

Town of Cazenovia Planning Board

Meeting Minutes

May 2, 2024

Members Present: Robert Ridler, Chairman; Anne Ferguson; Linda Cushman; Dale Bowers; Thomas Clarke; Mary Margaret Koppers; Roger Cook, Alternate Member

Members Absent: Jerry Munger, Alternate Member

Others Present: John Langey; John Dunkle; Chuck Ladd; Peter Johnson; Robert Blanchett; Aaron LaSala; Christine Fietta; John Watson; Roberto Cebrian; Bob Frazee; Juli Frazee; Terrance Smith; Glen Trush; April Trush; Jim Lucas; Claudia Byrnes; Ron Milback; Christine Milback; Dennis Gregg; Sheila Fallon

R. Ridler called the meeting to order at 7:30 P.M. and asked that attendees sign in.

Roll was taken; all were present except for Jerry Munger. Roger Cook was asked to act as a voting member.

The next regularly scheduled meeting will be Thursday, June 6, 2024.

The next deadline day will be Wednesday, May 22, 2024.

The next regularly scheduled work session will be Friday, May 31, 2024.

Motion by A. Ferguson, seconded by L. Cushman, to approve the April 4, 2024 meeting minutes was carried unanimously.

HEARINGS

*Johnson, Peter – Line Changes – 2539 Ballina Road with 2551 Ballina Road, and
And Johnson, Eleanor 2597 Ballina Road
File # 23-1526 (Anne Ferguson)*

Peter Johnson was present to represent the file.

A. Ferguson asked Mr. Johnson to explain the proposal since there was no representation at the last meeting.

R. Ridler believed the proposal involved line changes.

Referring to the drawing created by Michael J McCully Land Surveying PLLC dated 01-24-22 & 03-07-24 entitled *Lot Line Adjustment Map on Part of Lots Eight and Nine of the Road Township Known as No. 2539 & 2551 2597 Ballina Road, Town of Cazenovia, County of Madison, State of New York*, Mr. Johnson showed the corner lot that he purchased and the section of land he would be receiving from his mother from the lot to the north to square off his lots, but more land was needed from his original parcel (which is east of the corner lot) to enlarge the corner lot into a conforming, 3-acre parcel.

The line change will result in making both Mr. Johnson's lots conforming in size.

R. Ridler asked if the original lot owned by Mr. Johnson would still have at least three (3) acres after the transfer of property to the corner lot.

P. Johnson answered the original lot would be 3.82 acres and the corner lot would be three (3) acres.

Motion by R. Ridler, seconded by A. Ferguson, to open the public hearing was carried unanimously.

A. Ferguson invited comments at this time.

Hearing no comments, motion by A. Ferguson, seconded by M. Koppers, to close the public hearing was carried unanimously.

Motion by A. Ferguson, seconded by T. Clarke, to approve the line changes as most recently submitted was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Kennedy Enterprises 1, LLC – Site Plan Review – 3172 West Lake Road, Cazenovia
File # 24-1528 (Anne Ferguson)*

No one was present to represent the application.

R. Ridler explained that several Board members have visited the site and they have determined it would be appropriate for the Applicants to generate a formal site plan application to the Board. The Applicants were not prepared for that for this meeting, so he asked for a motion to continue the file.

Motion by D. Bowers, seconded by T. Clarke to continue the file was carried unanimously.

*Blanchet, Robert & Christine – Site Plan Review – 2050 Glenwood Drive, Cazenovia
File # 24-1529 (Thomas Clarke)*

Robert Blanchet was present to represent the file.

T. Clarke asked Mr. Blanchet to explain his proposal.

R. Blanchet said he would like a shed. He elaborated that he lives in the lake watershed and he would like to install a 10' X 16' shed to store his lawn equipment.

T. Clarke said Mr. Blanchet meets the required setbacks, and there was no need for a General Municipal Recommendation Report from the Madison County Planning Department for this project.

A. Ferguson asked the size of the lot.

R. Blanchet answered it was 2.17 acres.

The Board viewed the aerial photograph in the file to ascertain the location of the parcel on Glenwood Drive.

T. Clarke said the impervious surface percentages were “fine,” and repeated the setbacks were as well.

A. Ferguson asked about the number of structures on the property.

R. Blanchet responded presently there was a garage attached to the house.

J. Langey said this was a Type II Action in regard to the State Environmental Quality Review (SEQR).

Motion by T. Clarke, seconded by A. Ferguson, to approve the site plan for a 10' X 16' shed as most recently submitted was carried unanimously.

*Fietta, Peter & Christine — Site Plan Review – 5250 Owera Point Drive, Cazenovia
File # 24-1530 (Linda Cushman)*

Aaron LaSala from Aras Luxury Residences was present to represent the file, and Christine Fietta was in the audience.

A. LaSala said he was introduced to the Homeowners to help them with some design and renovation plans for their house.

Referring to the drawing created by Bruce Ward, Architect A.I.A dated 2024.04.03 entitled *Fietta Proposed Pool, Patio and Deck 5250 Owera Point Road Cazenovia, NY 13035 Drawing S-1 Proposed Site Plan*, Mr. LaSala said six (6) weeks ago the Fiettas were in the midst of installing a pool for which they had a building permit, when Mrs. Fietta was diagnosed with cancer, so there was a rush to make the space more accommodating, so a proposed patio and deck were added to the original plan for the pool.

A. LaSala elaborated saying the space was deceptively large because there were two (2) lots owned by the Fiettas. He said the addition of the pool, deck and patio would put the total impervious surface percentage slightly over 10%, so they propose to remove two sections of driveway to offset the increase and to keep the total under 10%.

R. Ridler responded, "Perfect."

L. Cushman asked if the proposed patio would be under the proposed deck.

A. LaSala explained it was a single-story house with a walkout basement, so the deck would be added to the back and elevated over the patio on the main-living-floor.

L. Cushman asked what would be the final overall impervious surface percentage.

A. LaSala answered 9.8%.

M. Koppers asked if the tennis court is on the second lot.

L. Cushman confirmed the tennis court lot was on the side.

J. Langey said this would also be a Type II Action in regard to SEQR.

Motion by L. Cushman, seconded by A. Ferguson, to approve the site plan for a 435 square foot deck and 1736 square feet of patio for the pool area as most recently submitted was carried unanimously.

*EBAC, LLC/ Owera Vineyards – Site Plan Review – 5276 East Lake Road, Cazenovia
File # 22-1428 (Robert Ridler)*

No one was present to represent the file.

Motion by T. Clarke, seconded by D. Bowers, to continue the file was carried unanimously.

HEARINGS CONTINUED

*Love Frazee Assoc with Pushlar, Paul – Site Plan Review – Route 20 with Route 20 &
File # 23-1497 (Robert Ridler) Fenner Road, Cazenovia*

John Watson and Roberto Cebrian were present to represent the file.

R. Ridler said this project was scheduled for a public hearing this evening. He suggested the Applicants explain their proposal to the public before the Board opened the time for public comment.

J. Watson said they had a presentation they were prepared to show on the screen that would take 5 -10 minutes.

R. Ridler said while the Applicants were readying the presentation the Board would discuss the McAllister matter.

OTHER MATTERS

*McAllister, Adam – Line Change – 1875 Route 80, New Woodstock with
(Dale Bowers) 1905 Route 80, New Woodstock*

D. Bowers explained that the proposal was for a line change for a parcel that had a building on the lot that was not a house. The first proposal was withdrawn because the first buyer withdrew. The proposal came back before the Board and was approved with the condition that a \$5000.00 deposit would be collected by the Town (for the removal of the existing building if the building were not covered to living space within a specified length of time). Now the new buyer of the lot has decided to build a new house (rather than converting the present structure into a primary residence) and has asked for an extension of time to do so.

D. Bowers noted the request was for an additional 90 days, but he suggested the Board extend the timeframe until January so that no future extensions would need to be requested for the new build. He advised the issuance of the building permit and sufficient construction, according to Mr. Ladd's satisfaction, begin by January of 2025.

A. Ferguson asked about the need for site plan review for the new house.

D. Bowers explained no site plan review was necessary for this already established building lot.

T. Clarke asked if the existing barn would remain on the lot.

D. Bowers answered it would. He said the barn would not be renovated, but a house would be added.

R. Ridler asked if the Board needed to formally approve the new plan.

J. Langey believed the Board would need to approve the new plan.

D. Bowers explained the original condition was for the barn renovation, but now there will be a primary structure.

J. Langey asked if Mr. Bowers was saying the new build should be completed or begun by January of 2025, and asked what day in January would be the deadline.

It was decided that January 1, 2025 would be the deadline to have the permit issued and to “have a fork in the ground.”

T. Clarke asked if the barn would be used as a garage.

C. Ladd answered the plan has not been submitted, but the house could have an attached garage (in addition to the existing accessory structure).

R. Ridler clarified the Board was merely extending the start date, and that date would now be January 1, 2025.

J. Langey elaborated that the extension was a modification of the request made by Paul Curtin Esq. (on behalf of Stephen Evans, the new owner of the parcel) for a 90-day extension.

D. Bowers responded that was correct, believing a 90-day extension was not adequate to hire an architect and a builder, and to complete the construction.

Motion by D. Bowers, seconded by T. Clarke to reapprove the line change as most recently submitted and conditioned upon the building permit for the construction of a new home and the commencement of that construction to begin no later than January 1, 2025 with a \$5000.00 security deposit given to the Town to ensure the work has commenced to the satisfaction of the Codes Enforcement Officer, Chuck Ladd, was carried unanimously.

HEARINGS CONTINUED

Love Frazee Assoc with Pushlar, Paul — Site Plan Review – Route 20 with Route 20 & Fenner Road, Cazenovia
File # 23-1497 (Robert Ridler)

Mr. Watson and Mr. Cebrian were ready to make their presentation at this time.

Mr. Watson introduced himself and Mr. Cebrian to the audience explaining they were partners in the Remington Park Solar Farm. He thanked the Board, Mr. Langey and Mr. Dunkle for their help in the process.

J. Watson said they represent Quantum Group and they have been developing solar since 2012 and solar in New York State since 2019. He said although they are a global company, they run it like a family-business. He talked about projects in Spain and in Japan. He said since 2019 he has been the partner “on the ground in New York.” He said he currently resides in New Jersey. He displayed a map of some of the projects

they have done in New York State, saying there were 24 projects in various stages of development.

J. Watson continued by saying the New York State Governor's Administration has a strong mandate that by 2030 they want 70% of usage to be renewables. He said at this point there is 20-gigawatt gap. He alleged solar was the quickest and the least environmentally intrusive source of power among the renewables. He said meeting the NYS goal started with smaller projects like theirs.

J. Watson explained the community solar program was run by NY-Sun which is a branch of the New York State Energy Research and Development Authority (NYSERDA). He said NY-Sun also runs the roof-top solar for homes, commercial business, and solar canopies seen in more densely populated cities. Community solar enables anyone wishing to purchase their energy from a solar source to have access to solar without having to have a private solar installation at their home. He explained their project will plug into the grid and then will be distributed throughout the community. He said a homeowner or business would subscribe to the program and would purchase energy at a discount, usually 5% - 10%, and they would "get the same bill from National Grid." He stated, "National Grid would manage the system; it's just a different supplier."

J. Watson said this allows people to get discounted energy without the investment of their own solar array, and it supports the cause of lowering the carbon footprint.

J. Watson then displayed a slide showing the basic components of a solar farm. He said there were the solar modules, also known as the solar panels, which are made of glass, silicon, and metal. He said the panels they use do not contain any heavy metals or hazardous materials. He explained the panels convert the radiation of the sun into electricity. The next component is the mounting systems. They use a racking system that is poles that are pile-driven into the ground and that hold the solar modules. The next component is the inverter/transformer. The solar panels will collect their energy into the inverter which converts it from direct current (DC) into alternating current (AC) which is the power used in homes. The transformer steps up the voltage to the street voltage where it connects to the street. The last component of the system is the interconnection point which is where the solar farm is connected to the grid. The critical components for that are cut-out switches, fuses, protections, and alarms, which allow them and National Grid to monitor the solar farm.

The Remington Park Drive Solar Project would be a 5-megawatt (MW) solar project located just north of Cazenovia Equipment off Route 20 on Remington Park. They would be single-access trackers which means it would actually track the sun from morning to evening which results in a greater yield from the sun. It should power 1000 homes or 1000 subscribers. It is situated on Rural Business Zoning. It would be a 22-acre fenced area on an approximately 65-acre piece of land. Access to it is planned from Remington Park Drive. The interconnection will be on Route 20 in a pad-mounted

transformer box. The Planning Board has insisted that poles not be erected which would obstruct the visual and scenic corridor. He said they were happy to announce that in their working with National Grid they were able to arrange to have the pad-mounted interconnection.

J. Watson then reviewed some of the other highlights of the project. He stated only .09 acres would be cleared for some of the access paths to connect the three (3) arrays. He said that clearing would only remove 3-4 trees and brush, and the trees to be removed were not specimen trees. In contrast they would be planting 372 trees as part of the landscape plan. Those trees would be predominantly evergreen, Norway spruce, red cedar, and Fat Albert as well as native bushes and brush. Environmental benefits would be wildflower meadows, bee boxes, and bird boxes creating “a pollinator’s paradise.” He said the climate beneath the solar panels, “starts to represent the understory of the forest.” He said the Departments of Environmental Conservation in other states has collected data that has shown it to be favorable for the “microclimates underneath the solar panels.”

J. Watson concluded by saying they welcome any comments and will respond to any questions the public may have. He asked the Board if there were no critical comments and if the Board closed the public hearing, would the Board entertain the possibility of advancing SEQR to Part 2 (of the Full Environmental Assessment Form [FEAF]).

Motion by A. Ferguson, seconded by M. Koppers, to open the public hearing was carried unanimously.

R. Ridler asked for comments at this time.

Glen Trush was the first to speak. He said they own the property to the east of the proposal. He asked how deep the pilings would go.

J. Watson believed it would be approximately eight (8) feet.

R. Cebrian answered 7-8 feet.

G. Trush asked how easily those were to remove when the (lifespan of the) project was over.

J. Watson answered it was “pretty easy,” since there was no concrete involved.

R. Cebrian added the pilings would be rammed into the ground, no drilling would be done, and repeated there would be no concrete used.

G. Trush said there has been problems with the grid for a number of years, and asked how ready the grid for this was.

J. Watson answered, "They're ready and they want it." He said, "The reason why they're doing these smaller projects is because it makes the area more redundant. So they call it 'distributed generation' whereas the prior concept that was more centralized generation where you have a large nuclear power plant or hydro powering half the state; they're trying to put these smaller power plants to kind of distribute the risk."

G. Trush said his final and most important question was would the businesses in the park be able to use this power. He explained there were numerous businesses to the east of the proposal.

J. Watson responded, "Absolutely. We will open it up to everyone." He said many of their projects have an "anchor business." He said the anchor off-taker at their project in Troy, NY was GE Healthcare who takes 40% of the power.

G. Trush explained he was not only asking the question for what was existing, but also "for what might potentially come in."

J. Watson replied, "We fully support it."

G. Trush asked the length of time the endeavor is expected to operate.

J. Watson answered it would be a 25-year base with some extension options.

R. Cebrian added the technology for the solar modules, invertors, and transformers were guaranteed for about 35 years.

G. Trush asked about the cost of the decommissioning, saying he assumed there would be an escrow account.

R. Ridler answered that was something the Attorney for the Town would negotiate with the Applicant.

J. Watson added it would be a bond or a trust fund or a similar security.

G. Trush asked who the escrow holder would be.

J. Watson answered it would be the Town.

G. Trush responded he was hoping that was the answer.

April Trush asked what the array would look like as she is driving down Route 20.

J. Watson answered if one were heading into Town (going west on Route 20 from Nelson) one would not see anything. If one were heading away from Town coming from the west, you would see the trees and brush that will be planted (for screening).

R. Ridler responded that the Planning Board has paid particular attention to the screening of the project and minimizing the visual impact. He said the Applicants “are doing a great job.”

J. Watson added that they are not only screening it, but they are endeavoring to make it look as natural as possible, saying it will not resemble an English hedge.

A. Ferguson explained that the Board had photo simulations created from eight (8) vantage points to ensure the solar farm was adequately concealed. Those had to be acceptable before the project could advance.

R. Cebrian showed Ms. Trush the photo simulations on his iPad.

Dennis Gregg said he was an independent land contract agent for AES Clean Energy. He remembered expressing his approval of Cazenovia Equipment when Mr. Frazee was moving his business from Nelson into Cazenovia, and at this time he wanted to state his endorsement of Quantum Solar as a respected, quality company and their plan. He said we “have to do something because the earth is boiling and burning.” He continued saying he believes what they are proposing “works well with the landscape.” He concluded by saying he was in favor of the project.

R. Ridler asked if there were any other comments.

Hearing none, D. Bowers moved to close, seconded by T. Clarke, and the motion was carried unanimously.

R. Ridler thanked the public for attending and reminded attendees to sign in so their presence at the meeting could be recorded.

Bob Frazee asked Mr. Watson if he wanted him to stay for any further discussion in case there were any questions regarding ownership.

R. Ridler asked Mr. Langey if the Board needed to question anything regarding the future ownership of the property.

J. Langey asked if Mr. Frazee was still the owner of the property today.

B. Frazee answered Love-Frazee was the current owner.

J. Langey responded that there has been talk about the transfer of ownership, but as of today that has not yet happened. He explained that with the change of ownership in the future any approvals given would run with the land. He said matters regarding leasing were not a concern of this Board.

J. Langey said he and Mr. Dunkle had just discussed the Applicants' request to begin the SEQR process, and he said that would be the Board's decision. He said he and Mr. Dunkle were ready to complete Part 2 of the FEAF if the Board chose to do that at this time.

J. Dunkle informed the Board it would be a 30-minute undertaking at the least.

J. Langey said it was the Board's decision. He said even if they were to do Part 3, he would need to prepare a written resolution supporting either the Positive or Negative Declaration. He liked to have that completed for the Board to have in hand as they make the determination, but he did not have a problem reviewing Part 2 and discussing the questions contained in it with Mr. Dunkle's and his guidance.

R. Ridler asked if anyone on the Board had an objection to doing that.

The Board did not object.

J. Langey reminded the Board the process they were about to go through was required by the State of New York. It was initiated in the 1970's and it required the Board to look at any project before the Board to determine what the environmental impacts of that project might be. Because this was a large project, the Full Environmental Assessment Form was being used which was multiple pages and covered several areas of potential environmental impacts. He said many reports, studies, and much information has been supplied over the last few months, and the project has been modified as well, so part of the analysis will take that into consideration. He said the Board will focus on those specific areas of environmental concern (covered in Part 2 of the FEAF). The Board will determine if there will be an impact; and if there will be impacts, further questions regarding the impact will be reviewed. The form guides the review with sub-questions. The Board can rely on their personal knowledge of the area and their knowledge of the project as it has been presented, and with the help of the Engineer for the Town, and the engineering that has been done on the project itself.

1. Impact on Land: *Proposed action may involve construction on, or physical alteration of the land surface of the proposed site.*

J. Langey said the answer to that was "yes." The Board must now determine if the impact would be moderate to large or small or no impact.

a. *The proposed action may involve construction on land where depth to water table is less than 3 feet.* The Board responded, “No.”

b. *The proposed action may involve construction on slopes of 15% or greater.* J. Dunkle said the slopes were kept under 10%. That would be “No.”

c. *The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.* The Board answered, “No.”

d. *The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.* The Board answered, “No.”

e. *The proposed action may involve construction that continues for more than one year or in multiple phases.* The Applicants stated construction will be completed in one year. J. Langey said that would be considered a small impact.

f. *The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).* J. Langey said the answer to that was “Yes,” but asked if that would be a large impact or a small impact. J. Dunkle said it was mitigated by the Erosion Control Plan that was part of the Applicants' submittal. He responded that makes it a small impact.

g. *The proposed action is or may be, located within a Coastal Erosion hazard area.* J. Langey said that does not apply because that does not exist in the Town.

h. *Other impacts – the Board had no other concerns regarding this impact.*

J. Langey concluded the Board could be comfortable stating all the impacts on land were either no or small impacts.

2. Impact on Geological Features: *The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).*

J. Langey asked the Board if they felt that was applicable.

The Board answered, “No.”

3. Impacts on Surface Water: *The proposed action may affect one of more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).*

J. Dunkle responded there have been wetlands identified on the property, but the project will not be disturbing them, so he concluded there was no impact.

4. Impacts on groundwater: *The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.*

That was answered, “No.”

5. Impacts on Flooding: *The proposed action may result in development on lands subject to flooding.*

That was answered, “No;” the proposal was not in a floodplain.

6. Impacts on Air: *The proposed action may include a state regulated air emission source.*

That was answered, “No;” there would be no state regulated air emission source coming from this.

7. Impact on Plants and Animals: *The proposed action may result in a loss of flora or fauna.*

J. Langey said the technical answer was “Yes,” because the Applicants will be disturbing some of the land area.

a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. J. Dunkle said an assessment of the site had been done and this could be answered, “No.”

b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by the New York State or the federal(sic) government. J. Langey said the Applicants have examined that and even have a letter in the file for that. That was answered, “No.”

c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. The Board responded, “No.”

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as by New York State or the Federal government. The Board answered, “None.”

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. That was not applicable.

f. *The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.* J. Langey said none were identified on the site.

g. *The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.* J. Dunkle answered there might be a temporary disruption during construction, but the revegetation will re-establish a similar habitat once the project is built. J. Langey checked the box for a small impact for that.

h. *The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.* That was answered, “No.”

i. *Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.* J. Langey noted the Applicants have said “No,” to that (usage). J. Dunkle said that was in their report. J. Langey added that had been confirmed during a prior discussion.

j. *Other impacts – the Board had no other concerns regarding this impact.*

8. Impact on Agricultural Resources: *The proposed action may impact agricultural resources.*

J. Langey said technically the answer would be “Yes.”

a. *The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.* J. Dunkle said that would be “Yes.” J. Langey said the question would then be if that would be a small impact or a large impact for which the Applicants would need to provide additional information. J. Dunkle said the proposal was to simply drive piles, so that would be the disruption of the soil profile, and that would be considered to be temporary because when decommissioning is done, those piles would be removed, and the restoration of the soils to New York State Agriculture & Markets (Ag & Markets) standards would be required. J. Dunkle said the impact would then be considered small and temporary, for the life of the project.

b. *The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).* J. Dunkle responded, “Yes, but it would be temporary again.” J. Langey said that would be marked small impact.

c. *The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.* It was affirmed it would. J. Langey asked if that would also be mitigated after the life of the project was over. J. Dunkle answered that some of the

compaction mitigation will be occurring at the end of the construction. He said the temporary haul roads will be removed and the soil will be restored even during the life of the project. Once the project is done, there will be whole other level of restoration that will need to occur. J. Langey said that would be called a small impact as well.

d. The proposed action may irreversibly convert agricultural land to non-agricultural use, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not in within an Agricultural District. J. Dunkle replied the keyword was “irreversible.” Since this will be restored after the life of the project, the answer to this was, “No.”

e. The proposed action may disrupt or prevent installation of an agricultural land management system. A. Ferguson replied the Board has not been advised of a land management system. J. Langey said if there were one, that disruption would be temporary as well, so he marked that no – small impact.

f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. J. Langey did not think there would be increased development. J. Dunkle added there would not be new highways or new utility infrastructure that new businesses could use. J. Langey asked the Board if they felt comfortable calling that a small impact. The Board indicated it was.

g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. J. Langey said they did not know if it would be inconsistent.

h. Other impacts: J. Langey asked if there were any other impacts on agricultural resources the Board wanted to discuss. There were not.

9. Impacts on Aesthetic Resources: The land use of the proposed action are (sic) obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

J. Langey stated throughout this process the Board has been concerned about the aesthetic impacts and quite a bit of time has been spent challenging the Applicant to address that.

a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. J. Langey said it would be because of its location along the Route 20 Scenic Byway. J. Langey said in response to that, has the Applicant done a good job to mitigate what those impacts would be as discussed throughout the project. Poles and the placement of the panels had been considered along with screening.

J. Langey concluded that would be called a small impact.

b. *The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.* It was found that it would not.

c. *The proposed action may be visible from publicly accessible vantage points:*

- i. *Seasonally (e.g., screened by summer foliage, but visible during other seasons)*
- ii. *Year round*

J. Langey said reviewing this in the context of the mitigation being proposed, does the Board find that to be a small impact or a potentially moderate to large impact. The Board found it to be a small impact.

d. *The situation or activity in which viewers are engaged while viewing the proposed action is:*

- i. *Routine travel by residents, including travel to and from work*
- ii. *Recreational or tourism based activities*

J. Langey said it would be a small impact for routine travel based upon the amount of time one in transit would see the project, calling it a “glimpse.” J. Langey did not believe recreational activities were happening in or around that site, so he marked that as being a small impact as well.

e. *The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.* J. Langey said the Board was being asked to weigh and measure the diminishment if there was one. The Board determined there would be a small diminishment. J. Langey believed that too was based upon the amount of time the viewer were to encounter that change.

f. *There are similar projects visible within the following distance of the proposed project:*

- 0 – ½ mile*
- ½ - 3 mile*
- 3 – 5 mile*
- 5+ mile*

J. Langey did not believe there were any similar projects within those distances at this time.

g. *Other Impacts;* J. Langey asked the Board if there were other aesthetic resources the Board wished to discuss. None were stated.

10. Impact on Historic and Archeological Resources: *the proposed action may occur in or adjacent to a historic or archeological resource.*

J. Langey reported that the Applicants had submitted a letter of no impact from New York's State Historic Preservation Office (SHPO).

11. Impact on Open Space and Recreation: *The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.*

J. Langey said technically neither of those applies.

12. Impact on Critical Environmental Areas: *The proposed action may be located within or adjacent to a critical environmental area (CEA).*

J. Langey said this was investigated at the outset because of the aquifer, and it was determined the project would be outside it.

13. Impact on Transportation: *The proposed action any result in a change to existing transportation systems.*

J. Langey believed that would only be temporary during the construction phase.

J. Dunkle said that does not meet the threshold of the sub-questions.

14. Impact on Energy: *The proposed action may cause an increase in the use of any form of energy.*

J. Langey noted the proposal was to generate energy.

15. Impact on Noise, Odor, and Light: *The proposed action may result in an increase in noise odors, or outdoor lighting.*

A. Ferguson responded there will be an increase in noise temporarily during the construction phase.

a. *The proposed action may produce sound above noise levels established by local regulation.* J. Langey answered that as “No.” R. Ridler commented that the Town has no established noise level regulation.

b. *The proposed action may result in blasting within 1500 feet of any residence hospital, school, licensed day care center, or nursing home.* There will be no blasting.

c. *The proposed action may result in routine odors for more than one hour per day.* There will be no odors.

d. *The proposed action may result in light shining onto adjoining properties.* No.

e. *The proposed action may result in lighting creating sky-glow brighter than existing area conditions.* No.

f. Other Impacts relating to Noise, Odor and Light: J. Dunkle answered that was where the temporary noise during construction should be noted. He commented that the noise would not exceed the ambient noise (of traffic) on Route 20, however.

A. Ferguson said one would want to consider this impact on the nearby apartment complex.

16. Impact on Human Health: *The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.*

The Board answered that as “No.”

17. Consistency with Community Plans: *The proposed action is not consistent with adopted land use plans.*

J. Langey said the *Comprehensive Plan* discusses renewable energy, and he felt the modifications the Board has request of this project would keep the proposed action consistent with the *Comprehensive Plan*.

R. Ridler added that he recently read the proposed *Comprehensive Plan*, and this would be consistent with that as well.

18. Consistency with Community Character: *The proposed project is inconsistent with the existing community character.*

The Board answered, “No,” to that consideration.

J. Langey said the Board has answered all 18 questions of Part 2 and they “have done a deep dive” into many sub-questions, and they have reviewed numerous studies and reports that have been submitted. He said the Board could return to this discussion at the next meeting, believing the Board was headed toward a Negative Declaration, and allowing him time to compose that Negative Declaration resolution for the next meeting, with the ultimate questions being addressed in Part 3 without an Environmental Impact Statement. He explained with a large project such as this, he liked to have a written resolution that encapsulates the findings and reasons supporting a Negative Declaration.

J. Watson expressed understanding.

J. Langey asked if any Board members would be absent at the next meeting.

No one expected to be absent.

J. Langey asked who was missing this evening.

Jerry Munger was the only member missing this evening.

J. Langey said Mr. Munger could familiarize himself with the proceedings this evening. He asked if the Board was satisfied that they have done a good job so far.

R. Ridler answered, "Absolutely."

J. Langey suggested the Board table the balance of the work this evening. He asked the Board to be thinking of potential conditions to be discussed at the next meeting if they were to approve the project. He said he could provide sample conditions from other projects he and Mr. Dunkle have overseen over the years. He reminded the Board to also review the Lucas solar project conditions that was before the Board prior to this project and how those conditions might fit this project. He said that information could be circulated prior to the next meeting for discussion at that meeting.

A. Ferguson asked Mr. Watson if he remembered the open items that were discussed at the last meeting. She recalled one being notification from the Fire Department.

J. Watson reported that he had spoken to the Fire Chief who had no problem with the project.

A. Ferguson asked if the Fire Chief had written a letter to that effect.

J. Watson said he could request that again, or he could prepare a letter for the Fire Chief to sign. He said the fact that there would be no batteries was a good thing, saying battery fires have been a big issue with firefighting. The Fire Chief asked that upon completion of construction they would coordinate the access keys with the Fire Department. Mr. Watson offered to bring the firemen on site for training purposes.

A. Ferguson asked if the correct phone number for the Fire Department had been obtained for the signage.

J. Watson replied, "We will have that."

A. Ferguson said she was trying to remember if there were any other open items from the last meeting. She asked the Applicants to double-check the items and to have any open items submitted by the next work session.

R. Ridler believe Ms. Ferguson had also requested that the items completed on the Solar Check List be designated by a dated document (for future reference).

J. Watson responded that they have a document tracker with all the documents and dates and revisions which they were happy to provide to the Board.

Motion by D. Bowers, seconded by A. Ferguson, to continue the file was carried unanimously.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:37 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – May 3, 2024