

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, March 12, 2020 @ 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, March 12, 2020 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; Steve Darcangelo and Doug Beachel

MEMBERS ABSENT: Keith Ewald

OTHERS PRESENT: David Spotts, SSC Lysander LLC, John Switzer, SSC Lysander LLC; WC Nichols, Delta Engineering; William Massaro, Belgium Cold Springs Fire Dept; Frank Costanzo, ZBA and Karen Rice, Clerk

The meeting was called to order at 7:00 p.m.

PUBLIC HEARING -- 7:00 p.m.

1. Controlled Site Use Case No. 2019—014	SSC Lysander, LLC 8971 River Road
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Prior to opening the Public Hearing, the Board will review the Short Environmental Assessment Form:

The applicant has completed Part I, Project Information; John Corey, Chairman, reviewed Part Two—Environmental Assessment, with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No after the discussion below:

Steve Darcangelo stated that it's a change in use from Agricultural use to a Solar operation.

Al Yager, Town Engineer, stated that it's an allowed use and can revert back to agricultural purposes.

Mr. Darcangelo concurred stating none to a small impact would occur.

Hugh Kimball stated that there could be a cost in terms of getting it back to its original state because they either pile drive supports or put them in cement...there is the question as to how it goes back to its original state at the end of its life.

Mr. Yager stated that our Code will require them to post a decommissioning bond prior to the issuance of a building permit. The cost is born by the developer.

3. Will the proposed action impair the character or quality of the existing community? No after the discussion below:

Tim Frateschi, Esq., stated the key word being community, what is the community. Is there a community there?

John Corey, Chairman, stated that it's basically farm fields. You could argue that you are putting a different crop on it. Some of the actions we are requiring them to take as far as screening will minimize any visual impacts.

Mr. Kimball stated that the community could be those driving by.

Mr. Frateschi stated that the community could be whatever the Board determines it to be as you're doing the SEQR review. Is it a residential neighborhood?

Joanne Daprano stated that there is a residential neighborhood adjacent to it and the YMCA across the street.

Mr. Darcangelo stated that the action would impair the character of the community and if it does it will be insignificant.

It was determined that ultimately it will have some impact, but would it be a moderate to large impact? No

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? N/A
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Mr. Frateschi stated that we have to consider the environmental impact of a solar farm and the fact that it's a reasonable energy force and what's the impact of that?

Mr. Darcangelo concurred stating that the impact statement was probably never written with the understanding that there may be something that's actually presenting a positive impact.

7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No

Mr. Frateschi stated that any aesthetic impact will be mitigated by screening in areas that are prone to be seen by neighbors. This should be included in Part 3.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No

Mr. Darcangelo asked that any local flooding and drainage be mitigated if required.

Karen Rice, Clerk, added that they will not add to the drainage problem.

Mr. Frateschi concurred stating that a SWPPP was done for this project.

Al Yager, Town Engineer, stated that it is over an acre of disturbance. There is a need for access road construction. There will be heavy equipment coming in to drive the piles. DEC does not count the solar panels themselves as an impervious area.

11. Will the proposed action create a hazard to environmental resources or human health? No

Mr. Darcangelo asked if there was any need for water, non-contact cooling water?

The applicants indicated that there is not.

RESOLUTION #1 -- Motion by Corey, Second by

RESOLVED, that having reviewed the SEQR regulations, determined this is an **UNLISTED ACTION**, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the SSC Lysander, LLC, 8971 River Road, Baldwinsville, New York Controlled Site Use application, the Planning Board issues a **NEGATIVE DECLARATION**.

6 Ayes -- 0 Noes

The Public Hearing opened at 7:13 p.m.

Jim Stirushnik, Dinglehole Road thanked the Board for the opportunity to have a Public Hearing in a situation like this. I think it's appropriate and desirable and am disappointed that the neighbors did not show up.

Mr. Stirushnik continued questioning the ability of returning the soils back to agricultural use. Is there any exotic materials associated with this construction that could be leaching or discharge into the soil? Also, is there any potential contamination of the site in the vegetation control that will have to be engaged in over the years. I am concerned with the herbicides that may be used. Further, Norway Spruce and White Spruce as buffer plants proposed for screening. Norway Spruce is over used and White Spruce is ugly. I say that as a tree hugger. I wonder whether these have been chosen because of their adaptability or simply because they are cheap to buy. Is there any consideration put in as to what can grow on that site to get something more interesting? White Pine, Hemlocks...I don't know what the deer problem on the site is but I don't recommend arborvitae. Why were these chosen and why can't something better be grown there?

Mr. Yager stated that he will let the applicant answer that but assumes they chose Norway and White Spruce because of the speed of growth. From a screening standpoint you're going to get a higher growth rate with a Norway Spruce or a White Spruce than a White Pine.

Mr. Stirushnik disagrees.

David Spotts stated that it's speedy growth and commercial availability of the product. In terms of hazardous materials, it's steel going into the ground, the piles, the solar panels themselves are encapsulated in what you call EBA so even if they were to break, be crushed or rolled there is no product that could or would possibly under any circumstance leak out of the solar panel. They are made out of silicon and glass.

Mr. Kimball stated that there are harmful materials in them thought, right, rare earth metals?

Mr. Spotts stated that there are some rare earth metals but getting them through the EBA and getting them to the point that they would actually leach is near impossible. I have been party to several organizations that have been through that study, through that process where they took solar panels and crushed them, rolled them into small pieces to test for contaminants and see if they would leach and they do not leach. Zero contamination. Other than that, we have standard construction materials on site but no intention of using hazardous materials; the pilings may have a zinc coating on them to protect the steel from erosion.

Mr. Darcangelo questioned if they were zinc applied or galvanized.

Mr. Spotts stated that they are galvanized; but no in every case. We've switched over to non-galvanized piles for the most part, we just go with a thicker pile. We are finding that to be more commercially available and a little bit more cost effective.

Mr. Darcangelo questioned if you would drive the piles.

John Switzer stated that or screw them. It is yet to be determined.

Mr. Switzer added that no herbicide will be used. Our intention is to mow the grass.

Brad Clark, owner of the property, stated that we have banned the use of herbicides in the lease. There are a lot of trees in front of this property, half is Norway Spruce and the other half is White Pine. Part of the White Pine problem is they lose all the branches at the bottom. If you want screening you're not going to get them with White Pine, especially when they get older, the branches fall off the bottom and you can see right through them.

Mr. Stirushnik stated that he believes that would be beyond the anticipated life of this project...20 to 30 years White Pine will retain it's cover right to the ground..

Mr. Clark stated that you're welcomed to look at his White Pines, there are no branches at the bottom and they're 30 years old.

Mr. Darcangelo stated that if the screening is not adequate from a roadside visual is the applicant willing to make adjustments to the life of the project.

Representatives concurred.

Mr. Frateschi stated that that could be made a condition of the approval.

Mr. Darcangelo concurred stating that we could have a wind event and lose some trees or if a few trees grow in a manner where they weren't screening properly you could do something in addition.

The Public Hearing closed at 7:20 p.m.

I. APPROVAL OF MINUTES

Review and approval of the minutes of the January 9, 2020 and February 13, 2020 regular Planning Board meetings.

RESOLUTION #1 -- Motion by Lester, Second by Darcangelo

RESOLVED, that the minutes of the January 9, 2020 and February 13, 2020 Planning Board meetings be approved as submitted.

6 Ayes -- 0 Noes

II. OLD BUSINESS

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| 1. Controlled Site Use—Solar Farm | SSC Lysander, LLC |
| Case No. 2019—014 | 8971 River Road |

Hugh Kimball stated that back in December the owner of the property, Brad Clark, raised several concerns and asked if he was content that those concerns have been addressed.

Mr. Clark stated that he is satisfied. The lease spells out the details. The major concern was the use of herbicides. No herbicides has been made part of the lease.

There is a letter on file prepared by Al Yager, Town Engineer, dated March 11, 2020 that will be made part of the public record, in part:

I have completed my review of the revised site plan drawings and SWPPP with a final revision date of March 12, 2020, prepared by Delta Engineers, Architects & Land Surveyors. The proposed site plan appears to meet all applicable requirements of the Town of Lysander Code, Article XXIX, Solar Energy Systems and NYS DEC regulations.

I would recommend that if the Planning Board make any resolution of approval contingent on the applicant addressing the following items:

1. The applicant will need to provide a copy of the signed lease for the property that includes a legal description of the portion of the overall parcel that is included in the lease which meets the 30% maximum lot coverage requirements of the Town of Lysander Code.
2. The applicant will need to provide documentation from National Grid allowing them to construct the access road for the project through the National Grid easement on the property.
3. Review fees for the SWPPP be deposited in the escrow account for the project.

Mr. Frateschi asked if a 4th item could be added; a plan to remove and/or replace any plantings for screening purposes that may take place over the life of the project.

Mr. Yager concurred:

4. A planting plan with removal or replacement provision be provided to the Town Engineer to implement through the Code Enforcement Office.

Mr. Wolsey concurred stating that that could be handled through the Code Enforcement Office. If they were to see trees dying or get blown over they could be replaced.

Mr. Darcangelo concurred.

Mr. Yager asked if the Engineer wanted to talk about the SWPPP as far as what you've seen and where we are with that.

Mr. Yager stated that the NYS DEC has specific guidelines for these sites. They have determined that the actual area of the solar panel is not impervious. The only piece touching the ground are the 4 to 6-inch pile that is driven directly into the ground. The surface area of the panel is not impeding percolation of stormwater runoff into the existing soils on the site. They are constructing what is called a pervious access road using washed gravel and geo-textiles so that water will percolate through the road and into the soil's underneath. They are not going to increase water runoff volumes or rates. The SWPPP addresses those regulations that are set by the NYS DEC at this time and I don't anticipate any negative affects from drainage or stormwater.

There was some discussion with regard to the use of storage batteries on this project.

Mr. Switzer stated that they don't intend to use storage batteries on this site.

Mr. Yager stated that if they do in the future, the Town has implemented a Local Law for review of Battery Energy Storage Systems, you would need to come back before the Board for an additional Controlled Site Use review.

Mr. Kimball questioned if the Fire Department had any concerns.

William Massaro, Belgium Cold Springs Fire Department, stated that they have reviewed the plan and made comments back to the Board.

There is a letter on file from Matthew Speech, Chief, Belgium Cold Springs Fire Department, dated March 10, 2020 that will be made part of the public record, in part:

We have reviewed the current site plans for the proposed solar farm on River Road in Baldwinsville, New York. As discussed during our conference call with SSC Lysander LLC, we are in support of the changes to the roadway for access to the solar farm.

William Lester questioned if there was a soil analysis requirement to determine if the soils are prime vs not prime.

Mr. Yager stated that he has not seen any regulation where these could be sited based on soil types.

Mr. Kimball stated that it was discussed at the Onondaga County Planning Federation's Symposium today, but there were no specifics as far as I could tell. They just said it was encouraged not to put it on good farmland. I don't think there was anything that said, "don't".

Mr. Yager concurred stating that he has been following this subject pretty closely because we have had these applications come in all at once. I have not seen any environmental bulletins issued by the DEC to date on restrictions on where these can be sited based on soil types.

Mr. Lester stated that 5 megawatts may be the trigger point.

Mr. Yager stated that this project is down to 3 ½ megawatts.

Mr. Darcangelo questioned decommissioning.

Mr. Yager stated that it's in the Code that the applicant will remove all infrastructure and buried cables.

Mr. Kimball stated that it should be able to return to farming.

Mr. Kimball further stated that he raised a question at the symposium with regard to what happens if the company that puts the solar panels in are out of business at the end of the lease and whether or not it falls back on the landowner.

Mr. Frateschi stated that would depend on what the bond says and who the bond is to.

Mr. Yager stated it depends on who the surety is listed to...the Town, Landowner, etc... The landowner may ask for a surety as well.

Mr. Kimball stated that apparently the bond is done on a three-year renewable basis...

Mr. Yager stated that our Code reads five years.

Mr. Kimball stated that that raises a question that Karen mentioned today...somebody has to keep track of that to make sure we get it. You're going to have to have a calendar, somebody is in the Town to make sure that that actually happens and that they don't let the coverage lapse.

Mr. Yager stated that that will be handled through our Code Enforcement Office, aka Karen.

Karen Rice, Clerk, not in five years; there will be another Clerk sitting here.

Mr. Darcangelo questioned if the bond requirement is equal to an anticipated 100% cost.

Mr. Yager concurred.

There was additional discussion with regard to battery energy storage per the CESIR study.

Mr. Spotts stated that the incentives and battery costs would be a determining factor.

It was reiterated that the applicant would have to come back before the Board if they choose to proceed in that direction.

This application was referred to the Onondaga County Planning Board for their review and recommendation, who have made the following determination, in part:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION to the proposed action prior to local board approval of the proposed action:

- 1) The applicant must contact the Onondaga County Department of Transportation to coordinate requirements for the proposed driveway on River Road, in order to satisfy commercial driveway standards, which will require paving the portion of the driveway located in the county right-of-way. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the Onondaga County Department of Transportation for review. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plan prior to, or as a condition of, municipal approval.
- 2) If additional non-agricultural development is envisioned for the Peninsula in future years, the solar project should not impede long-term future extension of Lucille Lane, or buildout of a local road at the signalized intersection at River Road. The Town may also consider obtaining easements at this time to ensure the orderly long-term buildout of road networks.
- 3) The Town and applicant are advised to clarify the ownership of the utility easement on the site plan. Any necessary permissions for work within the easements should be obtained prior to, or as a condition of, municipal approval.

RESOLUTION #2 -- Motion by Corey, Second by Lester

RESOLVED, that having reviewed a site plan as defined on a map dated November 2, 2019, revised March 12, 2020 prepared by Delta Engineers, Architects & Land Surveyors, associated with the application of SSC Lysander, LLC, for a **Controlled Site Use Permit** to allow the construction of a Solar Power Plant on property located at 8071 River Road, Baldwinsville, New York, the site plan is hereby approved with the following modifications and conditions, if any:

- 1) The applicant will need to provide a copy of the signed lease for the property that includes a legal description of the portion of the overall parcel that is included in the lease which meets the 30% maximum lot coverage requirement of the Town of Lysander Code to be reviewed by the Town Engineer and Planning Board Attorney;
- 2) The applicant will need to provide documentation from National Grid allowing them to construct the access road for the project through the National Grid easement on the property to be reviewed by the Town Engineer and Planning Board Attorney; and
- 3) There will be a plan provided that the screening required for the project is maintained properly over the life of the project.

6 Ayes -- 0 Noes

SSC Lysander LLC representatives thanked the Board for their time.

III. OTHER BUSINESS

Hugh Kimball questioned if we would have everything we need for the three coordinated reviews that are going to occur on the 30th of March 2020 (B & F Development and OYA Solar).

Karen Rice, Clerk, stated that we only received one letter from NYS DOT signing off on the OYA Solar application. Truthfully, they don't normally respond and leave it up to the local municipality to act as Lead Agency.

Mr. Kimball reiterated that we may not have the coordinated review.

John Corey stated that we will hold it but we may be the only people there. The April 9th meeting is stacking up to be quite an interesting meeting.

IV. ADJOURN

RESOLUTION #3 -- Motion by Kimball, Second by Daprano

RESOLVED, that the March 9, 2020 Town of Lysander Planning Board meeting adjourn at 7:40 p.m.

Respectfully submitted,

Karen Rice, Clerk to Planning Board