

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



Planning Board Meeting

Date: October 20, 2020

Time: 7:00 pm

Location: LaFayette Town Hall

Meeting called by: LaFayette Planning Board

Chair: Brad Bush, Chairman

Secretary: Sue Marzo

Attendees: **Planning Board members: Chairman Brad Bush, Jerry Marzo, Barb Laskey, Rick Markoff, Mike LaCava, Heath Kotula, Alternate Board Member**

Jeff Brown, Town Counsel, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Mark Chambers, Town Engineer, Christine Keenan ZBA Chairperson, Matthew R. Napierala, Engineer, Jim Hagan, Architect, Ed Clark Applicant, Bob & Michele Tew, Christine Foti-Cromley, Stanley Czuba, Jessica Marquard, Eli Schecter

Agenda Items:

1. Pledge of Allegiance
2. Approval of September 15, 2020 Planning Board minutes
3. **Case #4-2020-PB PUBLIC HEARING**

Application by Clark Equipment for Controlled Site Approval to build a new 15,700 square foot commercial building for equipment rental at US Route 11, approximately 1200 feet north of Route 11 & Sentinel Heights Road intersection on property located between Schuylkill Haven Casket Co. and LaFayette Kennels. The property is zoned for business use. (Tax Map # 022.-07-93,2)

4. **Case #3-2020 -PB PUBLIC HEARING**

Application by C2 Energy Development, LLC for a Specific use permit and Controlled Site Approval for a solar farm. The proposed project is situated at the rear of an existing agricultural field at Sentinel Heights Road, LaFayette, NY 13084, less than 1 mile south of Bull Hill Road (East of Tennessee Gas Pipeline Properties) located in an Ag/Residential District. The proposed project will be screened on the North, South and West by existing vegetation, proposed vegetation is to screen the project along Sentinel Heights Road. It is consistent in nature with the nearby utilities such as communications and gas transmission facilities, as well as other nearby solar projects. Upon completion, the proposed project will generate approximately 5000 KW of renewable power to the existing electrical grid via an interconnection point on Sentinel Heights Road.

(Tax Map No: 025.-03-05.1)

Discussion:

Chairman Bush welcomed all attendees with introductions and recital of the Pledge of Allegiance.

Motion was made by Jerry Marzo and second by Rick Markoff to approve minutes from the September 15, 2020 Planning Board Meeting as written. All Board members were in favor.

Jim Hagan presented an overview of the project. Since we last met, we have done a lot of work developing the project and approval process with New York State and Onondaga County. The applicant is contracted to purchase 8.5 acres which has frontage on 81 to the south, a warehouse to the north an existing residence and kennel to the east and apartments on the other side of route 11. It is generally open field sloping downhill from the north to the south. There is a drainage course through the property that is designated as a federal wetland. 214' of depth is located at the center of the site. New York State Department of Transportation stated the location of the structure is appropriate. Matt Napierala has received information for New York State. We will have vehicles enter the site looping the driveway around the building. Portions will be paved; portions will be stone where equipment will be stored. The location of the building is on natural grade and even with the road on route 11 and adjacent to Route 81. We will be cutting into ground on the north side and make a level plateau. We will be maintaining large grass areas. There will be parking for employees and visitors north and south of the site. There are currently 18 employees with expansion for more in the future. Most of their business is done outside of the area and out of state. They will not be generating a lot of traffic, but some deliveries will be made by staff of equipment. We are showing a stoned area to display equipment on 81 and a small pad adjacent to Route 11 to display equipment. The site will have a storm water drainage system that will start on the north side of the building and runoff from the building and hard surfaces. From there it will be a 4' deep filter system underneath and any runoff will be in a runoff basin. We are providing a swale for any runoff from the existing hillside. We will be installing a well. We will be tapping into electric on Route 11. We have included a lighting plan shining outward and down. Designed fixtures are dark side compliant. Lighting levels are that of a moon. Building is 80' wide 240' long. Near 81 will be administrative offices and areas for shop offices and a breakroom. The majority of the building is for maintenance repairs, paint booth and body shop. The building will be one story and will be approximately 20' high. Metal siding and roofing are planned. Large window walls will be facing Route 81. Matt Napierala said that he has heard from New York State. This is a 3-phase process, and we are in phase 2 NYS has accepted the curb cut location and site distance is approved. They are finalizing step 3 which is a construction permit. We are well on our way with DOT and looking very good. Jim Hagan stated that the County Planning Board made two recommendations one regarding septic and 2nd with DOT. Matt Napierala said setback distance from Route 11 eluded that we will not be having a big visual impact on route 11 and are far enough back to have no adverse impact.

Mark Chambers talked to Neal Zinsmeyer, P.E. that designed the site work, this am. Everything looked good except the 1- and 5-year storm event. It is .3CFS over and he will work on some revised numbers to get us back in compliance. The lower storms the 1 and 5 we need to modify the orifice of that discharge point. Making sure that we squeeze down those lower events so that we are meeting the standards. It is just a matter of a couple of tweaks to make an amendment. The discharge of this type of system will have a low flow orifice when bigger storms that outlet will allow the water rises and the hydraulic conditions. Might go from a 3" to 3.5". It is just a minor adjustment. NYS will be looking at that too per Mark Chambers. Matt Napierala stated that the runoff is going to go to the channel tributary to 81 and will not adversely impact the volume or the peak runoff rate, the whole purpose of this storm water management system.

Mark Chambers said as far as the septic system between the applicant and New York State the intention is the capture of oil via a separator. It must be pumped and hauled. The volume for water and domestic discharge must be less than 500 gallons a day. No floor drains can connect. Mark Chambers stated that there must be a

maintenance agreement with the Town and Developer. Matt Napierala said they are agreeable. He asked for the Byrne Dairy agreement to use as a guideline.

SEQR Short Form Part 2 was completed as follows led by Town Engineer, Mark Chambers.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – “No or small impact”
2. Will the proposed action result in a change in the use or intensity of use of land? – “No or small impact”
3. Will the proposed action impair the character or quality of the existing community? – “No or small impact”
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? – “No or small impact”
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? – “No or small impact”
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? – “No or small impact”
7. Will the proposed action impact existing:
 - a. Public/private water supplies? – “No or small impact”
 - b. Public/private wastewater treatment utilities? – “No or small impact”
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? – “No or small impact”
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? – “No or small impact”
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? – “No or small impact”
11. Will the proposed action create a hazard to environmental resources or human health? – “No or small impact”

Rick Markoff asked about lighting and its impact on neighbors. Mark Chambers stated there were no concerns after review.

SEQR Short Form Part 3 was completed as follows:

Motion was made by Rick Markoff, second by Mike LaCava for the Planning Board to serve as lead agency and determine that this project does not have the potential for any significant negative impacts on the environment. All Board members were in favor.

Motion was made by Mike LaCava to open the Public Hearing, second by Rick Markoff. All Board members were in favor.

Christine Foti-Cromley owner of LaFayette Kennels and adjacent neighbor was first to speak. She wanted to review the lighting plan. Jim Hagan reviewed the drawings; the plans were to her satisfaction. She also wanted to share with the applicant the location of her septic system and that they not locate their proposed well in the vicinity. They made note of the location to avoid any issues.

Dear Town Board,

I cannot attend this week's hearing in person but wish to express my concern about the impact Clark Rental Equipment will have on the Lafayette Community due to its proximity to Stafford Park. It will significantly alter traffic flow and reduce safe park accessibility for people in the surrounding neighborhood and our high school, especially the cross country and tennis teams.

It is my understanding that this will become the main Clark Rental retail store and rental facility. This company rents and sells heavy construction equipment that requires large flatbeds/ trucks to transport to and from customers. This will significantly impact the traffic flow along Route 11, reducing the safety for the surrounding neighbors and the High School sports teams who practice at the park.

Living across the street from Stafford Park, I can tell you that this strip of route 11 is one of Lafayette's most active areas.

Both adults and children frequently walk along this section of route 11 on their way to and from Stafford Park. The Highschool track team runs from the high school to the park for practice nearly every day during track season. In the spring, the tennis team walks from the high school to practice at the Stafford courts. Children frequently walk home from school along this strip.

The need to transport equipment to sites may also interrupt traffic in the morning and afternoon as our school busses transport students between Grimshaw and the high school.

We all know how disrupted traffic is when there is an accident on 81, and large trucks get rerouted through our town. Is it a good idea to create a situation in which large trucks will consistently and permanently disrupt our community's ability to access one of our most valued spaces?

I hope that the town will seriously consider this business's impact before moving forward with the proposed construction.

Thank you,

Sheila Applegate

2066 RT 11

Chairman Bush stated that most of Ms. Applegates's concerns were addressed.

Motion was made by Rick Markoff, second by Barb Laskey to close the Public Hearing. All Board members were in favor.

Chairman Bush asked the Board members if they had any questions. There were none. He then asked Attorney Brown to talk about the suggested conditions related to this project.

1. Have applicant submit SWPPP to satisfaction of Town Engineer
2. Receipt of all Health Department Approvals

3. Receipt of all required DOT approvals and perhaps we reference the County Planning Resolution
4. A maintenance agreement for the drainage system

Mark Chambers and Ralph Lamson confirmed the conditions, and the applicant had no objections the conditions. Motion was made to accept the application as written with the conditions noted above by Jerry Marzo, second by Rick Markoff. All Board members were in favor.

Chairman Bush announced and introduced Heath Kotula as a new alternate Planning Board Member.

Case #3-2020 -PB PUBLIC HEARING

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(Tax Map No: 025.-03-05.1)

Jessie Marquard and Eli Schechter were present representing C2 Energy Development.

Ms. Marquard gave an overview of the project which consists of an array on 33 acres all in sloped area in an abandoned farm across from the Tennessee pipeline. It will be a fixed tilt array around 5,000 kw community solar. There are wetlands but they are avoiding all of them. They will add 300 evergreens on Sentinel Heights for screening. A little bit of grading will be going on for maintenance vehicles a couple of times per year. They worked with DOT and have received an acceptance letter. They are avoiding the gas line easement and are located a significant distance from it. There will be no battery or storage on the site. SWPPP road product is being used and the DEC has approved. A review of the buffer by the Town is required. Decommissioning removal is included. They will be using gravel strips under the array. The panels are designed to absorb reflective light.

Chairman Bush asked Ralph Lamson, Codes Officer if he is good with the review and if the Board had any questions. There were no concerns.

Mark Chambers reviewed Part 2 and Part 3 Full Environmental Assessment with all in attendance. Copies of those completed assessments can be reviewed at the Town Offices.

Motion was made by Rick Markoff to accept the assessment as reviewed by Mark Chambers, Second by Mike LaCava. All Board Members were in favor.

Motion was made by Rick Markoff, second by Mike LaCava to open the Public Hearing. All Board members were in favor. No one in attendance chose to speak. Motion was made by Rick Markoff to close the Public Hearing, Second by Jerry Marzo. All Board members were in favor.

Attorney Brown reviewed a set of conditions as part of the following motion:

TOWN OF LAFAYETTE PLANNING BOARD and ZONING BOARD OF APPEALS

Resolution for Specific Permit Approval and Site Plan Approval

of C2 Energy Development, LLC Community Solar Project

October 20 & 27, 2020

WHEREAS, on or about June 12, 2020, C2 Energy Development, LLC (“Applicant”) submitted specific permit and site plan applications pursuant to Local Law No. 1 of 2018 of the Town of LaFayette Town Law (“Town Solar Law”) for a 5,000 kw solar energy facility (“Project”) to be developed on two parcels totaling 125.15 acres along Sentinel Heights Road less than one mile south of Bull Hill Road and east of the Tennessee Gas pipeline properties in the Town of LaFayette (“Project Site”); and

WHEREAS, pursuant to the Town Solar Law, the proposed facility is classified as large scale solar energy system which is a permitted use on the Project Site subject to specific permit approval from the Town of LaFayette Zoning Board of Appeals (“ZBA”), site plan approval from the Town of LaFayette Planning Board (“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 and verbal representations (“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 October 20, 2020, 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, site plan and solar project will not create any potentially significant adverse environmental impacts; and

WHEREAS, in accordance with its obligation under Section 239-m of the NYS General Municipal Law, the Planning Board and ZBA 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 resolutions dated July 22, 2020 (case #s Z-20-202 and Z-20-203) providing one suggested modification and five comments about the Application; and

WHEREAS, on October 20, 2020 and October 27, 2020, the Planning Board and ZBA respectively opened separate public hearings on the Application as required by the LaFayette Town Solar Law and the NYS Town Law, and these hearings were concluded and closed on the same respective dates, before which all interested persons were given the opportunity to submit oral or written comment; 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 ZBA has determined that the solar project will comply with the applicable specific permit requirements and design standards as set forth in the Town Solar Law; and

WHEREAS, the Planning Board’s and ZBA’s determinations outlined above are based upon the Applicant’s representations contained in all of the Application materials and oral presentations submitted to both boards.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the Town Solar Law, the Planning Board hereby approves the controlled site plan and the ZBA hereby approves the specific permit for the Project proposed by C2 Energy Development, LLC dated June 12, 2020, 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 approvals granted by this resolution:

1. The Applicant shall comply with all commitments made in the Application.
2. Prior to issuance of a certificate of completion/occupancy/operation, the Applicant and Town shall have fully executed a 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.
3. 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.
4. Prior to issuance of a permit for construction, the Applicant shall pay in full all consulting fees incurred by the Town.
5. At all times, the Applicant shall comply with this approval resolution. Unless otherwise expressed, any violation of this approval resolution 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.

6. The access driveway(s) as shown on the site plan must be approved in writing by the Onondaga County Department of Transportation.
7. The Applicant must coordinate installation and operation of the solar array with local emergency services, to include providing safety notices and safety training to such local emergency services.
8. 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. Any glare issues shall be resolved to the satisfaction of the Code Enforcement Officer, Town Engineer and Town Attorney prior to the issuance of a building permit.
9. Removal of any vegetation on the property other than specifically approved as part of the site plan is not permitted without further review and approval of the LaFayette Planning Board.
10. All approvals of the Public Service Commission for this commercial solar facility must be filed with the Town of LaFayette.
11. 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.
12. All waste materials generated during site construction, including all packaging materials, must be removed from the site within a reasonable time.
13. The security fence shall be made accessible to local emergency personnel.
14. The use of pesticides and/or herbicides shall be limited to the maximum extent possible.
15. The opportunity to become customers of the Project shall be offered first to Town of LaFayette residents.
16. The Applicant shall file a new application with the Town if it decides to add a battery storage component associated with the Project.

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 and ZBA Clerk shall file a copy of this approval resolution 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 Code Enforcement Officer; and

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

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

Dated: October 20 & 27, 2020

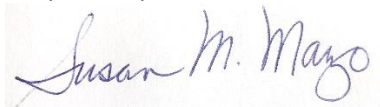
Town of LaFayette, New York

Ralph Lamson asked about tree height on the proposed landscaping. Applicant said 6-8' trees are planned.

Motion was made by Mike LaCava to accept the proposal per the above resolution, second by Rick Markoff. All Board members were in favor.

Meeting adjourned at 8:01 pm.

Respectfully submitted,



Susan M. Marzo
 Planning Board Secretary

