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## ***Town of Bethel Planning Board***

PO Box 300, 3454 Route 55  
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on Monday, November 4, 2019 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at this time is the following;

In attendance: Steve Simpson, Vice Chairman, David Biren, Susan Brown Otto, Michael Cassaro, David Slater, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Vicky Vassmer Simpson, Town Board Liaison, Jacqueline Ricciani, Attorney, and Jannetta MacArthur, Recording Secretary.

*Pledge to the flag*

Excused: Wilfred Hughson

Bob Yakin seated for Wilfred Hughson

***Motion to approve the minutes from the October 7, 2019 minutes by Mike Cassaro, second by Bob Yakin.***

***All in favor – 6***

***Opposed-0***

***Agreed and carried***

***1) Application for a Solar Farm to be located on 2017 Rt. 17B, known as Bethel Tax Map #: 26-1-4, proposed by Delaware River. (Garigliano)***

Jannetta MacArthur: I have to disclose that I am the sister of the applicant (owner of the farm).

George Reed: I work with Delaware River Solar. I am here to answer any general questions about the company. We have been around since the summer of 2015, when the community solar laws were passed. We are one of the first community solar developers in the State. We have been very active. At least 10 projects either built or completing construction in Sullivan County. We focus specifically on community solar projects.

Which are projects that we work with NYSEG or RGE typically, those are the utilities that we work with. We permit to build a project, and eject power onto the local grid. So we have to work with the utilities to find the right places where that can work. Very basically that generates energy credits that we can then allocate to local residents that are within certain zones and rules around the state, which we then sell at a discount to local residents. So it is a way to cost effectively set up local generation, lower energy cost to the state, and to set up renewable infrastructure throughout the State of New York.

Steve Simpson: Could you take a look at the map and point out 17B with conjunction with where the actual array is going to be located?

Linda Stancliff from Chazen Company – representing Delaware River Solar. This is a map of the proposed project. Rt 17B is located here, and Dr. Duggan is down here on the parcel. Again, this is about a 100 acre parcel with access to 17B and Dr. Duggan Road. The community solar project which George was describing is going to be located on the western part of the property. We anticipate a subdivision just encompassing the fenced area which is the area that is shown shaded with the panels. The remainder of the parcel would wrap around that subdivision.

Jacqueline Ricciani: So you are applying for a subdivision as well as a special use permit for the solar farm?

Walter Garigliano: We have not applied yet. When we get the parcel for the solar farm in a fixed location and we are certain that will be the ultimate location then we will prepare and submit a subdivision.

Jacqueline Ricciani: So this plan is subject to change the location?

Walter Garigliano: All plans are subject to change. Your engineer has gotten us some comments. I'm sure we will get more. But we will be applying for subdivision. We want to make sure we know exactly where the solar array parcel is going to be sitting.

Linda Stancliff: We would take access for construction off of 17B. This proposed driveway would be built for construction on the panel, and then restored to grass after construction. The site is visited maybe once a month by a technician after it is constructed. During construction there will be a good deal of traffic going in and out but that is temporary. Again the power will be routed to 17B. I am sure you are familiar with the panels, they are large ground mounted panels, a large series of ground mounted panels, they stand about 9 to 10 ft. tall. They are a few feet off the ground to allow the snow to sheet off in the winter time. Underneath the panels it revegetates, and Delaware River Solar does the maintenance of that land under the solar panels. They are oriented in rows so they can be driven between and all electrical comes to one source and then gets routed out.

Steve Simpson: Are the panels the tracking type? Or is it a fixed?

Linda Stanclift: That is not proposed here today. They would be fixed panels.

Susan Brown Otto: Where is the road is it between the Alpacas and the Hofstee farm?

Walter Garigliano: Yes. We are well aware that we will need a number of variances from the ZBA once we file a subdivision application because the lot will be a very narrow pencil access flag lot. But there will be very limited traffic post construction, and we are willing to accept a condition of the subdivision approval that when the solar panels are removed that the subdivision will be abandoned and it goes back to the current lot configurations so you won't have to worry about this parcel having a 30 or 40 ft. wide frontage on 17B, and the next Sullivan County Casino being built there?

Susan Brown Otto: And because I frequent the Bethel Market Café which is right across the road from there. There is a knoll there; there is a lot of traffic there. There are a lot of accidents on 17B, and people turning in and out there, it is a little dicey.

Walter Gargliano: We will get you a report on site distance which is actually pretty good in both directions in that specific location. It is more or less on top of that little knoll you are talking about. In fact the site distance is extremely good in both directions. We know that we will have to go to NYS DOT, for a commercial driveway access permit, which the primary reviews for purposes of site distance. Again we are not quite at that point yet.

Robert Yakin: Do you anticipate that you will be bringing power out to 17B on your right of way?

Walter Gargliano: Correct. It won't be a right of way; it will be part of the leased parcel.

Robert Yakin: The only reason why I bring it up, some previous proposals we've had there has been some issue with the aesthetics of poles, 5 or 6 poles in a road coming out. I would like you to think about that as far trying to keep as much of it underground as possible. I know NYSEG may not agree with that, but do what you can.

Steve Simpson: How many of these have Delaware River Solar built?

George Reed: Just in in Sullivan County specifically, I think 11 projects that have been built, or close to being completed, this being one of them. Overall between what we have developed and built, we have sold 100 megawatts so far. We don't know what other people are doing. I think we are one of the major ones strictly in New York. We are currently in New York. Everything that we do is state of art. We have very strong infrastructure here in the State.

Steve Simpson: As far as the overall layout the spread of the panel area, is there any kind of percentage of tree removal.

Walter Gargliano: They are all hay fields. Her map shows the extent of the woodlands.

There are a few hedge rows in between with some very unhealthy trees.

Jacqueline Ricciani: Will they be removed?

Walter Gargliano: Yes. They are just sporadic trees. There isn't cohesive woodland that is being impacted at all.

Steve Simpson: I am familiar with that location as well. Is there a drop-off on the backside of that property?

Linda Stanclift: The topography does taper to the south, and then it drops off.

Walter Gargliano: It primarily drains into the wetland that lies slightly north of Lake Superior.

Linda Stanclift: There is a good amount of treed area.

Robert Yakin: There is a huge wetland back there.

Linda Stanclift: Yes, here is Lake Superior on the map.

Susan Brown Otto: That is currently assessed as Agricultural, and then it loses its Ag assessment?

Linda Stanclift: We do an Ag data statement that is also in your package.

Walter Gargliano: The reason I am here, our County Office of Sustainability which is run by a relative of some of the folks in the room, has asked the Industrial Development Agency, that is my client to do whatever we can to facilitate development of solar projects in the County. We have a solar uniform tax exemption policy. This is probably more complicated in answer then your question, but to not mislead this project would probably be a project where they get about 3 credits. So they would be making a payment in lieu of real-estate taxes of about \$6,000 per megawatt. The project is exempt under 487 of the real property law, but even though it is exempt in return for the IDA providing sales tax exemptions up front, and I know you are an expert on discounted cash flow than I am, but they get that savings immediately, they are willing in return to get the benefit of sales tax exemption on construction of the project to make pilot payments, payments in lieu of real-estate taxes throughout the 15 year exemption period, and then because NYSEG's electric rates are so low, which isn't necessarily a negative unless you are selling electricity which is in effect what they are doing. The only way for these projects to work for the IDA is to add a 5 year abatement period under the IDA's general tax abatement policy to the end of the 15 year statutory abatement, so for 20 years they will be making payments in lieu of taxes. We also have a fixed and variable formula so that if electric prices sky rocket there is a percentage of their gross revenue, they will be paying the greater of, a fixed amount, or a percentage, 6% of their gross revenue. So the town will get payments in lieu of real-estate taxes from day one, instead of not getting

anything until year 16.

Steve Simpson: Are there any other comments from the board?

Susan Brown Otto: I am assuming there is a three phase wiring through there already, isn't that a requirement of solar?

Walter Gargliano: There is an interconnection line and there has been a ceasar study made by NYSEG, and there is a pretty significant offsite upgrade cost that this project needs to pay for in order for the transmission to be able to be handled. When I used to try to explain electricity when I was a college professor long ago, I used to use water as my example, think of the resistance, as the friction loss of the pipes and the watts, and bulbs as being pressure and volume. The pipes are not big enough, they are going to have to replace the wires from their interconnect to the substation. It's a \$600,000 cost approximately, but it is not subject to Planning Board review. It is in the NYSEG world.

Jacqueline Ricciani: Is the interconnect shown on the map?

Walter Gargliano: The interconnection will be at 17B, it will be a long Rt. 17B.

Jacqueline Ricciani: Anywhere in particular?

Walter Gargliano: Whether or not the interconnect apparatus will be located close to the road, or whether the interconnect apparatus will be located back next to the panels, they are showing the interconnect apparatus in the back, that is where the direct inverter is going. Once it is inverted it will feed into the grid along 17B.

Jacqueline Ricciani: It looks like the inverter is right at the perimeter of the project.

Walter Gargliano: It has to be.

Linda Stancliff: This is temporary storage during the construction of the project. These symbols here. The interconnection is proposed to be here.....

Jacqueline Ricciani: I haven't been provided with that map, so this is the first time I am seeing it.

Walter Gargliano: Okay. Do you have a copy so we can give you one?

Jacqueline Ricciani: I don't know why, it wasn't in my packet.

Walter Gargliano: I can give you mine Jacy, I don't need it.

Jacqueline Ricciani: Oh yes I have it here. Thank you.

Steve Simpson: Is this station going to be upgraded at all? To accommodate this? I

know the distribution lines will be, is it going to come back and most likely upgrade the station?

Walter Gargliano: There will be some work done there. I have not studied this either. Other than looking at the bottom line dollar amount. Interesting enough there is a Town proposed project at the landfill.

Jacqueline Ricciani: That has been approved.

Walter Gargliano: I understand. But I don't know the que slot between this project and that project in terms of utilization of that substation.

Steve Simpson: This is a little different; most of them have been 2 megawatts. Now they are up to 5.

Walter Gargliano: The definition under the public service reg's of a public utility was modified... the original thought process was to have lots of different points of energy generation so if there was a Homeland Security event there would not be some big power plant that could be destroyed by some Russian spy. So instead we have little generation facilities all over the place. That theory was great except Delaware River Solar has a project in the Town of Thompson, land owned by Poley. When you drive by it it looks like one 4 megawatt, but it is 2 megawatt with two different project companies. They have one in the Town of Delaware with 4 on Villa Roma Road. So everyone was getting around the 2 megawatts so that the Public Service Commission finally said this is nuts, so they changed the definition of public utility from 2 megawatts to 5 megawatts.

Steve Simpson: I see that all through Westtown. Does anyone else have any more questions?

*None*

Walter Gargliano: We do have one request of the board tonight. Take a look at the EAF, I mean our view is you are certainly the proper and only proper entity to become lead agent under SEQRA. You have a long form EAF there.

Jacqueline Ricciani: So you want lead agency?

Walter Gargliano: If you would express your intent to be lead agency, we could then notify the other interested involved agencies and get the time frame rolling on that.

Jacqueline Ricciani: It is probably a good move this early on in the project.

Walter Gargliano: The earlier the better.

Susan Brown Otto: The property on the backside is the Palisades State Park?

Walter Gargliano: Correct. There are multiple triggers for 239 review.

Jacqueline Ricciani: One thing you might want to take notice of, our engineer has already reviewed the EAF. I don't think Glenn had any substance comments.

Glenn Smith: One of my comments was that the board should declare their intent to be lead agency.

***Motion to be lead agency by Mike Cassaro, second by Susan Brown Otto.***

***All in favor-6***

***Opposed-0***

***Agreed and carried***

Jacqueline Ricciani: As a matter of procedure, process, the applicant..... Walter I get the impression that you are here on behalf of the IDA?

Walter Gargliano: We are going to help them through this process.

Jacqueline Ricciani: I am not really comfortable saying that you are representing the applicant which I guess is the solar company. You are here is assisting. The applicant is going to do the lead agency listing notices? You will have to get a list from BJ.

Walter Gargliano: We have developed with the applicant a list because the IDA is one of the involved agencies. For example this project involves DOT.

Jacqueline Ricciani: I just want to be clear of who is responsible for what to make sure that it gets done.

Walter Gargliano: I agree we should do that. Our expectation was that the applicant would do it, but not mail them, deliver them to either you or Glenn.

Jacqueline Ricciani: So the applicant is going to prepare the notices for the Planning Board.

Bette Jean Gettel: You can give them to me.

Steve Simpson: Any other questions or comments?

*None*

***2) Application for a multi-family dwelling unit located on Horseshoe Lake Rd. Known as Bethel tax map number 30.-4-31.1 Proposed by Spensieri. (MJS Engineering)***

Michael Sandor – President MJS Engineering: Just a little background information. This property and the applicant were before your board in 2010 for a subdivision. It was for a

7 lot subdivision. The street was offered for dedication, it was never finished. This is a County Road; we do have a County entrance that has been built on the property. There is a sewer line that runs up into the property. The property has sat for 10 years or so for obvious reasons, because of the economy. We were asked from Mr. Spensieri who still owns the property to explore the possibility of doing some multifamily units on the property. I did receive comments from your engineer, Mr. Smith. The big issue at this point, it is only a sketch plan right now, it is a formal application but it requires more work on our part as well. It is the number of units, there is a deduction that has to take place, and it has an easement. An easement can be a subdivision, street, an electrical utility or a paper streak. There is a paper streak that runs, it is called Arlington Avenue. The research we have when we did the original survey, it is a road that goes back to 1897, and it is recorded in Book #2; so it is very old. What we will do is a title report, to find the status of it. I have a feeling it is a road that was offered for dedication to the Town but was never formally accepted. You really can't build it today because there is a large portion of the property that is DEC wetland. .

Jacqueline Ricciani: This didn't come up with the subdivision?

Michael Sandor: It did.

Jacqueline Ricciani: But the subdivision was approved on top of that?

Michael Sandor: I have contacted the Army Corp, regarding the disturbance of the Federal Wetlands. It would be basically a utility disturbance for the construction of two wells. This would supply a public water supply system which will require two wells being drilled which will supply the project. I know there were other questions that were raised in the comments. If you want I will go through the comments. The first comment is the right of way issue, which I discussed here. The second one is the density, how you have to reduce the density based upon any constraints which would be considered easements or right away. The SWPPP is the storm water report; we know we have to do that. It will be disturbance of more than one acre. The DOH will have to approve the well system, which would be a public water supply system. The Army Corp of wetlands disturbance, I touched on that briefly, but we will delineate this line once again so we get verification on that. And then future submission will be buildings, and then a 5 ft. offset that wasn't taken into consideration so the buildings don't line up in a straight line, there is a little bit of an offset. Again, because the map was filed as a subdivision, we would have to abandon that and combine all the lots again. So we have work to do, I felt it was important that we present the concept of this parcel being redeveloped as a multiuse development. The units would be one and two bedroom units.

Susana Brown Otto: Are they coop, townhouses, are they going to be rentals?

Michael Sandor: We don't know at this time.

Jacqueline Ricciani: So where it says 1DU that means one bedroom?

Michael Sandor: One dwelling unit. Some are two dwelling units. One on top and one on the bottom. Some of the one dwelling units would have two bedrooms with an upstairs bedroom and a living area below. I have those plans. I will show them to you. I do have floor plans.

Jacqueline Ricciani: It seems like there are a lot of units connected together, which is fine but the parking..... overall there may be enough parking but it doesn't seem to be convenient to the units.

Michel Sandor: That is something we need to work on.

Jacqueline Ricciani: The two family units are two stories? I think what is going to be important for the board is how many bedrooms per unit. Just because it is one dwelling unit it could still be three bedrooms.

Michael Sandor: There aren't going to be any 3 bedroom units. I will provide that in subsequent submissions.

Susan Brown Otto: When this came in front of the Planning Board back in 2010 there was a dock in Kauneonga Lake.

Michael Sandor: It was a big issue when they had that piece across the street. They no longer have that property. These homes would not have access to the lake.

Jacqueline Ricciani: Do we know how many people will be living here? Or we aren't that far along yet.

Michael Sandor: I have to establish how many units before we do the EAF. I know the previous application talked about formalizing to get the EAF going.

Glenn Smith: Jacy, if you have 1.5 bedrooms per unit, that's 60 bedrooms that is 120 people.

Steve Simpson: Anyone else have any questions?

*None.*

Steve Simpson: Glenn, do you need anything else?

Glenn Smith: Just go by my comments. One question was a title search on that right of way, they can go from there. It is permitted.

Michael Sandor: The biggest thing is the easement, because that controls the number of units and the history of that easement and whether or not that easement can be vacated. We may have to go to the Town Board with that.



Recording Secretary