

MINUTES
LEWIS COUNTY PLANNING BOARD
July 18, 2019

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:30 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, Michael Kaido, William Burke, Warren Shaw and Jerry King. Staff Present: Casandra Buell, Senior Planner and Frank Pace, Director of Planning. Public Present: Tyler Coon from Duke Energy Renewables and several Carthage Central School government students.
- (3) **Reading and Approval of Minutes:** The draft June 20, 2019 meeting minutes were received, and an acronym error was found by Mr. Petersen. The “IMU” referenced on Page 3 of the draft minutes was corrected to “IMA” by Ms. Buell accordingly. Mr. Kaido motioned to approve the corrected minutes; Mr. Burke seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Buell read the following review to the board:

TOWN OF LEYDEN PLANNING BOARD

Site Plan Review for a 20.7 MW (DC) photovoltaic solar power array to be located on State Route 12D in the Town of Leyden.

Tax Map Parcels: #403.00-01-07.100 and #403.00-01-11.000

Duke Energy Renewables – Applicant

Since the proposed project spans across two (2) parcels under different ownership, there was an application submitted for each lot. The applicant provided the following Project Documentation: 1) SEQR Full Environmental Assessment Form(s); 2) Site Plan(s); 3) NYSDEC Online Environmental Resources Map(s); 4) CRIS Map(s); 5) Project Narrative(s) and 6) Agricultural Data Statement(s).

▪ *Compatibility with Adjacent Uses:*

Currently, the land use within the proposed footprint is used for hay and crop production. There are forested areas with shrub habitats that will be avoided with the present facility layout. The proposed project complies with the intent of Article II of the Town of Leyden Zoning Law and meets the general regulations set in Article III.

On June 27, 2019, the applicant received an area variance for a zero (0) foot setback for the southernly property line of the Krywosa property where it is adjacent to the Wheelock property and a zero (0) foot setback from the northerly property line of the Wheelock parcel

where it is adjacent to the Krywosa property. This gives the applicant the ability to install continuous rows of solar panels on both the Wheelock and Krywosa properties while avoiding potential environmental impacts and preserving farmland. With this area variance applied to the properties, the proposed project conforms with the setbacks detailed in Article III.

- *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 solar energy system will generate minor traffic associated with its initial 9-month construction. Egress and ingress will be located on New York State Route 12D. A permanent stone accessway, constructed in accordance with local standards and design documents, will be constructed and maintained for access throughout the life of the project. While the applicant has expressed that they will comply with local standards, it should be noted that according to Article V, Section 515, *site plan approval shall be conditional upon the applicant obtaining any necessary approvals from the jurisdictional permitting authority*, in this case NYS DOT. Prior to construction, the applicant should provide the Town of Leyden Planning Board with proof of said approval as well as accessway details that comply with all standards detailed in Article V, Section 515.

- *Protection of Community Character:*

The current character of the surrounding land is rural residential, agriculture. The proposed project will occupy approximately 85 acres throughout a 175-acre project area; all within the District 6 Ag District. While the 2017 Town of Leyden Comprehensive Plan does not discourage solar energy systems, it does “*promote the restoration and reuse of agricultural land.*” The current zoning law does not regulate solar energy systems; however, in order to ensure that the Town is acting in the best interest of its residents, there should be solar energy system regulations added to the existing zoning.

- *Signage:*

It does not appear that signage is proposed by the applicant; however, for safety purposes, an Article 5, Section 535 compliant warning sign should be erected at the entrance of the gate and substation.

- *Drainage:*

According to the submitted FEAF, the proposed action site does contain wetland or waterbodies regulated by a federal, state or local agency; however, according to the submitted narrative, these areas will be avoided with the present facility layout. If a permit is required by NYS DEC for the erection of the proposed solar arrays on the regulated wetlands, compliance is necessary. Furthermore, the submitted FEAF notes that the site is mostly well drained and has slopes of 0-10% on 95.6% of the site.

The applicant does note that the proposed project will disturb more than one (1) acre and will create stormwater runoff. According to Page 6 of the submitted FEAF, there will be multiple 25 sq. ft pads to support the base of the panels and existing stormwater runoff patterns will be maintained post-construction. Within the submitted narrative, the applicant notes that the “*Project Sponsor shall install drainage features in accordance with permit drawings and shall take appropriate measures to maintain the site in a dry and safe condition.*” In addition, the applicant “*proposes to submit the stormwater pollution*

prevention plan (SWPPP) design for the proposed project for regulatory review separately, prior to construction, and with sufficient time for review prior to construction.”

On June 5, 2019 the Town of Leyden Planning Board, acting as the Lead Agency, concluded that this project will result in no significant adverse impacts on the environment, and therefore, a conditional negative declaration was issued.

▪ *Parking:*

It does not appear that the proposed project will include a designated parking area; however, according to Article V, Section 520, *“off-road loading standards shall be met by the applicants unless otherwise waived or modified by the Planning Board.”* Prior to construction, the Town of Leyden Planning Board should decide on whether the applicant should provide a parking plan that is compliant with Article V, Section 520 standards or if they will waive/modify those standards for the proposed action.

▪ *Community Facilities:*

According to Page 5 of the submitted FEAF, the proposed action use will not create a new demand for water nor will it generate liquid waste. Furthermore, according to Page 7 of the submitted FEAF, the proposed action will not generate new or additional demand for energy but will require a new, or upgraded, substation.

▪ *Lighting:*

According to the submitted FEAF, Part 1, Page 8, the proposed action will not have any outdoor lighting; however, adequate lighting is required by Article V, Section 530. Compliance is necessary and should be reviewed/approved by the Town of Leyden Zoning Officer prior to construction.

▪ *Landscaping and Screening:*

The proposed project will be equipped with a fence surrounding the entire compound. According to the submitted Conditions Plan, most of the existing vegetation will be preserved. According to Page 8 of the submitted FEAF, the proposed action may result in the use of herbicides for vegetation management. The applicant notes that *“under circumstances where herbicides are deemed necessary, an effort will be made to minimize and to apply bio-degradable, EPA registered and approved, organic solutions that are nontoxic to pets and wildlife.”*

According to Article V, Section 525, *“along a property line facing a residential property, a 20 feet wide buffer strip of evergreen planting shall be provided to effectively screen the commercial/industrial use of view.”* That said, with the current layout, most of the adjoining residential parcels will be screened with natural vegetation; however, there are a few that are not adequately screened. Additional compliance with Article V, Section 525 requires that a 20 feet wide buffer of landscaping shall be provided along road frontage. This would apply to the road frontage along Brock Road.

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. While the applicant has expressed that they will comply with local standards, it should be noted that according to Article V, Section 515, *site plan approval shall be conditional upon the applicant obtaining any necessary approvals from the jurisdictional permitting authority*, in this case NYS DOT. Prior to construction, the applicant should provide the Town of Leyden Planning Board with proof of said approval as well as accessway details that comply with all standards detailed in Article V, Section 515.
3. According to the submitted narrative, regulated wetland areas will be avoided with the present facility layout; however, if a permit is required by NYS DEC for the erection of the proposed solar arrays on the regulated wetlands, compliance is necessary.
4. According to the submitted FEAF, Part 1, Page 8, the proposed action will not have any outdoor lighting; however, adequate lighting is required by Article V, Section 530. Compliance is necessary and should be reviewed/approved by the Town of Leyden Zoning Officer prior to construction.
5. According to Article V, Section 525, *“along a property line facing a residential property, a 20 feet wide buffer strip of evergreen planting shall be provided to effectively screen the commercial/industrial use of view.”* That said, with the current layout, most of the adjoining residential parcels will be screened with natural vegetation; however, there are a few that are not adequately screened, parcel #'s 392.00-01-18.000 and 403.00-01-08.000. Additionally, Article V, Section 525 requires that a 20 feet wide buffer of landscaping shall be provided along road frontage. This would apply to the road frontage along Brock Road. Appropriate buffer plans should be reviewed/approved by the Town of Leyden Zoning Officer prior to construction.
6. According to Article V, Section 520, *“off-road loading standards shall be met by the applicants unless otherwise waived or modified by the Planning Board.”* Prior to construction, the Town of Leyden Planning Board should decide on whether the applicant should provide a parking plan that is compliant with Article V, Section 520 standards or if they will waive/modify those standards for the proposed action.
7. It does not appear that signage is proposed by the applicant; however, for safety purposes, an Article 5, Section 535 compliant warning sign should be erected at the entrance of the gate and substation.
8. Site Plan should be sent by the applicant to Colonel Polk at Fort Drum to bypass any potential interference with the military base.

Note: While the 2017 Town of Leyden Comprehensive Plan does not discourage solar energy systems, it does *“promote the restoration and reuse of agricultural land.”* The current zoning law does not regulate solar energy systems; however, in order to ensure that the Town is promoting the reuse of agricultural land properly, there should be solar energy system regulations added to the existing zoning.

Tyler Coon, Business Development Manager for Duke Energy Renewables, mentioned that the egress/ingress location has since been moved to Brock Road. Ms. Buell explained that while this information may have changed, the County Planning Board will review the project based on the original details submitted by the Town of Leyden. Frank Pace suggested that the County Planning Board add “if applicable” to the second recommendation to cover all bases. Chairman Petersen asked whether Oneida County should be involved in the project as the southern property borders the county-line. Ms. Buell and Mr. Pace explained that since the properties are both within the Town of Leyden (Lewis County), the only requirement is to notify the boarding Oneida County property owner, if that property is within an agricultural district

containing a farm operation or on property with boundaries within 250 feet of a farm operation located in an agricultural district. Further discussion revealed that one of the proposed project site owners also owns the boarding Oneida County property. To ensure that this process is not overlooked, the County Planning Board requested that it be added to the final conditions. Mr. Shaw made a motion to recommend an approval with the above listed conditions along with the changes discussed. The motion was seconded by Mr. Petersen and was carried unanimously.

Ms. Buell then read the final review to the board.

TOWN/VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review and Special Use Permit for a proposed expansion of an existing rooftop solar energy system located at 7383 Utica Blvd. in the Village of Lowville.

Tax Map Parcel #212.16-03-10.110

Boulevard Properties – Applicant

The applicant provided the following Project Documentation: 1) Site Plan; 2) Project Narrative; 3) SEQR Short Environmental Assessment Form; and 4) Letter of Zoning Referral.

- *Compatibility with Adjacent Uses:*
The zoning for this area is identified as AC (Auto Commercial). Currently the property identified is commercial and is consistent with the Utica Blvd. corridor. Thus, the proposed use is consistent with the character of the commercial setting.
- *Traffic Generation and Effect:*
The roadway is identified as State Route 12/Utica Blvd. The proposed project is a utility use expansion and will have no traffic implications. No changes to the existing entrance are proposed by the applicant and, as noted on page 2 of the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels.
- *Protection of Community Character:*
According to the submitted narrative, the construction timeline is estimated to span one (1) month and the visual impacts of the additional panels are consistent with the existing solar panel layout appearance that was installed in 2016. Based on review of the current zoning criteria for the Village of Lowville, the proposed project expansion is in compliance with the criteria under Article IV, Section 420, Schedule A and Section 430, Schedule B.

Additionally, the applicant provided a completed SEQR Appendix B, Short Environmental Assessment Form for review. On June 26, 2019 the Village of Lowville Planning Board, as the Lead Agency, acknowledged the proposed action will not result in any significant environmental impacts.

- *Signage:*
The proposed project expansion does not include signage; however, according to Article VI, Section 610(G), “*the facility shall have a sign which provides a twenty-four-hour emergency contact telephone number.*”

- *Drainage:*
Based on the information supplied by the applicant, the proposed use should not create any adverse environmental concerns for the area and it appears that all current drainage systems will be used. On page 2 of the submitted SEAF, the applicant advised that the proposed action will not create storm water discharge.
- *Erosion:*
According to the application, there will be 0 acres disturbed for the proposed project; therefore, no DEC permits should be needed. It should be noted that in 2016, Boulevard Properties installed perimeter parapet walls and PVC rooftop downspouts that carry rooftop runoff through the building rather than over the edges.
- *Parking:*
The proposed project will not affect or alter the existing parking lot.
- *Community Facilities:*
The proposed project would add 104 rooftop panels to the existing 265. The expansion would require associated wiring to tie into the existing panel layout; however, no modifications to the primary electrical service panel are proposed.
- *Lighting:*
The proposed project expansion does not include lighting.
- *Landscaping and Screening:*
The proposed project expansion does not include landscaping or screening.

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. In 2016, Green Volt Solutions LLC noted that the areas in which these proposed panels will be installed were left clear due to laws going into effect at that time. It should be confirmed that the installation of the proposed panels within that 4’ walkway will comply with current laws.
2. According to Article VI, Section 610(G), “*the facility shall have a sign which provides a twenty-four-hour emergency contact telephone number.*” If not already posted for the existing solar energy system, the applicant should comply with this requirement prior to array expansion.

After brief discussion, Mr. Petersen made the motion to approve with the above recommendations, seconded by Mr. Kaido, and was carried unanimously.

(7) Report of County Planner:

Ms. Buell read the following response from a municipality regarding a previously submitted/reviewed project:

- Zoning Text Amendments Re: Community Events and Rooftop signs – Village of Lowville
Approved w/ condition

(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. Burke, seconded by Mr. Kaido, which carried unanimously. Mr. Petersen adjourned the meeting at 3:02 PM.

Respectfully submitted,



Casandra Buell
Senior Planner