

2577 US Route 11
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Planning Board Meeting

Date: June 2, 2020

Time: 6:00 pm

Location: Zoom Meeting 87501612901

Meeting called by: LaFayette Planning Board

Chair: Brad Bush, Chairman

Secretary: Sue Marzo

Attendees: **Planning Board members: Chairman Brad Bush, Jerry Marzo, Barb Laskey, Mike LaCava, Rick Markoff**
Jeff Brown, Town Counsel, Ralph Lamson, Codes Officers, Jackie Roorda, Town Clerk, Bill McConnell, Board Member, Mark Chambers, Town Engineer, Gaby Schrader, Bob Eggleston, Bill Pomeroy, Stan Czuba, Brian Harper, Nextera. Kathryn Jivoff, Carol Reed, Joseph Mendelsohn, Omni, R Jennings, Heckermans, Maude St. Denis

Agenda Items:

1. Pledge of Allegiance
2. Approval of February 18, 2020 Planning Board minutes
3. **Case #9-2019-PB** **PUBLIC HEARING**
Nextera Energy Resources Community Solar Facility application review for Controlled Site Approval application for construction & operation of a 5-megawatt alternative current solar & energy storage facility at Apulia Road, approximately .36 miles north of Apulia Rd & Dodge Rd. intersection (Robert Amidon, Jr. property). (Tax Map No. 009.-02-19.1)
4. **Case #10-2019-PB** **PUBLIC HEARING**
Application by Omni Navitas Holdings LLC for V for a solar farm. The proposed project is situated at the rear of an existing agricultural field at 3356 Sentinel Heights Road, LaFayette, NY 13084, east side 1 mile south of Bull Hill Road located in an Ag/Residential District. It includes the construction of a gravel access road, battery storage areas, transformer area, fence, overhead and underground electric lines, utility poles, and the solar panel array. Upon completion, the proposed project will generate approximately 5 MW of renewable power to the existing electrical grid via an interconnection point on Sentinel Heights Road. (Tax Map No. 025.-03-02.2)
5. **Case # 11-2019-ZBA** **PLANNING BOARD'S RECOMMENDATION TO ZBA**
Application by Ron Rafkis & Desiree Castaldo for specific permit approval for a side yard variance and lot coverage variance for property located at 4238 West Shore Manor Drive, Jamesville, NY to construct a new garage and one story addition to the west end of existing house that will be 5.2' off the south side property line where 25.0' is required. Property is located at 4236/4238 West Shore Manor Road, ½ mile north of the Apulia Road intersection in an Agricultural/Residential Zoned property. (Tax Map: 003.-03-30.1)

Discussion:

The meeting opened at 6:00 pm virtually utilizing the Zoom app and began with the Pledge of Allegiance. Brad Bush welcomed all in attendance.

Case #9-2019-PB - Nextera Energy Resources Community Solar Facility application review for Controlled Site Approval application for construction & operation of a 5-megawatt alternative current solar & energy storage facility at Apulia Road, approximately .36 miles north of Apulia Rd & Dodge Rd. intersection (Robert Amidon, Jr. property). (Tax Map No. 009.-02-19.1)

Nextera – Brian Harper representing Nextera updated the board and participants on the outstanding PILOT agreement and Public Hearing scheduled for July through the IDA, School and Town of LaFayette. The project has not changed from a 4 mg solar project with battery storage.

Mark Chambers reported that nothing has changed. The application is complete and reviewed and everything is a go. Chairman Bush said everything is progressing as applicant has stated. Attorney Brown explained that the PILOT is the one outstanding piece of information. Under the law they are exempt from tax, but we do have the right to request payment in lieu of taxes to make sure the property is maintained with fire service, etc. Consider this as a condition on any ultimate approval. We are going to go through SEQR before the Public Hearing begins.

SEQR short form review Parts II and III were reviewed by Mark Chambers, Town Engineer as follows:

Full Environmental Assessment Form Part 2:



Full Environmental
Assessment Form Par

Full Environmental Assessment Form Part 3:



Full Environmental
Assessment Form Par

Attorney Brown advised based on these answers an appropriate motion is 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. Rick Markoff motioned, second by Mike LaCava. All Board members present were in favor. Per Chairman Bush we will accept this SEQR contingent on the PILOT agreement being locked up. Board is urged to review the Carly project recommendations for this referral.

Motion was made to open the Public Hearing by Rick Markoff, second by Jerry Marzo. All other Board Members were in favor.

Gaby Schrader voiced concern over the condition of the road and bridge leading to the solar site. Brian Harper of Nextera stated that he has spoken to John Greeley Highway Superintendent and the Town has plans to fix the potholes and do work on the bridge. Nextera has no plans to make improvements to the road.

There were no other comments regarding this case. Motion was made to close the Public Hearing by Rick Markoff, second by Jerry Marzo. All other Board Members were in favor.

Attorney Brown stated that County Planning Board has issued a resolution in connection with this application with no modification, so no majority vote is required. The comments were related to battery storage and the need for applicable requirements for fire prevention safety. The approval resolution that they looked at for Carly Farm also had some reference to the requirement that the fire department needs to sign off on the plan. This is a proposed condition and he recommends to the board to include.

Chairman Bush asked if there were any other questions or comments from the Board. There were none. Ralph Lamson also has no problems with the application.

Attorney Brown reviewed the conditions provided by Onondaga County with the application:

- The Applicant shall comply with all commitments made in the Application.
- 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.
- 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.
- Prior to issuance of a permit for construction, the Applicant shall pay in full all consulting fees incurred by the Town.

- 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.
- The access driveways as shown on the site plan must be approved in writing by the Onondaga County Department of Transportation and Town of LaFayette Highway Department.
- 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.
- 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.
- Removal of any vegetation on the property other than specifically approved as part of the site plan is permitted without further review and approval of the LaFayette Planning Board.
- All approvals of the Public Service Commission for this commercial solar facility must be filed with the Town of LaFayette.
- 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.
- All waste materials generated during site construction, including all packaging materials, must be removed from the site within a reasonable time.
- The security fence shall be made accessible to local emergency personnel.
- The use of pesticides and/or herbicides shall be limited to the maximum extent possible.
- The opportunity to become customers of the Project shall be offered first to Town of LaFayette residents.

Attorney Brown asked Mr. Harper if this was a community solar project and if they were prepared to offer discounts to Town of LaFayette residents first. Mr. Harper will check on that but is not concerned with the availability of discount to LaFayette residents due to multiple solar projects in the area.

Motion was made by Mike LaCava to accept the application including Onondaga County comments, second by Jerry Marzo. All other Board Members were in favor. Motion is carried.

TOWN OF LAFAYETTE PLANNING BOARD and ZONING BOARD OF APPEALS
 Resolution for Specific Permit Approval and Controlled Site Plan Approval
 of DG New York CS, LLC Community Solar Project
 June 2, 2020

WHEREAS, on or about November 1, 2019, DG New York CS, LLC (the “Applicant”) submitted specific permit and controlled site plan applications pursuant to Local Law No. 1 of 2018 of the Town of LaFayette Town Law (“Town Solar Law”) for a 5 megawatt solar and energy storage facility to be developed near the intersection of Apulia Road and Dodge Road 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 (the “ZBA”), controlled site plan approval from the Town of LaFayette Planning Board (the “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 (the “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 June 2, 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 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 March 18, 2020 (case #s Z-20-88 and Z-20-89) providing three comments about the Application; and

WHEREAS, on June 2, 2020 the Planning Board and ZBA held separate public hearings on the Application as required by the LaFayette Town Solar Law and the NYS Town Law in which all interested persons were given the opportunity to submit oral or written comment. The public hearings were closed the same night; and

WHEREAS, the Planning Board has determined that the solar project will comply with the applicable controlled 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 solar project proposed by DG New York CS, LLC dated November 1, 2019, 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 driveways as shown on the site plan must be approved in writing by the Onondaga County Department of Transportation and Town of LaFayette Highway Department.
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.
9. Removal of any vegetation on the property other than specifically approved as part of the site plan is 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.

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.

Dated: June 2, 2020

Town of LaFayette, New York

Case #10-2019-PB - Application by Omni Navitas Holdings LLC for V for a solar farm. The proposed project is situated at the rear of an existing agricultural field at 3356 Sentinel Heights Road, LaFayette, NY 13084, east side 1 mile south of Bull Hill Road located in an Ag/Residential District. It includes the construction of a gravel access road, battery storage areas, transformer area, fence, overhead and underground electric lines, utility poles, and the solar panel array. Upon completion, the proposed project will generate approximately 5 MW of renewable power to the existing electrical grid via an interconnection point on Sentinel Heights Road. (Tax Map No. 025.-03-02.2)

Chairman Bush asked if there have been any changes. Joseph Mendelsohn representing Omni stated that the project has been reduced from 5mg to 3.75 mg per National Grid. Updated site plans were provided in March. They submitted the application to Onondaga County IDA for Public Hearing for the PILOT on June 9. Sherry LaVacher will coordinate with Onondaga County IDA and they are in contact with the School District for their percentage of the PILOT. They had conversation with lawyers today and hoping to get a letter of approval from them in the coming weeks. They also will no longer have energy storage at this site just a solar pv system of 3.75 megawatts.

Chairman Bush said that they are not in receipt of County referral yet. He asked if Board Members had any questions. Jerry Marzo asked why National Grid reduced the megawatts. Mr. Mendelsohn stated it had to do with limitations and restrictions on the existing 3 phase lines on Sentinel Heights Rd.

Chairman Bush asked Mark Chambers if there were any issues. He said nothing is alarming at this point. It was suggested by Attorney Brown that we open the Public Hearing and leave open for next meeting when SEQR can be completed.

Motion was made by Mike LaCava to open the Public Hearing, Jerry Marzo second, all other Board Members were in favor.

First to speak on behalf of this project was Mr. Heckerman. He was concerned with the location of the driveway. Mr. Mendelsohn confirmed the new location will now be on the north side of the property. Mark Chambers confirmed the driveway is moved to the northern property line and there are now arrays on the other side. Chairman Bush confirmed that the changes were reviewed.

Bill Pomeroy asked about the reduction in megawatts and if it would reduce the number of solar panels on the lot. Mr. Mendelsohn stated that yes and it is on the new submission. He also asked if it is being constructed so that the power can be increased to 5 mg in the future. That answer was no. The site is restricted to 3.75 mg. per Mr. Harper. He asked if the number of acres is now reduced on the proposed property. The answer was yes, it is now around 17.5 acres per Mr. Harper. He asked where the panels are subtracted at what side of the parcel. Mr. Harper stated that the reduction is in the southwest corner as well as the eastern portion towards the valley and creek. Mr. Pomeroy can see the panels and he sees a nice green field he just wants to know what he is going to see in the future. He is not objecting to the project, but he wants to know what the anti-glare benefit is and will it help him. How much energy will be reflected as compared to absorbed? He is concerned about reflection with glare that he may experience. Mr. Mendelsohn explained that it is positioned as far away from residents as possible. Mr. Pomeroy is south of Carol Reed and on top of the hill. Mr. Mendelsohn stated the purpose is to absorb as much as sunlight as possible. He does not know specifics at this moment. He would like Mr. Pomeroy's contact info so he can meet and answer his questions more specifically. Mr. Pomeroy asked about solar grazing to keep vegetation down. Mr. Mendelsohn stated that they are using a seed mix that has a low height of growth and will come in periodically to trim under the panels. He asked if that is

a permanent agreement. It is their intention to use the seed mix and the manual mowing going forward. Jackie Roorda will get the contact info to Mr. Mendelsohn for Mr. Pomeroy.

Public Hearing is to remain open for this project.

Case #11-2019-ZBA- Application by Ron Rafkis & Desiree Castaldo for specific permit approval for a side yard variance and lot coverage variance for property located at 4238 West Shore Manor Drive, Jamesville, NY to construct a new garage and one story addition to the west end of existing house that will be 5.2' off the south side property line where 25.0' is required. Property is located at 4236/4238 West Shore Manor Road, ½ mile north of the Apulia Road intersection in an Agricultural/Residential Zoned property. (Tax Map: 003.-03-30.1)Chairman Bush read this over and does not see where this involves the Planning Board. Board Members were not concerned with the application and were in favor to refer this to the Zoning Board of Appeals for approval.

Kathryn Jivoff asked about the application and was informed to join the ZBA meeting for more information on this application.

Motion was made by Rick Markoff to close the Planning Board Meeting, second by Mike LaCava. All Board Members were in favor. Meeting adjourned at 7:02 pm.

Respectfully submitted,

Sue Marzo
Planning Board Secretary

