

MINUTES
LEWIS COUNTY PLANNING BOARD
April 18, 2019

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:31 PM in Room 327 on the 3rd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Petersen.
- (2) **Roll Call:** Board Members Present: Tim Petersen, Gary Rosiczkowski, Michael Kaido, Warren Shaw, and Ron Burns. Staff Present: Casandra Buell, Senior Planner.
- (3) **Reading and Approval of Minutes:** The March 21, 2019 meeting minutes were received and there were no modifications made by the Board members present. Mr. Rosiczkowski motioned to approve the minutes; Mr. Burns seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Mrs. Buell shared a notice from the Town of Martinsburg noting that the Application to Modify Issued Approvals for the Roaring Brook Wind Farm Project received a Negative SEQR Declaration. This was adopted by vote of the Town of Martinsburg Planning Board on March 20, 2019.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Buell read the first review to the board:

TOWN OF TURIN TOWN BOARD

Proposed Town of Turin Zoning Map Amendment to add to the Commercial District and to create a new “D” District as defined in the Town of Turin Rural Development Law.

Town of Turin – Applicant

The General Municipal Referral Form and SEAF were submitted by the Town of Turin Attorney, Joseph W. Russell.

This zoning map amendment will officially update the illustrated version of the regulations defined in the most recent Town of Turin Rural Development Law, to include Local Law 1-2019 that was filed with NYS DOS on February 2, 2019.

While this update to the Town of Turin Zoning Map is certainly necessary, it should be known that the proposed amended map appears to have been in use for quite some time and could have been a simple filing error with the NYS DOS. If any concerns should be raised from this clerical error, counsel should be consulted.

Recommendation: Approve

Ms. Buell reiterated that this zoning map amendment will match their current zoning. After a brief discussion regarding parking, Mr. Rosiczkowski made a motion to approve, seconded by Mr. Petersen, which carried unanimously.

Mrs. Buell then read the second review:

TOWN OF DENMARK PLANNING BOARD

Special Use Permit and Site Plan Review for a 7.4 MW DC/5 MW AC photovoltaic (PV) community solar project to be located at 11057 NYS Route 26 in the Town of Denmark.

Tax Map Parcel: #083.00-01-23.000

Solitude Solar LLC / Mike Fingar – Applicant

The applicant provided the following Project Documentation: 1) Project Narrative; 2) Operation and Maintenance Plan; 3) Decommissioning Plan; 4) Utility Application; 5) SEQR Full Environmental Assessment Form; 6) Site Plan; and 7) Agricultural Data Statement. Let it be known that this review includes regulations detailed in the Town of Denmark Local Law # 1 of 2019 that was filed with the Department of State on March 15, 2019. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated April 4, 2019.

▪ *Compatibility with Adjacent Uses:*

The proposed project site will be approximately 39.53 acres of leased land within a larger 71.25-acre property. This area contains mixed uses including but not limited to Commercial, Agriculture and Forest. The property is located in both the AR 4 (Agriculture Residential) and H1 (Highway – Mixed Use) zones and complies with the intent of Article IV of the Town of Denmark Zoning Law Land Use Permit Requirements under the defined use as a Solar Energy Systems, Principle.

It should be noted that this type of application for alternative energy production is supported by the State of New York both on a commercial and residential platform.

Based on the submitted site plan, it appears that the project is compliant with the required setbacks detailed in Article IV, Section 410 (Nonresidential Use) and Article X, Section 1035-B(3).

▪ *Traffic Generation and Effect:*

According to the submitted FEAF, the applicant has determined that the proposed action will not result in a substantial increase in traffic above present levels. It should be noted the proposed array installation will generate minor traffic associated with its initial construction.

As noted in the submitted narrative, the project will utilize an existing gravel driveway off of NYS Route 26; however, it should be confirmed with NYS DOT that the existing egress/ingress location should have the proper NYS DOT Driveway/Access Permit.

According to the submitted FEAF, the proposed project will be a 24/7 operation, thus, according to Article X, Section 1035 (8A), *the applicant must provide proof that it has consulted with the Fire Department and other emergency services about access to the site and any special concerns. The project shall be deemed to provide proper access for emergency services.*

- *Protection of Community Character:*

The applicant provided documentation regarding the Agricultural Data Statement indicating the subject site is surrounded by agricultural lands. Additionally, the applicant provided a completed Full Environmental Assessment Form (FEAF) and an EAF Mapper Summary Report for review. In the submitted FEAF, the applicant notes that the project site is not a critical environmental area, archeological site or designated river corridor. The applicant has also included communication from the NYS Parks, Recreation and Historical Preservation office as well as the NYS Department of Environmental Conservation; noting that, in their opinion, the project should have no impact on archaeological and/or historic resources and that there are no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.

According to the submitted FEAF, the existing land uses that occur on, adjoin or are near the project site are commercial, forest and agriculture. While the applicant has shown that there should not be any adverse impact to the environment with the installation of this project, the 39.53 acres of solar arrays will certainly affect the community character.

The solar panels will be rack mounted with a maximum height of approximately 12 feet, that of which is compliant with the overlaying district height regulations.

- *Signage:*

There are two (2) 24" x 18" signs included in the project proposal, that of which include an emergency contact phone number and warning. These signs comply with Article X, Section 1035 B-10.

- *Drainage:*

Per the application, the proposed project will be located outside of any NYSDEC Freshwater Wetland Adjacent Areas. Additionally, according to the submitted Existing Conditions Plan, there are roughly 67,500 square feet of wetland within the fenced project perimeter that were field delineated in June 2018 in accordance with the 1987 Corps of Engineers Field Guide for Wetland Delineation Manual and the 2012 Regional Supplemental for the Northcentral and Northeast Region.

According to the submitted FEAF, the estimated area of ground disturbance is less than 1 acre; however, if the project should increase land disturbances over one acre in size, compliance with NYS DEC regulations is required. The applicant also noted that it is their intent to prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent (NOI) to NYSDEC in order to gain coverage under the SPDEC General Stormwater Permit for Construction Activities.

Based on the information supplied by the applicant, the proposed project should not create any adverse environmental concerns for the area.

- *Parking:*

There is no designated parking included in the submitted application. It appears that there will be a minimum of 12'/maximum of 24' access path for access between the solar panel racks that can be used as parking for the minimal maintenance that is said to be needed.

- *Community Facilities:*

The proposed action will not use or create a new demand for water nor will it generate liquid waste. As noted by the applicant, the electrical interconnect from the PV solar array is proposed to be an overhead line connecting to existing lines along NYS Route 26. Additionally, as required, a National Grid Utility Application was submitted on June 8, 2018 and a copy was provided in the submitted application. The project is compliant with Article X, Section 1035-B.

The applicant has submitted a thorough Decommissioning Plan, which includes decommissioning fund details. This plan appears to be compliant with Article X, Section 1035-B15 and B16; however, it is recommended that the Town of Denmark Planning Board formally agree to the submitted Decommissioning Plan as a condition of the Special Use Permit/Site Plan Review decision.

- *Lighting:*

According to the narrative submitted, there will be no outdoor lighting.

- *Landscaping and Screening:*

The proposed project will enclose all 39.53 acres with 5,300 feet of chain link fencing complete with a locking gate. According to Article X, Section 1035-B12(c), the type of fencing shall be determined by the Town of Denmark and may need to *be further screened by landscaping as needed to avoid adverse aesthetic impacts.*

Recommendation: Approve with the following conditions

1. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.
2. Compliance with Article X, Section 1035-8A is necessary in that *the applicant must provide proof that it has consulted with the Fire Department and other emergency services about access to the site and any special concerns. The project shall be deemed to provide proper access for emergency services.*
3. It is recommended that the applicant supply the Town of Denmark Planning Board with a NYSDOT driveway/entrance permit prior to construction.
4. It is recommended that the Town of Denmark Planning Board formally agree to the submitted Decommissioning Plan as a condition of the Special Use Permit/Site Plan Review decision.
5. While there are plans to install a chain link fence, the applicant must comply with Article X, Section 1035-B12(c), the type of fencing shall be determined by the Town of Denmark and may need to *be further screened by landscaping as needed to avoid adverse aesthetic impacts.*
6. Site plans should be sent by the applicant to Colonel Polk at Fort Drum to bypass any potential interference with the military base.

Mr. Petersen asked if there was going to be a structure built in the proposed project. Ms. Buell explained that no, there will not be a structure; however, there will be an electrical equipment pad located near the entrance. With no other questions or concerns, Mr. Kaido made a motion to approve with the above recommended conditions; seconded by Mr. Shaw and carried unanimously.

(7) **Report of County Planner:**

Mrs. Buell read the following responses from municipalities regarding previously submitted/reviewed projects:

- Site Plan Review – Mohawk Networks – Town of New Bremen – Approved w/ 2 of 3 conditions
- Zoning Text Amendments Re: Solar Height/Area/Lot Coverage – Town of Denmark – Approved
- Modification to Special Use Permit and Site Plan Approval – Roaring Brook, LLC – Town of Martinsburg Planning Board – Approved
- Site Plan Review – Elaine Z. Nolt – Town of Lowville Planning Board – Approved
- Special Use Permit – Solitude Solar LLC – Town of Turin Planning Board – Approved w/conditions

(8) **Unfinished Business:** None

(9) **New Business:** None

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Rosiczkowski, seconded by Mr. Shaw, which carried unanimously. Mr. Petersen adjourned the meeting at 2:56 PM.

Respectfully submitted,



Casandra Buell
Senior Planner