

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



Zoning Board of Appeals Meeting

Date: October 27, 2020

Time: 7:00 pm

Location: LaFayette Town Hall

Meeting called by: LaFayette Zoning Board of Appeals

Chair: Christine Keenan

Secretary: Sue Marzo

Attendees: Zoning board members: James Nash, Anita Miner, Mike Vilardi

Jeff Brown, Town Counsel, Sue Marzo, Secretary, Jackie Roorda, Town Clerk, Jesse Marquardt, C2 Energy, Stan Szuba, property owner, Andrew Crast, applicant

Minutes

- Christine Keenan opened the meeting with the Pledge of Allegiance and introductions
- Motion was made by Mike Vilardi, second by Anita Miner to approve the minutes of July 28, 2020. All other Board members present were in favor.

Agenda Items:**Case #4-2020-ZBA****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 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: 025.003-05.1)

Discussion:

Jesse Marquardt representing C2 energy spoke on the proposed community solar project on Sentinel Heights Rd. owned by Stan Szuba. The proposed solar farm is a mile south of Bull Hill Rd. and across from the Tennessee Pipeline. It is on 33 acres of a 120-acre parcel. The Onondaga County Planning Board had comments concerning viewsheds. Ms. Marquardt advised that the boundaries of the project site are over 400' from a house. The Board had concerns about loss of farmland, but the land is not prime farmland. The Board had questions about the gas line easement. Ms. Marquardt said the closest point currently being used is about 50' from the easement. The Board had questions about runoff. The pesticides/herbicides are DEC approved. Buffer plantings will include 300 evergreen trees. There will be no impact to wetlands. They are completely staying outside of them. The solar panels are designed to absorb light. The Onondaga County Department of Transportation has accepted the site plan. Chairwoman Keenan asked about coordination with emergency services. The applicant has not received any comments from them.

Chairwoman Keenan asked Attorney Brown to review the criteria for considering community solar specific permits. Attorney Brown advised that SEQR was completed by the Planning Board and there was no potential significant adverse environmental impacts.

Criteria –

- Scenic viewsheds – no issue
- Emergency shutdown safety – applicant has completed
- Security - height of fence is 7' as required by electric code – chain link

- Access to existing roadways – Sentinel Heights Road access
- No impact on fish or wildlife – no issue
- Setbacks may be required for public safety health and welfare

Review of the Onondaga County Planning Board resolution stated that the applicant needs to make sure DOT signs off and the SWPPP is completed to their satisfaction. The applicant has received acceptance of their SWPPP. The project site is fallow land so there will be no loss of farmland. Chairwoman Keenan asked if Tennessee Pipeline was ok with this project. Ms. Marquardt stated that they are ok, and they have to call to dig safely before they excavate. It is a condition of the agreement.

Chairwoman Keenan asked about County DOT approval. Ms. Marquardt stated that they accepted the site plan and SWPPP and they must show proof of liability insurance before they will give them a permit. The applicant must also execute the PILOT before they get a building permit.

Motion was made to open the Public Hearing by Anita MinerD, second by James Nash. All Board members present were in favor.

There were no residents present to speak for or against the project.

Motion was made to close the hearing by James Nash, second by Anita MinerD. All Board members present were in favor.

The Board walked through the following motion with Attorney Brown.

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

Motion was made to approve the solar project by James Nash, second by Anita Minerd. All Board members were in favor.

Agenda item: Case 6-2020 – ZBA SKETCH HEARING

Application by Andrew Crast for a variance at property located at 6260 Coye Road, Jamesville, NY to allow the building of a 30' x 40' pole barn for personal storage and a work shop, to be located at the northeast corner of the property. The request is for a 20' setback in the front yard instead of 50' and 10' setback of the side yard instead of 15' in an Agricultural/Residential District. (Tax Map No: 005.-03-18.0).

Andrew Crast currently resides in Syracuse. He is moving to the proposed property. Plans are to close this coming week on this property. He wants to build a pole barn towards the front of the property line. Chairwoman Keenan asked why he wants to build in this location. He wants to avoid a more developed and lengthened driveway. He asked about how he would access the pole barn. He plans to run a driveway to the structure from Coye Rd. He plans to stay away from septic systems. There are two on the property. One services a bathroom and sink in the basement. The other services the home on the property. Mr. Crast sketched on the drawing as to where he would put the driveway to show the Board. He was told that it will require approval from the Department of Transportation. The Board will need to know when and if that gets approved. Ms. Keenan asked for a survey outlining the location of the septic systems.

Anita Minernd asked about the location of the property. The applicant stated that it is located across from the cemetery and was flipped with many renovations. He was asked about any neighbor's opposition by Chairwoman Keenan. She also asked if it is possible to move the pole barn back towards the driveway, so you do not need to get such a large variance. She asked if lot coverage was checked on this? Mike Vilardi asked if there were any utilities planned other than electric. Mr. Crast stated just electric for now, no sewer. This is for personal workshop, dry storage until power can be run.

Ms. Keenan stated that next step is for a Public Hearing and neighbors will be notified and given a chance to speak. That meeting will take place on November 24th at 7:00 pm.

Jackie Roorda advised that Onondaga County Planning Board referral has been sent already.

James Nash had some questions about SEQR and zoning criteria. He was advised by Attorney Brown that this is a sketch hearing and that these items will be done prior to the Public Hearing.

Motion was made by James Nash, second by Anita Minernd to adjourn. All Board Members present were in favor. Meeting adjourned at 7:34 pm.

Respectfully Submitted,



Sue Marzo
Zoning Board Secretary

