

**MINUTES OF THE MEETING OF THE PLANNING BOARD
TOWN OF RICHLAND
1 BRIDGE STREET, PULASKI, NY 13142**

DATE: Monday, September 21, 2020

PLACE: H Douglas Barclay Courthouse, Grand Jury Room

BOARD MEMBERS PRESENT: Ronald Novak, Joe McGrath, Melvyn Minot, Jon Goodsell, Brian Leary, and Alternate Craig Sternberg

OTHERS IN ATTENDANCE: John Howland, Julie Peterson, Rob Campany, Rick and Caroline Rupert, Mike Lasell, Dan Csapler, Reuben Hull, Dennis Myers

CALL TO ORDER: The meeting was called to order by Mr. Novak at 7 p.m.

Area variance application 20-51. James and Melissa Nabinger, 3180 Co. Rt. 2. 20' side yard waiver for the construction of a 24' x 30' residential garage. Due to swamp and septic system location, he is requesting a variance. The neighbor is willing to sign off and he will bring that letter to the next meeting. ***A motion was made by Joe McGrath and seconded by Brian Leary to give a favorable recommendation to application 20-51 with the new information that there will be less than a 20' side yard waiver that is being requested. In a roll call vote, all members were in favor with a vote of "AYE."***

Area variance application 20-53. Kenneth Leary, 266 Manwaring Rd. Waiver to split 1 lot into 2 lots, this requires a waiver as it does not meet the minimum subdivision square footage requirements of 60,000 sq. ft. One lot will be 47,000 sq. ft. and the other would be 43,000 sq. ft. ***A motion was made by Joe McGrath and seconded by Jon Goodsell to approve the subdivision waiver for application 20-53. In a roll call vote, all members were in favor with a vote of "AYE" with the exception of Mr. Leary who abstained from the vote.***

PUBLIC HEARING: Continuation from August 17, 2020 meeting

Mr. Novak recused himself as Chairman of the meeting as the next 3 areas of discussion are a coordinated review with a State Agency that he works for. He asked the public, board, and applicants if there were any objections to him remaining in the room, he can not comment or vote on the project. ***A motion was made by Melvyn Minot and seconded by Brian Leary to appoint Joe McGrath as the acting Supervisor of the board. All members were in favor with a vote of "AYE." A***

motion was made by Melvyn Minot and seconded by Joe McGrath to add Alternate Craig Sternberg to the board as a voting member. All members were in favor with a vote of "AYE."

Mr. Minot clarified some questions that arose at the last public hearing. The solar law came from the State of NY in an attempt to encourage the solar power system and the Town of Richland Local Law #1 of 2017 for the regulation of the solar power system. Mr. Minot read aloud the rules and regulations for solar farms and the definition of a special permit. They are called solar farms as they are areas of land that are used to farm/create electricity. Studies have shown no significant lowering of property values but may have a smaller pool of interested parties. Advantages of solar farms are no increased traffic, no noise, no significant effects on wildlife, no significant fire hazard and conditions are placed by the planning board to minimize the objectionable effect and concerns by neighbors. Mrs. Rupert expressed her concerns on the value of her home or the possibility of her ever being able to sell it. Mr. Minot states that is the purpose of the screening. Mrs. Rupert would like to see larger trees planted to better screen the panels.

Application 20-38 submitted by OYA Solar for Gerald Gray property located at 7681 State Route 3 for construction of a 3.5 MW commercial solar farm. Mr. Campany reviewed some of the previous items discussed at the last meeting. The decommissioning cost estimate is valued at approximately \$300,000 to remove panels, racking, wires, and to restore the area to its original appearance. There will be a bond in place for the life of the project based on that estimate that will cover the Town and will increase in value with inflation. A glare analysis was completed for the FAA and the major highways, there was no significant glare that would impact those receptors. There is a possibility of glare on Brennan Beach Rd. that would be mitigated with the planting. The DOT sent a letter requesting some additional planting and a berm. ***A motion was made by Brian Leary and seconded by Jon Goodsell to reopen the Public Hearing for Application 20-38. All members were in favor with a vote of "AYE."*** ***A motion was made by Brian Leary and seconded by Melvyn Minot to close the Public Hearing for Application 20-38. All members were in favor with a vote of "AYE."*** Letters were received from the NYS DEC and DOT regarding this project. The letter from the DEC does not wish to be lead agent. ***A motion was made by Brian Leary and seconded by Jon Goodsell to assume lead agency responsibility for SEQR review of application 20-38. All members were in favor with a vote of "AYE."*** Mike Lasell read aloud and reviewed Part 2 of the SEQR process. John Howland went through Part 3 of the SEQR. ***A motion was made by Brian Leary and seconded by Melvyn Minot to submit the letter from the DEC and DOT and the e-mail from the DOT as part of the record. In a roll call vote, all***

members were in favor with a vote of “AYE.” A motion was made by Craig Sternberg and seconded by Brian Leary to declare this as a negative declaration and to authorize Acting Chairman McGrath to sign it as such. In a roll call vote, all members were in favor with a vote of “AYE.” A motion was made by Brian Leary and seconded by Melvyn Minot to approve Special Permit application 20-38 with the following conditions:

- 1. Construction limited to the plans submitted and approved.**
- 2. Applicant must comply with all state, federal, and local rules and regulations.**
- 3. Special Permit is issued to the property**
- 4. Special Permit shall not expire.**
- 5. Maintenance schedule of how to maintain the vegetation plan.**
- 6. Approved vegetation plan by the DOT must be submitted to Mr. Howland.**
- 7. Decommission Bond and Plan**

In a roll call vote, all members were in favor with a vote of “AYE.” A motion was made by Brian Leary and seconded by Melvyn Minot to approve the Site Plan application 20-38 with the same conditions as the Special Permit listed above. In a roll call vote, all members were in favor with a vote of “AYE.”

Application 20-39 and 20-40 for a 3.75 and a 3.85 MW solar farm. Mr. McGrath informed everyone that the presentation and the SEQR for applications 20-39 and 20-40 will be combined. Engineer, Reuben Hull, presented the landscaping plan for the property. They are proposing 3 different species of evergreens, some dogwood trees, some viburnum, and they have increased the number of trees to better screen the panels that are in the siteline of homes. **A motion was made by Mr. Minot and seconded by Mr. Leary to open the Public Hearing for Special Permit applications 20-39 and 20-40. All members were in favor with a vote of “AYE.”** Resident, Dennis Myers, questioned if taxpayers would be held liable for the decommissioning of the solar farm in the event that this company were to declare bankruptcy. Mr. Howland reassured him that this is the purpose of a bond, if that were to occur the bond company would be responsible. Mr. Myers is concerned about property values and waste. In theory, it would assist the taxpayers, as the company would be paying more in taxes, therefore, lowering everyone else. Mrs. Rupert asked if the solar panels contained cadmium and said if there is it could contaminate the groundwater. There is a stormwater pollution plan that is submitted to the Town that addresses these issues. Mr. Rupert informed the board that Mr. Atkinsons land is pitched and altered to drain onto their property. Can a berm be put in to prevent the drainage from that field from flooding out their property, especially if there is contaminants in the soil from the solar panels? In the event of a storm and damage to the panels, what is the turnaround time for repair

of the panels to prevent decay and contamination? The representatives from the solar company are unaware of what the panels are made of and stated that repairs will be made in a very timely manner. Mr. Novak stated that the panels do contain cadmium but it is not a material that leeches, and it takes an extended amount of time to cause any sort of contamination. Mrs. Rupert would like to address the drainage issue during the construction of this project, as this is the time to do it. Mr. Lasell does not feel that this project is going to make it any worse and is unsure if the planning board can take care of the existing issues. Mr. McGrath would like them to, in good faith, possibly assist in resolving the drainage issue for the residents. The DEC sent a letter addressing the nearby waterways and that a permit may be required to ensure there is no contamination. The engineer states that as part of developing the stormwater plan they are not allowed to alter the water course. If they were to change the way the water is going they have to be sure that it would not be causing an issue someplace else. He is not saying that it can't be done, maybe there is something they can do to slow down or reduce the issue. There was a lengthy discussion regarding the current water drainage issues that the residents are dealing with and multiple ideas for a possible resolution. Chairman McGrath understands that the board does not have the authority to request that Mr. Atkinson needs to do something about the drainage. He is requesting that the solar company assure them that the project would not increase their water issue and is asking them to perform a study on this and discuss it with the homeowners to mitigate the problem. The seeding and vegetation of the property will significantly reduce the issue. Mr. Myers inquired about the depreciation of the home values due to the unsightly solar farm, and asked if they offered any type of compensation to the neighbors like the windmill companies do. Mr. Hull reiterated that this is the importance of the screening, it is not 200' in the air like windmills are, so the visual impact is not as drastic. They will look at each case individually to screen the residences as good as possible. Any fencing around the property will be the black vinyl coated that is required by the board. ***A motion was made by Mr. Minot and seconded by Mr. Goodsell to close the Public Hearing. All members were in favor with a vote of "AYE."***

The SEQR Part 2 was read aloud by Chairman McGrath, Part 3 was read by Mr. Howland. Part one of the EAF was listed as 2 Part ones, the SEQR was completed cumulatively for the entire project, to include a 3.75 MW and a 3.85 MW solar farm. ***A motion was made by Mr. Minot and seconded by Mr. Leary to declare a negative declaration and authorize the Acting Chairman to sign. In a roll call vote, all members were in favor with a vote of "AYE." A motion was made by Mr. Minot and seconded by Mr. Leary to approve Special Permit numbers 20-39 and 20-40 for a 3.75 MW and a 3.85 MW solar farm, with the following provisions:***

- 1. Construction limited to the plans submitted and approved.***

- 2. Applicant must comply with all state, federal and local rules and regulations.**
- 3. Special Permit will be issued to the property.**
- 4. Special Permit shall not expire.**
- 5. A decommission bond and plan must be submitted.**
- 6. Review the possibility to help mitigate the water issue for the SE corner**
- 7. A maintenance schedule for barrier vegetation.**
- 8. A black vinyl coated chain link fence is required.**
- 9. Identify a plan for seeding and how it will be maintained so grass does grow.**
- 10. Submit to Mr. Howland for repair and maintenance, the board is looking to have all repairs and maintenance completed within 30 days.**

In a roll call vote, all members were in favor with a vote of "AYE." Mr. Minot inquired what type of vegetation will be used on the actual land itself, if it would be grass, clover, etc. The engineer stated that it would be a mix of vegetation to include clover. ***A motion was made by Mr. Sternberg and seconded by Mr. Minot to accept the site plan as submitted for application 20-39 and 20-40 with the same provisions listed above for the special permit. In a roll call vote, all members were in favor with a vote of "AYE."***

A motion was made by Mr. Leary and seconded by Mr. McGrath to adjourn the meeting at 9:52 p.m. All members were in favor with a vote of "AYE."

The next Planning Board meeting will be held on Monday October 19, 2020 at 7 p.m.

Respectfully submitted by:
Julie Peterson
Clerk