

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



Zoning Board of Appeals Meeting

Date: September 24, 2019

Time: 7:00 pm

Location: LaFayette Town Offices

Meeting called by: LaFayette Zoning Board of Appeals

Chair: Christine Keenan

Secretary: Sue Marzo

Attendees: **Zoning board members: Christine Keenan, Chair, Karl Field, Anita Minerd**

Jeff Brown, Town Counsel, Sue Marzo, Secretary, Ralph Lamson, Codes Officer, Melanie Palmer, Town Board Member, Brad Bush, Planning Board Chairman, Jackie Roorda, Town Clerk, Joseph Mendelsohn, Omni Navitas, Frank Armento, Fisher Associates, Frances Williams, applicants

Minutes

- Christine Keenan opened the meeting with introductions at 7:00 pm
- Pledge of Allegiance was said by all
- Christine Keenan asked Board members if they are in acceptance of the August 27, 2019 minutes. Motion was made by Karl Field to accept the minutes as written, second by Anita Minerd, all Board members present were in favor.

Agenda item: Case # 7-2019-ZB PUBLIC HEARING

Application of Frances Williams for an area variance for approval for a small hair salon in her garage (garage not attached to home & is separated by 5 feet to allow for sewer & electrical lines to run underground) at her home located at 2256 Route 11A, approximately ½ mile south from Ortloff Road in an Ag/ Res Zone. (Tax Map No. 015 Agenda item:.-03-08.2)

Discussion:

Frances Williams presented a letter of approval from the Health Dept. for her septic system and provided to the Board. Ms. Williams is looking to change her current garage to a salon and work part time as a hairstylist. For safety purposes they have chosen this location for easy accessibility with no stairs. Christine asked if there were any questions from the Board. No questions were raised.

SEQR Environment Review of the short form Part 2 was done by Attorney Brown with the following results:

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”

Motion was made to designate the Zoning Board as lead agency for this action and determine that the proposal will not have any adverse environmental impact by Anita Miner, second by Karl Field. All Board members present were in favor.

A motion was made to open the public hearing by Karl Field, second by Anita Miner. All Board members present were in favor. Brad Bush, chairman of the Planning Board spoke and advised that the Planning Board looked at this application last week and they were in approval of the application contingent on the variance approval. There was no one present to speak in opposition. Anita Miner motioned to close the public hearing, Karl Field second, all other Board members present were in favor. Additionally, the applicant provided a letter from a neighbor favoring the application.

Chairman Keenan reviewed the legal requirement for an area variance:

Whether the benefit sought by the applicant can be achieved by some other method?

No

Whether undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties?

No

Whether the requested area variance is substantial?

No

Whether the proposed variance will have an adverse impact on neighborhood?

No

Whether the alleged difficulty was self-created?

Yes

Motion was made by Anita Miner, second by Karl Field to approve the request for an area variance. All Board members present were in favor.

Agenda item: “Case # 8-2019-ZB” SKETCH HEARING

Application by Omni Navitas Holdings 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 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)

Discussion:

Joseph Mendelsohn of Omni Navitas who is the developer of the solar farm presented. The property is in trust to the daughter of Carol Reed. They are proposing a 5-megawatt AC solar farm connecting to Sentinel Heights Road using existing National Grid infrastructure. Also present is Frank Armento of Fischer Associates who is working with the Civil team and will discuss the site specifics. The location is in the southwest corner of the parcel far away from Sentinel Heights where you can see the front portion but keep it away from the public. They had a wetland biologist review any wetlands on the parcel. The entire parcel is 94 acres and the wetlands were considered when siting the solar complex. We were constrained to the east of those wetlands. There will be an access road off Sentinel Heights leading directly to the solar panels. There will be two small pads as part of the site housing transformers and battery storage. The solar complex that you see on the plan is a fixed tilt system on ground mounted to a racking system with a 25-degree tilt facing south.

Christine Keenan mentioned that the gas pipeline goes right through the parcel . Mr. Mendelsohn stated that they spoke to Kinder Morgan and this portion is to the north of the parcel hence the cutoff of the array system in a jagged way. They talked with them and the site location is preferable to them and the site location is not in their right of way. Christine Keenan asked for a letter from them to that affect. The solar array of 17 acres will be fenced and secured and there will not be permanent lighting during construction. It is a 6-month project start to finish. There is a slope on the site. Christine Keenan asked for the percentage of the slope. Mr. Armento stated it is 400’ north with a 40 ‘ differential from north to south. Christine asked for more defined info on the slope. They will calculate that and provide. Anita Miner spoke about this parcel being in an Ag district and how does it comply with the Comprehensive Plan. She is cautious about all our farmland becoming solar farms. She will review the Comprehensive Plan for compliance. Mr. Armento responded that they are not talking about a permanent impact filling the land and building on it even though it is a long-term project in terms of use at 25 years. After the 25 years, it can be easily decommissioned and return the

land to Ag. It is not an invasive project. Jeff Brown, attorney asked the applicants if they had developed a SWPPP as the application is not considered complete until we have that. The applicants advised it was in process.

Jeff Brown, attorney advised that the Town Board passed a 20-page local law last year. It is relatively comprehensive with applicants required to meet all the criteria. Because it is so comprehensive, a written narrative is very helpful to both Boards stating here is what the law requires and here is how our project complies. We also need the Town Engineer engaged and to give his blessing to the project. And then we must do the SEQR coordinated review as soon as the application is complete.

Christine Keenan asked if Kennedy Creek was part of the wetlands and he said it was. They believe it is a jurisdictional wetland. Anita Miner asked at the end of the project's useful life how do you decommission? Mr. Mendelsohn said they can recycle the racking because it is stainless steel and can be reused. There are other uses for every bit of the material outside of the transformers and inverters. Christine Keenan asked at the end of the lease what is the plan? Mr. Mendelsohn stated that the landowner could opt into redoing the lease or they can decommission it. Ms. Keenan stated that if the lease is not renewed the Board would like to see it all disappear. Attorney Brown advised there is a bond in place and decommissioning is covered. Anita Miner asked if the energy savings will benefit the community. Mr. Mendelsohn advised the reason they picked the size of the project is so all the power generated here can be purchased by local municipalities as well as residents. Further along they will hold info sessions for the community with presentations on how it could benefit them. Anita Miner asked if houses that opted in would have to have special work done. Mr. Mendelsohn stated that it is all done through National Grid. Jeff Brown asked about whether the applicant has approached the Town about entering into a payment in lieu of taxes (PILOT) agreement? Mr. Mendelsohn advised that they start the PILOT conversations congruent with the application process. Mr. Brown advised the Boards will not initiate the review process until the PILOT is agreed upon. Ms. Keenan asked how many homes will the system power? Mr. Mendelsohn said off the top of his head 500—600 annual usage. Karl Field asked if they had any calculations about glare or reflection from the panels. Mr. Mendelsohn said due to the location it is set back from any residences directly south and is in a wooded area so there won't be any adverse effects from glint or glare. Christine Keenan asked how it affected airplanes. She would like conversation to be had with FAA and confirmation that glare will not be a problem to aviation. She mentioned National Grid checks the lines and flies right over that property. Jeff Brown asked if the applicant had paid the necessary fees yet. They had the developer fee with them, and it was given to Town Clerk, Jackie Roorda.

Attorney Brown advised the applicant to get all the requested items together and get the Town Engineer's approval. We will decide collectively which Board will do SEQR. The applicant will need a specific use permit and then site plan approval. He advised the applicant to start working

with Mark Chambers, Town Engineer of C&S Engineering just to make sure he is comfortable with everything.

Brad Bush asked about the projected start date. The applicant advised they are hoping to start in spring of 2020. They asked if site plan review can run congruently with the special permit review. Attorney Brown advised schematic review must be done by both the Zoning Board and the Planning Board. Once SEQR is done it is possible to go concurrently if both boards approve. Mr. Mendelsohn stated a lot of the things that need to be checked off for special permit are the same for site plan. Ralph Lamson will get plans to Mark Chambers but will still need completed SWPPP to begin. Attorney Brown advised nothing else can happen until town engineering is on board with the proposal and a PILOT has been agreed to. Once the application is complete, it will have to be sent to County Planning and 30 days will be needed for coordinated SEQR review. It will be a few months before the boards meet on this application.

Motion to adjourn was made by Anita Miner, second by Karl Field, all Board members present were in favor.

Meeting adjourned at 7:39 pm.

Respectfully Submitted

Sue Marzo
Zoning Board Secretary

