram detailing the Solar Farm layout, solar collector installation, associated components and electrical interconnection methods with all national electrical code compliant disconnects and over-current devices.

STATUS: ?

DISCUSSION: Mr. Ingalls stated that he would make sure Town Code Enforcement Officer Mark Concilla receives the electrical diagrams.

6. Documentation of the major system components to be used, including the photovoltaic panels, mounting system and inverter.

STATUS: Not provided.

DISCUSSION: Mr. Geraghty indicated that he did not receive the specifications for the system components in his package.

Mr. Ingalls indicated that he would make sure those specifications are included in his next submittal.

7. An Operation and Maintenance Plan, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

STATUS: Provided.

DISCUSSION: Mr. Geraghty noted that the Operation and Maintenance Plan indicates that snow will be cleared from the access road whenever needed so that emergency vehicles can access the site. He also noted that mowing will take place on the site approximately three (3) times each year. The Planning Board had no further comments or questions concerning the Operation and Maintenance Plan.

8. Information on noise (inverter) and reflectivity glare of solar panels and identified potential impacts to abutters.

STATUS: Noise information has not been provided.

DISCUSSION: Mr. Ingalls indicated that he would provide some information on the noise from the inverters.

#### C. Minimum Requirements:

Article 13 includes Minimum Requirements and additional conditions that must be met by any Solar Farm project. The following issues still need to be addressed:

1. Ownership interest in the property/proposed Lease Agreement must be provided.

DISCUSSION: Mr. Ingalls stated that the applicants intend to lease the 52-acre parcel from the owners.

Again, Mr. Geraghty stated that the issues involving the subdivision of the property need to be resolved for next month's meeting.

2. The installation of a vegetative perimeter buffer to provide year round screening of the system from adjacent properties must be shown.

DISCUSSION: Mr. Gordon questioned why additional vegetative plantings are not provided in the southwest corner of the site?

Mr. Ingalls indicated that, given the viewshed along McKay Road, there are several tree lines that will obstruct any view of the facility.



Ms. Gutowski asked if markers could be placed in the approximate location of the solar fields so that she could see where the facility will be situated from McKay Road?

Mr. Ingalls indicated that he would have markers installed at the corners of where the facility will be located.

3. Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case-by-case basis, ensuring the potential impact to its residents, businesses or traffic are not a detriment.
4. All onsite utility and transmission lines are to the extent feasible placed underground.

DISCUSSION: Mr. Ingalls indicated that all of the utilities will be installed underground except where the facility will be tied into the poles along NYS Route 30. He indicated that he will verify on which side of Route 30 the tie in will take place.

Mr. Green noted that the Planning Board has typically asked that some type of pull off area be provided outside of the gate for large vehicles.

Mr. Geraghty agreed and noted that the Planning Board does not want to see large vehicles having to back out onto NYS Route 30.

5. An elevation drawing of the equipment shelters, storage facilities, transformers and substations must be provided.

DISCUSSION: Mr. Ingalls indicated that he would provide an elevation drawing for the equipment pad.

6. At least one (1) parking space must be identified within the solar facility for maintenance purposes.
7. The Decommissioning Plan for the project will need to be amended. The Town of Perth requires that the Decommissioning Plan identify the present day cost estimate to completely decommission the site. The Town of Perth does not allow salvage value to be factored into that decommissioning cost. The Town then requires the cost to be multiplied by a 2.5% inflation factor over the course of the lease term to determine the amount of financial surety that will be required for the project.

DISCUSSION: Mr. Ingalls recognized that he will have to have the Decommissioning Plan amended.

8. The local volunteer fire company must be notified of the project. The Perth Volunteer Fire Company will be treated as an Interested Party during the State Environmental Quality Review (SEQR) process.

DISCUSSION: Mr. Geraghty pointed out that the Perth Volunteer Fire Company is actually responsible for the property and not the Fort Johnson Fire Department Station #2 in Amsterdam, NY. Mr. Geraghty noted that the Fort Johnson Fire Department is identified on page 8 of the Operation and Maintenance Plan.

Mr. Ingalls indicated that he would make that amendment.

9. Written confirmation must be provided from National Grid that the project, as proposed, can be tied into National Grid's infrastructure.

DISCUSSION: Mr. Ingalls indicated that he would provide some type of correspondence from National Grid.

#### D. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a subdivision application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Full Environmental Assessment Form, provided by the applicant, has been completed adequately?

DISCUSSION: Mr. Cetnar asked if a bond can be provided for the Landscaping Plan?

Mr. Geraghty suggested that Mr. Ingalls be allowed to submit a Planting Schedule for the project and then the Planning Board can determine if a Landscaping Bond is necessary. Mr. Geraghty stated that it may be more advantageous to simply have a warranty in the Operation and Maintenance Plan that covers the trees.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?
3. Section 617.6 (b) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type 1 Action or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must as soon as possible transmit Part 1 of the EAF, completed by the Project Sponsor, or a Draft EIS and a copy of any application it has received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the EAF or Draft EIS was transmitted to them.

MOTION: Classifying the proposed project as a Type 1 Action and proposing that the Town of Perth Planning Board act as the Lead Agency for the purpose of issuing a determination of significance under SEQR and to offer each Involved Agency twenty-five (25) calendar days to comment on the Board's proposal to act as Lead Agency or on the project itself.

MADE BY: Bob Gordon  
SECONDED: Ron Cetnar  
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 Solar Park Energy's Special Permit application for a Solar Farm at this time?

MOTION: To schedule a public hearing on Solar Park Energy's subdivision and Special Permit applications for a Solar Farm Project along NYS Route 30 for 6:00 p.m., Monday, October 19, 2020.

MADE BY: Bob Gordon  
SECONDED: Ron Cetnar  
VOTE: 4 in favor, 0 opposed, 1 abstained (Mike Dimezza)

**VI. OTHER BUSINESS:**

A. Chairman's Update:

Mr. Cetnar noted that the next Planning Board meeting will take place on October 19, 2020. He asked if there were any new developments in the Tryon Technology Park?

Mr. Geraghty indicated that the only project currently being looked at in the Park is the Solar Farm Project on the landlocked portion of the Technology Park that is located in the Town of Johnstown.

Ms. Gutowski stated that she would like the Planning Board to propose an amendment to the Town's Solar Farm Regulations that stipulates that Solar Farm facilities must be located at least 500' off of a public road.

Mr. Geraghty stated that he would like to look back at some of the language that is contained in the Town's Comprehensive Plan with regards to Solar Farm developments and then compare that to the existing language in the Town's Zoning Law and come back next month with some type of direction for the Planning Board.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:50 p.m.

MADE BY: Ron Cetnar

SECONDED: Bob Gordon

VOTE: 5 in favor, 0 opposed