

2577 US Route 11
P.O. Box 193
LaFayette, NY 13084
www.townoflafayette.com



Date: July 16, 2019

Time: 7:00 pm

Location: LaFayette Town Offices

Planning Board Meeting

Meeting called by: LaFayette Planning Board

Chair: Jim Nakas, Chairman

Secretary: Sue Marzo

Attendees: Planning board members: Jim Nakas, Chairman, Brad Bush, Jerry Marzo, and Rick Markoff, Board Members, Sue Marzo, Secretary, Jeff Brown, Town Counsel, Mark Chambers, Town Engineer, Noel Swanson, Cypress Creek, Erin and Shane Sullivan, residents, Paul Baltzersen, resident, Paul and Michele Blust, residents, Scott Daley, applicant

Minutes

- Agenda Items:**
1. Approval of May 21, 2019 minutes
 2. Public Hearing SEQR – Case #2-2019 – Application by Cypress Creek for site approval for Carley Farm Solar, LLC & Dimon Solar, LLC farm located at 3660 Apulia Rd. Jamesville, NY 13078, east side ¼ mile north of Palladino Road in an Ag/Residential District (Tax Map No. 006.-03-01.3)
 3. Case # 7 - 2019 – Application by Scott Daley for a minor subdivision “Sky Ridge Acres” off Route 20 in a Residential/Agricultural District (tax map (010.-02-13.0)).

Discussion:

Jim Nakas, chairman opened the meeting at 7:00 pm and welcomed all in attendance. He asked the Board members if they were in approval of the May 21, 2019 Planning Board minutes. Rick Markoff motioned to accept, second by Jerry Marzo. All other Board members were in favor. Regarding adding the Pledge of Allegiance, Mr. Nakas would like it to be on agenda for next meeting. He feels it should be the Board’s decision to add this to meetings and would like the Board to discuss and vote on it.

1. **Public Hearing SEQR – Case #2-2019** – Application by Cypress Creek for site approval for Carley Farm Solar, LLC & Dimon Solar, LLC farm located at 3660 Apulia Rd. Jamesville, NY 13078, east side ¼ mile north of Palladino Road in an Ag/Residential District (Tax Map No. 006.-03-01.3)

Noel Swanson lead developer for the project, representing the two solar farms on Apulia Rd. and one off Palladino Rd. briefly explained the project. 700 homes will be customers and lead into the local utility grid. Screening studies have been performed and their application has been accepted. Local residents can subscribe to the solar farm with a locked in flat rate below the market rate. The Zoning Board approved the specific use permit last month and they have met with the County.

Jim Nakas asked who has ultimate approval for the site. Mark Chambers stated that Zoning Board has approval of the specific use permit and Planning Board has site plan approval. Jeff Brown stated that Zoning Board is done with specific use permit and it is now up to Planning Board to approve site plan. Jim Nakas asked how many acres and how many panels. Mr. Swanson said both parcels will be 20 acres. Landscaping plans from the site were presented for those in attendance by Mr. Swanson. He stated the farms are set back considerably from each road and there is minimal visual impact from the street view.

Rick Markoff motioned to open the public hearing, second by Brad Bush. All other Board members were in favor.

Mr. Blust asked how the farms will be connected to the grid. Mr. Swanson stated that each solar farm will have its own point of connection. There is an existing line that they will connect to. There are a couple of poles that they need to install for safety measures from those that will be fed underground. Shane Sullivan asked about delivery fees and who will incur them. Mr. Swanson said that Cypress is covering the cost of the delivery fees. Once its operational it is a fixed price. Mr. Sullivan also asked if there is maintenance throughout the useful life of the project. Mr. Swanson stated that quarterly maintenance will be done and assurance that growth of plant life is not depleting the resource or obscuring the panels from the sun. The control room is in their Durham office that they can monitor remotely and dispatch local maintenance if needed. Mr. Sullivan asked about the site construction timeline. Mr. Swanson stated construction will take 16-18 weeks and will go in phases. Mr. Sullivan stated that the Dimon site has a pretty big hill and he wanted to know about grading of the property. Mark Chambers said there will be limited grading minus some stormwater basins. They try to match the contours of the land as much as possible. Erin Sullivan asked about the vegetative screening what happens to it after the solar farm is decommissioned. Mr. Swanson said they would offer specific planting and work with them to select a species with a max height. Mr. Chambers said that when Cypress pulls out and when Ralph Lamson issues the building permit there is 150% bond for decommissioning the site and take down everything that was put up. Every 5 years it is reviewed as to the cost of the bond and adjustments may be made. Decommissioning estimate is 35 years and done by a licensed engineer with taking everything down and reviewed periodically for inflation. Jeff Brown asked the residents if they are happy with the landscaping plan that is proposed. No one responded.

Residents were able to look at plans to understand where the panels are. Mr. Balterzen is concerned with fertilizer and pesticides and impact on fishing in Butternut Creek and traffic and speeds on access roads. Mr. Swanson informed Mr. Balterzen that Cypress has met with the Town of LaFayette Highway Department. Construction vehicles can get in and out safely with temporary signage during construction. Mr. Balterzen asked where the main access will be. Mr. Swanson informed that there will

be one on Palladino for Dimon and one on Apulia for Carley Farm. Mark Chambers informed all that after construction there will be two trucks per quarter for maintenance. Access to the farms will be minimal. Mr. Swanson says spot treatments will be performed where areas pop up with weeds. DEC approved herbicides would be used. There will be a dedicated storm water pollution prevention plan which will limit any runoff. Mark Chambers talked about herbicides and their limited use and that they will only be used when weeds overpower the clover mix. Mr. Sullivan asked where the storm drainage is going. Mr. Chambers stated that an infiltration basin is required for this application. Jim Nakas said one of the major concerns is the potential for glare coming off the panels and reflecting into residents living rooms. Each panel is outlined with metal. Will there be any precautions taken to minimize that? Mr. Swanson stated that Cypress did submit the glare analysis to the board, and it is available for review. The panels track from east to west. They are made with anti-reflective glare and the aluminum support structures are to minimize glare. Frames are aluminum and racking is steel. Ms. Blust asked about pesticides and if it will affect the reservoir. Butternut Creek does empty into the Jamesville Reservoir and will there will be any testing done. Mr. Swanson is trying to prevent the growth of a meadow and all the pesticides being used are approved by the DEC. Mark Chambers said that drainage patterns all drain to the infiltration basins and there is a control point at each site. He also stated that there are multiple ponds and the biggest risk is during construction with exposed soils. Residents were informed that drawings are available in the submittal books that are available through the Town Clerk for review.

Brad Bush stated regarding pollution the property as presently used has no protection on it and there have been many pesticides used without controls. His theory is that it is probably better with the project than without. Mark Chambers also mentioned that Cypress can come in and clean the ponds out that collect sediment.

Rick Markoff motioned to close the public hearing, Jerry Marzo second. All other Board members were in favor.

Mr. Nakas thanked all in attendance for their participation and to feel free to contact any Board member at any time.

The Board then considered several conditions on the site plan approval, which were incorporated into the following motion:

TOWN OF LAFAYETTE PLANNING BOARD

Resolution for Site Plan Approval of Carley Farm Solar and Dimon Solar Community Facilities

July 16, 2019

WHEREAS, on or about January 30, 2019, Cypress Creek Renewables, acting as agent for Carley Farm Solar, LLC and Dimon Solar, LLC (collectively, the "Applicant") submitted a specific permit and controlled site plan applications pursuant to Local Law No. 1 of 2018 of the Town of LaFayette Town Law ("Town Solar Law") for two 2 MW solar arrays to be developed near the intersection of Apulia Road and Palladino Road ("Project Site"); and

WHEREAS, pursuant to the Town Solar Law, the proposed solar arrays are classified as large scale solar energy systems which are a permitted use on the Project Site subject to site plan approval from the Town of LaFayette Planning Board (the "Planning Board") and compliance with the approval standards for large scale solar energy systems set forth therein; and

WHEREAS, the documents submitted by the Applicant as part of its specific permit and site plan applications consisted of, among other things, (1) a Site Plan Application; (2) a Specific Permit Application; (3) a proposed site plan; (4) a proposed stormwater management plan; (5) copy of the deed; (6) Part 1 of a Full Environmental Assessment Form ("FEAF"); (7) the requisite filing fees and escrow amount for the Application; and (8) other relevant documents (the "Application"); and

WHEREAS, given that the specific permit and site plan applications are related, the Planning Board conducted a joint environmental coordinated review of the Application, and with the assistance of its technical and legal consultants, engaged in a detailed review of the Application materials and completed Parts 2 and 3 of the FEAF; and

WHEREAS, on May 21, 2019 the Planning Board as the lead agency under the State Environmental Quality Review Act ("SEQRA") adopted a Negative Declaration on the Application concluding that the proposed specific permit and solar project will not create any potentially significant adverse environmental impacts; and

WHEREAS, on June 25, 2019 the Zoning Board of Appeals determined that the specific permit would comply with the applicable requirements and design standards as set forth in the Town Solar Law; and

WHEREAS, in accordance with its obligation under Section 239-m of the NYS General Municipal Law, the Planning Board referred the Application to the Onondaga County Department of Planning and Development ("County Planning Department"); and

WHEREAS, the County Planning Department reviewed the Application for countywide and intermunicipal impacts and issued a resolution dated June 5, 2019 (case # Z-19-146) recommending two conditions be placed on any site plan approval; and

WHEREAS, on July 16, 2019 the Planning Board held a public hearing on the Application as required by the LaFayette Town Solar Law and the NYS Town Law in which all interested persons were given the opportunity to submit oral or written comment. The public hearing was closed the same night; and

WHEREAS, the Planning Board has determined that the solar project will comply with the applicable Site Plan criteria as set forth in the Town Solar Law; and

WHEREAS, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the Town Solar Law, the Planning Board hereby approves the site plan for the solar project prepared by Cypress Creek Renewables dated January 30, 2019 ("Site Plan Approval"), subject to the conditions set forth below; and

BE IT FURTHER RESOLVED, that pursuant to Section 274-a of the New York State Town Law, the Planning Board imposes the following conditions on the Site Plan Approval granted by this resolution:

1. The Applicant shall comply with all commitments made in the Carley Farm Solar, LLC and Dimon Solar, LLC LaFayette Specific Permit and Controlled Site Approval Application dated January 30, 2019 (including, but not limited to, installation of landscape screening), as well as the Stormwater Pollution Prevention Plan dated October 2018 (last revised January 2019) as prepared by Kimley Horn, to include satisfying the requirements/modifications set forth in the Onondaga County Planning Department resolution dated June 5, 2019.
2. The Applicant shall guarantee the survivability of the landscape screening for the life of the Project and shall be solely responsible for the replacement of any fallen, severely damaged or dead vegetation.
3. Prior to issuance of a certificate of completion/occupancy/operation, the Applicant and Town shall have fully executed the Payment in Lieu of Taxes Agreement in a form and amount acceptable to the Town Board of the Town of LaFayette and the Applicant shall commence payments thereunder.
4. Prior to issuance of a permit for construction, the Applicant shall provide the decommissioning bond required under the Town Solar Law. The performance guarantee shall be in a form acceptable to the Town Attorney.
5. Prior to issuance of a permit for construction, the Applicant shall pay in full all consulting fees incurred by the Town.
6. At all times, the Applicant shall comply with this Site Plan Approval. Unless otherwise expressed, any violation of this Approval or failure to satisfy the conditions set forth herein is subject to enforcement in accordance with New York Town Law or the Town Solar Law.
7. The access driveways as shown on the site plan must be approved in writing by the Onondaga County Department of Transportation and Town of LaFayette Highway Department, to include satisfying the requirements/modifications set forth in the Onondaga County Planning Department resolution dated June 5, 2019.
8. The applicant must coordinate with local emergency services, provide safety notices, and provide safety training to such local emergency services.
9. All panels and associated support structures used for the solar facilities must have anti-glare coating or consist of materials that will not produce offensive glare.
10. Removal of any vegetation on the property other than specifically approved as part of the site plan is permitted without further review and approval of the LaFayette Planning Board.
11. All approvals of the Public Service Commission for this commercial solar facility must be filed with the Town of LaFayette.
12. Access to the commercial solar equipment is limited to the access road as depicted on the site plan, and no other access shall be allowed without further review and approval of the LaFayette Planning Board.

13. All waste materials generated during site construction, including all packaging materials, must be removed from the site within a reasonable time.
14. The security fence shall be made accessible to emergency personnel.
15. The use of pesticides and/or herbicides shall be limited to the maximum extent possible.
16. The opportunity to become customers of the Project shall be offered first to Town of LaFayette residents.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan; and

BE IT FURTHER RESOLVED, that as required by the NYS Town Law, the Planning Board Clerk shall file a copy of this approval in the Town of LaFayette Town Clerk's office within 5 days after this resolution has been adopted and shall also send a copy of this resolution to the Applicant and the Town of LaFayette Law Enforcement Officer; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Moved by: Rick Markoff

Seconded by: Jerry Marzo

The foregoing resolution was voted upon with all members of the Planning Board voting in favor.

Dated: July 16, 2019

Town of LaFayette, New York

Case # 7 - 2019 – Application by Scott Daley for a minor subdivision “Sky Ridge Acres” off Route 20 in a Residential/Agricultural District (tax map (010.-02-13.0)).

Mr. Scott Daly approached the Board for approval to divide his property into 4 building lots. The property was a former Christmas tree farm. Prior to that it was dairy farm. The property was once all cleared farmland. He stated that it will be beneficial to the town to add to the tax base and appeal to the area. There will be minimal clearing on the 4 lots for drainage issues. He has a woman interested in buying the property once the subdivision is approved. She is interested in buying all 4 lots. She wants to put single level homes on the 4 lots. Jim Nakas asked about why it was not approved last time. Issues arose regarding clearing the property and potential drainage issues. Mr. Nakas asked about the slope of the property. Mr. Daly advised that it is flatter where the homes are proposed. He has County approval for the septic and driveway cuts. Mr. Nakas asked if the driveways are on route 20. Mr. Daly advised that they were. The proposed buyer is widowed and wants a house for her, one for her parents and one for her daughter. Attorney Brown said if submitted by July 26, it should be in time for August 7 County Planning meeting to approve subdivision and able to be put on agenda for August Planning Board Meeting.

Rick Markoff motioned to close the Planning Board meeting, second by Jerry Marzo. All other Board members were in favor.

Meeting adjourned at 8:04 pm.

Respectfully submitted,

Sue Marzo

Planning Board Secretary

