

2577 US Route 11
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Planning and Zoning Board of Appeals Joint Meeting

Date: January 18, 2022

Time: 7:00 pm

Location: LaFayette Town Hall

Chairs: Brad Bush – Planning; Christine Keenan – Zoning Board

Secretary: Sue Marzo

Attendees: **Planning Board members: Brad Bush, Heath Kotula, Barb Lasky, Michael LaCava**

Zoning Board members: Christine Keenan, James Nash, Anita Miner, Mike Vilardi, Mike Stiner

Jeff Brown, Town Counsel, Sue Marzo, Secretary, Jackie Roorda, Town Clerk, Mark Chambers, Town Engineer, Noel Swanson, Carly/Dimon Solar Farms, Mr. & Mrs. Sam Nicotra

Residents: Paul and Michele Blust, Bob Byrne, Mark Dube, Chris Albanese, Hank Cline, Shane Sullivan

Minutes

Brad Bush opened the meeting with the pledge to our flag and introductions. Motion was made by Mike LaCava, second by James Nash to approve combined Planning/ZBA Board Minutes of November 23, 2021, as written. All Board members from both boards present were in favor.

Agenda Item:

Case #4-2021-PB; CASE #2-2021-ZBA **PUBLIC HEARING**

Public Hearing on the application submitted by Carley Farm Solar, LLC and Dimon Solar, LLC for an amended Special Use Permit & Site Plan for a solar farm located at 3660 Apulia Road, Jamesville, NY (Tax Map No. 006.-03-01.3)

Brad Bush asked for applicant representative Noel Swanson, Project Developer to bring both

Boards and the public up to date on the application.

Mr. Swanson stated that this project was initially approved in August of 2019. After approval, changes were made to the interconnection design by National Grid. The Eastern side of the property required site plan rework. At the November combined Planning and ZBA meeting, it was reported that the main change was relocating the Dimon Solar electrical equipment parallel to the Carly site, so they are both running parallel to Apulia Rd. There was also update to the type of fencing from chain link to deer fence. There was a minor change to the subdivision line to comply with National Grid standards. Mr. Swanson has maps of the old verses' new plans to those in attendance for review.

James Nash asked about the overall size of the field and if it is changed or altered. Noel Swanson said the overall footprint is the same. Some racks have shifted around to optimize the array area out of steep sections of slope.

Mark Chambers reported that the 2019 to 2021 comparison hasn't changed much at all. The storm water prevention plan methodology makes sense. He did have a question about the fence and security. Mr. Swanson said the height is the same at 7' and we still have to comply with national code. There will be a gate right at the front of each facility for maintenance and construction access with emergency phone numbers for any issues. Gates will be locked at all times. The array area will be completely sealed on both properties.

Mark Chambers in talking to Steve Robson, Highway Superintendent was concerned with the culverts. He would like to see data on capacity for the change out to open bottom as driven by State DEC. Christine Keenan asked for definition of open bottom. Mr. Chambers advised that the pipes are solid and what they are proposing is a box culvert without a bottom which is good for habitat. He is looking for capacity flow for the 120 x 120 box in the Northwest corner. It has been known to flood in the past. He wants to make sure we have the capacity to take care of that. Noel Swanson will review with his engineering team. Christine Keenan asked about the style of fencing and if the deer fence is as secure. Mr. Swanson said it will meet the National Grid standard. Chain link stands out more than the timber posts, so it is mutually beneficial visually. Chairman Bush advised he has seen this type of fencing in Homer and felt it to be satisfactory. Mike Stiner asked about the lifespan of the fence. Will the fence last as long as the farms life of 20 years? Mr. Swanson stated it would be well maintained.

Attorney Brown alerted the Boards that since the initial approval concerns have been raised about the potential transfer of ownership that is not part of this application and concerns about maintaining the integrity of the decommissioning process with the developer, Cypress Creek. He has communicated concerns and is waiting to hear back. Regarding SEQR, there was a verbal motion last meeting to initiate coordinated review. A more formal motion is required to begin the process of coordinated review. Then the Boards can open the public hearing after completing SEQR review.

With regard to the new concerns raised about these community solar projects, Attorney Brown said there is a pattern with developers getting all the approvals and then selling the approved project before construction begins.

Christine Keenan asked how this affects the PILOT. The Town Board did approve the PILOT, but we still need to get approval from the School and Onondaga County. We will need tentative approval prior to moving forward.

Chairman Bush asked for a motion from the Planning Board (lead agency) for coordinated review.

RESOLUTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATIVE TO DECLARING THE INTENT TO BE LEAD AGENCY

WHEREAS, pursuant to Article 8 of the New York State Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation promulgate thereunder (collectively “SEQR”), the Planning Board of the Town of LaFayette, Onondaga County, New York (the “Board”), has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by Carley Farm Solar, LLC and Dimon Solar LLC (“Applicant”); and

WHEREAS, the Board is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQR) to be taken by the Board (the “Action”); and

WHEREAS, the Action contemplated is the construction of a community solar facility to be located within the Town on 6721 Palladino Road, and 3660 Apulia Road; and

WHEREAS, pursuant to SEQR, the Board determines that said Action is classified as a Type 1 Action and is subject to review and approval by other involved agencies; and

WHEREAS, the Board determines that it is the most appropriate agency to ensure the coordination of this Action and will provide written notifications to involved agencies, for the purpose of conducting a coordinated review and making the determination of significance thereon under SEQR.

NOW, THEREFORE,

BE IT RESOLVED by the Board as follows:

1. The Board hereby declares its intent to be designated as the Lead Agency for this Action; and
2. The Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing. Such notice shall be provided on or before **January 24, 2022**, or if the Applicant’s application is incomplete, within thirty days of the Town Engineer declaring the application to be complete.

The above resolution was offered by Mike LaCava and seconded by Barb Lasky at a meeting of the Planning Board held on Tuesday, January 18, 2022. Following discussion thereon, the following vote was taken and recorded:

I, Susan Marzo, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of LaFayette Planning Board for the January 18, 2022 meeting.

All Planning Board members present were in favor.

A motion was made by Mike LaCava to open the Public Hearing, second by Barb Laskey. All

Board members present were in favor.

Shane Sullivan asked about access roads and how many there would be. Mr. Swanson stated there would be one for each project. He laid out the maps for the Public to review.

Attorney Brown informed that Onondaga County Planning has recommended several modifications. They believe the access road should be paved and not gravel. They also urge approvals to be received from the DOT. Mr. Swanson said he would work to get a response from them.

Paul Blust asked if they were utilizing the existing electrical line running parallel to Apulia Rd. The response from Mr. Swanson was yes.

Bob Byrne had concerns due to multiple power outages and wants to be part of this installation. He is also concerned about looking out at the panels from his home.

Chris Albanese a new resident to LaFayette is concerned about water retention. What makes this an ideal location for a solar farm location?

Bob Byrne wondered why they would put this installation in a shady location in a valley.

Noel Swanson stated that the landowner would like it in this location. Chris Albanese stated from a scientific standpoint, his biggest concern is health issues. Has there been a study on the effects of electromagnetic rays? Noel Swanson stated that all the electrical equipment is on overhead poles as displayed on the maps.

Hank Cline spoke about the effects to Shane Sullivan's property values. He lives on Palladino, and his house is going to be surrounded by these panels. This will enclose his whole house in and there will be an impact financially. Does he leave that property at a loss or stay and take the effects of it? Noel Swanson stated there will be a buffer of trees. Mr. Cline also stated there was concern about glare from the panels shining in our homes. Noel Swanson stated they were anti-glare 100% receptive similar to a pond. Chris Albanese stated a pond is flat these panels will be at an angle and reflect into our homes. He asked why is this an ideal spot? Was there a feasibility study done to see this would be a perfect location? Was the electrical source looked at for health issues?

Attorney Brown said that if a developer wants to propose a project, this is not something the Boards can prevent. However, we will certainly look at the impacts of the project during our review.

Mark Dube asked Mr. Swanson how many projects he has been involved in. He said over 10.

Chris Albanese, when building his new house, had to plan for water retention/wetlands by raising his foundation up. Right behind him is the creek on the Southeast corner of this proposed area. He sees catch basins on the maps, but they will still be exposed to natural

weather. Has a storm water plan been submitted? Mark Chambers advised they are using infiltration basins which will reduce the runoff from the site.

Chris Albanese is concerned about more water on his property. How does it affect Butternut Creek? You have a natural stream with two projects draining into the creek. Noel Swanson will get back to Army Corp of Engineers and SEQR review will be done. Mark Chambers stated they will need approval from State DEC. Mr. Swanson advised they had that already.

Hank Cline stated that there is roughly 80 acres and wondered if anything is going on with the deer and coyotes. Noel Swanson stated there was a review done by Fish and Wildlife Services. The project footprint is 20 acre lots for each project. The landowner will continue to grow crops on the balance of the parcel.

Shane Sullivan asked about vegetation and if they have made up their minds on what they will be planting. Noel Swanson stated that was up the Landscape architects and availability at the time.

Chairman Bush would like to move the meeting along. The Public Hearing will remain open for more discussion.

Bob Byrne asked about equipment coming in stating concern about a 10-ton bridge. Chairman Bush stated he didn't think any heavy equipment would be involved. Mr. Byrne also would like to see local labor used in the construction. He asked if they would be notified of the next meeting on this project. Attorney Brown said this will be a continuation so notification is not required but since it will likely be several months, the Town will make notifications again.

Mr. Byrne asked which fire district will support. Mr. Swanson stated it would be Jamesville. He also was concerned about balloon fest since this location is a typical landing spot.

Mr. Cline asked about security and if it would be 24/7. Mr. Swanson stated it would be monitored remotely.

Agenda Item:

Case #5-2021-PB;

SKETCH HEARING

Sketch Hearing for the application submitted by Joseph S. Nicotra for a Special Use Permit & Site Plan for a small retail used car lot with an office, located at 2813 US Route 11, LaFayette, NY (previously Log Cabin Restaurant). (Tax Map No. 020.-03-04.2)

Sam Nicotra representing Joseph Nicotra, the applicant, discussed plans for this project. The former restaurant will be converted into a home and office and a used car lot with no more than 15 cars. It has been an eyesore for years. There will be no automobile mechanical work done on the premises or bodywork. He is planning on putting \$200,000 into the site to bring it up to

code.

Brad Bush asked how the property was zoned. Christine Keenan thought it was zoned business.

Attorney Brown wants to make sure that Codes Officer, Ralph Lamson has reviewed the survey and makes sure he considers it an acceptable Site Plan.

The Board would like to see plans for signage and lighting.

Mrs. Nicotra also in attendance wants to know what needs to be done to move this along. Attorney Brown states that our code has a list of things you must submit for a site plan. We need determination from our Code Enforcement officer, Ralph Lamson to move this along.

Jackie Roorda, Town Clerk advised that Ralph Lamson and Joseph Nicotra have talked multiple times and it is her understanding that the application is complete. Sam Nicotra stated that he is aware of some of his planned improvements such as tree removal and new siding.

Jackie Roorda suggests setting a Public Hearing contingent on Ralph Lamson's review and approval. A motion to schedule a Public Hearing for March was made by Mike LaCava, second by Barb Lasky. All Planning Board members present were in favor.

Motion was made by Mike LaCava, second by Heath Kotula to adjourn. All Planning Board members present were in favor.

The meeting concluded at 8:00 pm.

Respectfully Submitted,



Susan M. Marzo
Planning/Zoning Board Secretary

