

**MINUTES
LEWIS COUNTY PLANNING BOARD
December 14, 2017**

- (1) **Call to Order:** Chairman Kaido 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 Chairman Kaido.
- (2) **Roll Call:** Board Members Present: Michael Kaido, William Burke, Patricia O'Brien and Tim Petersen. Staff Present: Frank Pace, Director of Planning, and Casandra Buell, Planner. Others Present: Steve Virkler, Journal and Republican.
- (3) **Reading and Approval of Minutes:** The November 16, 2017 meeting minutes were received and there were no modifications made by the Board members present. Mr. Burke motioned to approve the minutes; Mrs. O'Brien seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Mrs. Buell read the following review to the Board:

TOWN OF DENMARK PLANNING BOARD

Special Use Permit/Site Plan Review (Town Application #2-2017) to construct and operate a Principal Solar Energy System (a ground-mounted photovoltaic "PV" system) on 16.5 acres of leased land located at 9831 East Road (tax map parcel 112.00-01-26.000). The project will include roughly 2.1 acres of soil disturbance.

Abundant Solar Power, Inc. – Applicant

The applicant provided the following Project Documentation: 1) SEQR Full Environmental Assessment Form (FEAF); 2) Agricultural Statement; 3) Location Maps; 4) Site Plan; 5) EAF Mapper Summary Report; 6) Wetlands Delineation Report. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated November 27, 2017.

Let it be noted that the applicant submitted a Stormwater Pollution Prevention Plan (SWPPP) to the Town of Denmark on September 5, 2017. In addition, Nick Vamvas of Chazen Companies submitted a NYS Licensed Professional Engineer copy of the Site Plan and Erosion & Sediment Control Plan on December 1, 2017 as requested by the Lewis County Planning Department. Richard Andrews submitted a copy of the official Trust Agreement associated with the property on December 1, 2017 at the request of the Lewis County Planning Department as the property is officially owned by Danny Hurlburt. It should be known that, through this Trust Agreement, Danny L. and Roxaina L. Hurlburt have relinquished all ownership interest in all assets and items of the property now or hereafter transferred and assigned to the Trustee, Richard A. Andrews.

The proposed project is in compliance with the Town of Denmark Zoning Law, Article I, Enacting Clause, Title, Purpose, Sections 105, 110 & 115, Article IV, Sections 405 & 410, Article V, Sections 605-695 and Article X, Section 1035 of the Town of Denmark Local Law 5-2017.

- *Compatibility With Adjacent Uses:*

The proposed project is located on the property on the corner of the East Road and Knapp Road. This area contains mixed use including but not limited to residential and agricultural. The front, side, and rear setback criteria for the proposed project meets or exceed the requirements as identified in the Town of Denmark Zoning Standards.

It should be noted that this type of application for alternative energy production is supported by the State of New York both on a commercial and residential platform.

- *Traffic Generation and Effect:*

As noted on Page 7 of the Full Environmental Assessment Form, the applicant has indicated that there will not be a substantial increase in traffic above present levels demand for the site. However, the applicant has indicated that the NYS Department of Transportation and Lewis County Highway Department has been involved in this project for site access. With that said, the project is compliant with Article X, Section 1035.

It should be noted that it is a requirement of Article X, Section 1035(8e) to prove consultation with local emergency services regarding access to the site and any special concerns. Although they have noted contact with the Lewis County Highway Department and NYS DOT regarding access ways, the applicant should provide the Town of Denmark with proof of consultation with the local Fire Department and other emergency services.

- *Protection of Community Character:*

The applicant provided documentation with regard to the Agricultural Data Statement indicating the subject site is surrounded by agricultural lands. Additionally, the applicant provided a completed Full Environmental Assessment Form (FEAF) and an EAF Mapper Summary Report for review. In the submitted summary report, the NYSDEC notes that the project site is not a critical environmental area, archeological site or designated river corridor.

According to the submitted application, the United States Department of the Interior, Fish and Wildlife Service provided an endangered species list for the project site. The list identifies the Northern Long-eared Bat as a threatened species in this area. The applicant has noted that the reason for this identification is due to the presence of summer roost trees in the Town of Denmark, that of which are a known habitat for this mammal. The application also notes that this species uses trees greater than 3" dbh for roosting; therefore, since the site is largely lacking of any trees except along its borders, there should be no impact on summer bat roosting assuming that there are no trees removed on the site.

- *Signage:*

The submitted site plan depicts an entrance sign between the proposed treeline and the East Road. According to Article X, Section 1035(10), "*The facility shall have a sign which provides a twenty-four-hour emergency contact telephone number placed at the entrance.*" Article X, Section 1035(12c) further notes that warning signs shall be placed at the entrance and perimeter depicting the owner's and operator's contact information. Although the

applicant has defined an entrance sign, additional verification of compliance with Article X, Section 1035(10) and Section 1035(12c) is required.

- *Drainage:*

The applicant, in the submitted Stormwater Pollution Prevention Plan, identified that roughly 41.1% of the project area is somewhat poorly drained. The applicant provided no pavement plan or indication of paving; however, the applicant did submit a response from NYSDEC noting that, in their opinion, solar panels do not constitute “traditional impervious areas” requiring stormwater management controls.

In addition, the NYSDEC Environmental Research mapper did not show state-regulated streams or wetlands on the Project Site; however, according to the wetland delineation, there is a stream that appears to receive drainage from the project site. This stream is considered a Class C stream and therefore does not qualify as a protected stream under state regulations. The wetland delineation also identified areas within the project site that would likely fall under Army Corps of Engineers jurisdiction. It has been noted that if the project could be completed without deposition of fill in wetlands, it would not require authorization under a permit administered by the Corps. According to the applicant, since the arrays will be mounted on posts and the placement of pilings in a wetland is not a discharge of dredged or fill material, this work does not constitute an impact requiring notification to the Army Corps of Engineers.

- *Erosion:*

As outlined in the FEAF, the applicant noted that there may be “no or small impact regarding erosion”.

NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. The applicant has indicated that they will be disturbing at least 1 acre of land and has thus submitted and developed a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the General Permit for Stormwater Discharges from Construction activity. The owner has obtained General Permit Number GP-0-15-002, effective January 2015 through January 28, 2020.

- *Parking:*

No parking areas are defined on the site plan.

- *Community Facilities:*

The subject property is currently undeveloped agricultural lands. It should be noted that New York’s Clean Energy Standard (CES) requires that 50 percent of New York’s electricity come from renewable energy sources by 2030. With that said, this project is in compliance with the State’s standards.

Article X, Section 1035(11) notes that “*Where at all possible, utility connections and transmission lines shall be underground depending on soil conditions, topography, and requirements of the utility company permitting.*” It should be noted that the submitted site plan shows a proposed overhead electrical line from the project site to the proposed connection site.

- *Lighting:*
As detailed in the FEAF, the applicant noted that there will be one (1) pole-mounted overhead light, active only at night, located at the PV array for safety and occasional maintenance. The light will be positioned roughly 8’ above ground and will be pointed downward. This is in compliance with Article VI, Section 605.
- *Landscaping and Screening:*
On the submitted site plan, the applicant has defined a proposed fence that surrounds the entire project area. In addition to the proposed fencing, the applicant has also noted that all existing lawn area that is damaged during construction will be replaced or repaired to a condition equal to existing. Grass will be installed underneath panels and will be maintained as required. The applicant has also included plans to provide adequate screening of the principal solar energy system via the use of proposed treeline that spans most of the road frontage. With that said, the proposed project looks to be in compliance with Article VI, Section 605 and Article X, Section 1035.

Recommendation: Approve with the following conditions

1. In order to comply with Article X, Section 1035(8e), the applicant should provide the Town of Denmark with proof of consultation with the local Fire Department and other emergency services regarding access to the site and any special concerns. A copy of this communication should also be sent to the Lewis County Planning Department to file.
2. According to Article X, Section 1035(10), “*The facility shall have a sign which provides a twenty-four-hour emergency contact telephone number placed at the entrance.*” Article X, Section 1035(12c) further notes that warning signs shall be placed at the entrance and perimeter depicting the owner’s and operator’s contact information. Although the applicant has defined an entrance sign, additional verification of compliance with Article X, Section 1035(10) and Section 1035(12c) is required.
3. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

After discussing the future of such community solar farms in the County, Mr. Petersen made a motion to approve the project, seconded by Mr. Burke which carried unanimously.

(7) Report of County Planner:

Mrs. Buell read the following responses from local municipalities that were received since the last meeting from municipalities regarding previously submitted/reviewed projects:

- Special Use Permit – Jerome Thisse – Town of Martinsburg Planning Board – Approved
- Zoning Text Amendment Re: Solar Energy Facilities – Town of Denmark Town Board – Approved

Mrs. Buell reminded the Planning Board that there is a required four (4) hours of annual training for each member. In an email distribution sent to members earlier in the week, Mrs. Buell provided a list of online opportunities available for the month of December to fulfill these hours. She reminded the Board that they can simply send a copy of their certificate of completion to the Planning Department to keep on file.

(8) Unfinished Business: None

- (9) **New Business:** Mrs. Buell presented the updated County Planning Board Bylaws for review. She noted that the only changes were additional language on emailing documents to Board Members and the change from “Chairman” to “Chairperson”. Mr. Petersen requested that, on page 4 of the Bylaws, Mrs. Buell add that notices will be “emailed” to County Planning Board Members instead of “mailed”. A motion was made by Mrs. O’Brien to accept the revised Bylaws, seconded by Mr. Petersen and carried unanimously. Present members were asked to sign a sheet acknowledging that they have read, understand and agree to the amended Bylaws. Members that were not present will be asked to sign this acknowledgement when possible.
- (10) **Election of Officers:**
Motion was made by Mr. Burke to nominate Mr. Kaido as Chairman, seconded by Mrs. O’Brien and carried unanimously. Motion was made by Mrs. O’Brien to nominate Mr. Petersen as Vice-Chairman, seconded by Mr. Kaido and carried unanimously.
- (11) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Burke, seconded by Mr. Petersen. Chairman Kaido adjourned the meeting at 3:05 PM.

Respectfully submitted,



Casandra M. Buell
Planner