

1Town of Parma Planning Board
February 2, 2017

Members present:

Acting Acting
Chairman: Bob
Pelkey

Executive
Secretary: Dennis Scibetta
Mark Acker
Mike Ingham

Members absent:

Reinschmidt
Tod Ferguson, Mike

Public present: S. Gaden, Tara Norbut, Brad Norbut, Cindi Norbut, David Norbut, Mindy Norbut, Matt Vanderbrook, L. Jacoby, Stan Hoy, Doreen Hoy, Grant C., Jerry B, Sheryl Bernreuther, Sherry Bernreuther, George E. Smith, A. Davey, Brent and Marla B., Roger O'Dell, P. Gerow,

Meeting started at 7 p.m.

A motion was made by Mike Ingham and seconded by Mark Acker to approve the meeting minutes from January 5, 2017 meeting as presented. The motion carried unanimously 3-0 (Tod Ferguson and Mike Reinschmidt absent).

PUBLIC HEARING

1682 Hilton Parma Corners Road

Solar Facility

David and Brad Norbut from Norbut Farm developers were at the meeting to present the application to the Board. Dave Norbut reviewed the plans with the Board and the audience. Mr. Norbut stated that there are trees surrounding the entire site and that the neighbors will not be able to visually see the solar panels, nor will the solar panels be visible from the road. Mr. Norbut stated that they will be using the existing farm lane for access to the site, that there will be 3 poles with the balance of the lines being run underground, and there will be a 7 foot fence around the solar farm portion of the property.

Acting Acting Chairman, Bob Pelkey, reviewed the following letters:

Town Engineer letter dated 1/13/17

Monroe County Planning and Developing letter dated 1/17/17

Mr. Norbut then submitted to the Board current pictures of the property showing the current condition. One picture was taken from the road, one was from the front of the property and one from where the proposed solar farm will be looking towards the road. Mr. Norbut then stated that the chain link fence will be see through and will have concrete posts and gates. A discussion followed on the gate that will be placed at the beginning of the solar farm.

Mark Acker questioned if the proposed access road will require a turn around for fire equipment because of the length. A discussion followed and the developers agreed that they would provide bump outs on the road. Mr. Acker then asked if a stream was located on the property. Mr. Norbut stated that there was a stream 135 feet away and they will not be interfering or disturbing the stream.

Acting Chairman Bob Pelkey opened the Public Hearing.

There were no comments from the public.

Acting Chairman Bob Pelkey closed the Public Hearing.

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Mr. Scibetta stated that the Norbuts have already applied for and received their CESER number, which is 11361.

The Board then reviewed SEQR for this site: Using information from Part 1, the Planning Board answered questions 1 - 11 on Part 2. The Board determined that the proposed site shall be listed as a type 2 action under the SEQR requirements.

The Board then reviewed Part 2 of SEQR and determined that there would be no impact to the environmental resources evaluated in questions 1 - 11. These were all checked as "No or small impact may occur, in Part 2".

As a result the Planning Board has determined that significant adverse impacts are unlikely to occur and will require preparation of an Environmental Impact Statement. Mike Ingham questioned the roadway close to the house and barns, and stated that, "as this is a working farm, the developer will have to make sure that this road is kept clear and that farm equipment is not allowed to be parked within this roadway".

Mr. Norbut stated that it will be himself and his brother working the farm and there should not be a problem. Mr. Ingham stated that he would like to see No Parking signs placed along the barn. Mr. Norbut then explained that they are in the process of cleaning up the site at the moment and will place No Parking signs so as to keep the roadway clear.

A motion was by Mike Ingham: that after reviewing the project under the standards set out by Section 617 of the New York State Environmental Quality Review Act, I make a motion to classify this action as a type 2 action under SEQR. Mark Acker seconded the motion. Motion carried unanimously (3-0, Tod Ferguson and Mike Reinschmidt absent).

Mark Acker then made the following motion: Upon completion of Part 2 of the short Environmental Assessment form as set out by New York State Law, the Board has determined that this project will not result in any significant adverse environmental impacts and makes a motion to grant a Negative Declaration for this project. Mike Ingham seconded the motion. Motion carried unanimously (3-0, Tod Ferguson and Mike Reinschmidt absent).

Acting Chairman Bob Pelkey then stated that the Town Board had passed a resolution at the last Town Board meeting restricting the Planning Board from granting any preliminary approvals for solar farms for no less than 60 (sixty) days.

Mr. Norbut stated that he was concerned as to why this is happening, that this is affecting his application, that he has done everything that the Board and Town have asked him to do in regards to this application, and that if the preliminary approval was not granted at tonight's meeting, this project would be killed.

Kyle Mullen, was present from the Town Board and stated that there were multiple solar applications before the Board and that the Town Board wants the Planning Board to pause for 60 (sixty) days to make sure that all issues are covered and to make sure that all questions in regards to these solar farms have been addressed. Mr. Mullen also stated that the Town Board did not want the applicants to start their

projects and then find out that the rules had changed half way through their development.

A lengthy discussion followed regarding this. Mr. Norbut stated that he did not understand why the courtesy of a call to let him know of this resolution could not have been made, as he had spent a significant amount of time and money to get to this point in the application and feels that not receiving preliminary approval at tonight's meeting will be a killer to his project.

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Dennis Scibetta stated to Mr. Norbut that they would have to come back to the Board for final approval and asked the Board if they would entertain granting preliminary and final approval at the next meeting thereby, not putting a delay on this project. Mr. Scibetta stated that this was not the Board's normal policy to grant preliminary and final approval at the same meeting, but felt there were circumstances out of the applicants control that would warrant granting preliminary and final approval on the same night.

Mr. Mullen stated that there are 2 (two) Town Board meetings before the next Planning Board meeting.

Mr. Norbut stated that if this goes beyond 60 days, their production schedule will be totally off and this deal would be done for them.

A discussion then followed in regards to a State mandate that had come down in regards to the Town's opting out of allowing a solar farm to have an exemption from Real Property taxes.

Acting Chairman Bob Pelkey discussed with the applicants that prior to the next meeting if they want final approval they must have all signatures on the plans from all required authorities.

Mr. Scibetta then asked the secretary to poll the Board to see if they would agree to grant preliminary and final approval at the next meeting if all issues and requirements had been taken care of.

The secretary then asked each Board member individually, "If all requirements for preliminary approval are met and if the restriction was not placed upon the Board by the Town Board in regards to granting preliminary approval, would the Board members have granted preliminary approval to this application at the meeting tonight?"

Mike Ingham stated "yes", Mike Acker stated "yes", and Bob Pelkey stated "yes".

CONTINUING BUSINESS

146 Burritt Road

Solar Facility

Kris Schultz presented this application to the Board. He stated that he received comments from the Town Engineer, made the changes on the plans and resubmitted them to the Town Engineer for his review. Mr. Schultz then stated that he relocated the solar panels to the north as far as possible, that they are now proposing a 4.5 to 5 foot berm with trees to shield the view from the neighbors and Burritt Road. Mr. Schultz pointed out that the last section of the plans show a cross section of this berm with trees. Mr. Schultz then showed the Board a portion of the plans which showed the site lines from the existing homes showing that the neighbors will not be able to see the solar panels in the new position. Mr. Schultz stated that the solar panels will now start at the ridge and drop back as the ridge goes down. Mark Acker asked if the ground elevations depicted on the plans were the actual ground elevations. Mr. Schultz stated that they were, they had gone out and done additional TOPO on the site. Mr. Schultz then reviewed the Monroe County Department of Planning and Development letter dated 1/26/16. Mr. Schultz

stated that there were wet lands on the west side but they were not being disturbed.

Mr. Acker asked if the number of panels had changed. Mr. Schultz stated that nothing had changed with the proposed solar site except that it had been moved farther back north. A discussion followed regarding the power electronic inverter that was going to be used for this site.

A lengthy discussion then followed in regards to the anti-isleting comment that had been set out in the RG&E/NYSEG engineers comments. Lane Young from O'Connell Electric stated that this will be addressed by RG&E/NYSEG when they do their final portion of the CESER application.

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Mr. Scibetta asked if any study had been done to see if the power from this site could be directed to the RG&E easement on the old Hojack line. Mr. Schultz stated that this property does not back up to the old Hojack line, that there was another piece of property between this parcel and the Hojack line.

Acting Chairman Bob Pelkey questioned if Mr. Schultz had done any research into the noise that will be generated from the solar panels? Mr. Schultz stated that he did and that noise is associated with vibration, and there is nothing in the construction that would cause vibration and noise. Mr. Schultz stated that he has done extensive research in regards to any reports, and has found nothing.

Acting Chairman Bob Pelkey then reviewed with the Board a letter from the Town Engineer dated 1/13/17, and one dated 2/2/17. Mr. Schultz stated that all comments from the Town Engineer and Monroe County Department of Planning and Development have been addressed. A discussion was held in regards to the site lines and how Mr. Schultz determined the site lines as shown on the plans. Mr. Schultz stated that he used the highest house with the best view to determine that the berm will shield the neighbors view of the solar farm.

Mr. Scibetta then asked what the difference from the original plans to the new proposed plans of the solar farm are.

Mr. Schultz stated that the original solar farm was set back at 800 feet and now it is set back at 1341 feet and is back and over the small knoll.

The Board then reviewed SEQR for this site: Acting Chairman Bob Pelkey asked Mr. Schultz why he used the long form for this application. Mr. Schultz stated that it was more informative and he was erring on the side of caution. He also stated that under the New York State SEQR handbook, the threshold for using a long form SEQR was if the project was impacting 10 acres or more a long form SEQR should be used.

Using information from Part 1 the Planning Board determined that the proposed action is a type 1 action under the SEQR requirements.

The Board then reviewed every question under Part 2 of the SEQR long form in regards to this application. The Board determined that the answers to each question were "no or small impact may occur" to the questions on Part 2.

Mike Ingham made the following motion; that after reviewing the project under the standards set out by the New York State Environmental Quality Review Act, I make a motion to classify this action as a type 1 action under SEQR. Mark Acker seconded the motion. Motion carried

unanimously (3-0, Tod Ferguson and Mike Reinschmidt absent).

Mike Ingham made the following motion; Upon completion of Part 2 of the long Environmental Assessment form as set out by New York State Law, the Board has determined that this project will not result in any significant adverse environmental impacts and makes a motion to grant a Negative Declaration for this project. Mark Acker seconded the motion. Motion carried unanimously (3-0, Tod Ferguson and Mike Reinschmidt absent).

A lengthy discussion was then held in regards to allowing this application to be allowed preliminary and final approval on the same night.

Mr. Scibetta then asked the secretary to poll the Board to see if they would have agreed to grant Preliminary approval for this application had the Town Board passed the resolution restricting them from doing that for the next 60 days.

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The secretary then polled the Board. Mike Ingham stated “yes”, Mike Acker stated “no”, and Bob Pelkey stated “yes”.

Kris Schultz then asked Mr. Acker if there was any further information that he would like him to supply in regards to this. Mr. Acker stated that he needed more time to review the application before he could give a positive vote for preliminary approval.

NEW BUSINESS

600 Burritt Road

Solar Facility

Grant Cushing from Brownfield Group, LLC was in attendance to present this application to the Board. Mr. Cushing stated that his company was currently under contract to purchase this property and they are proposing to develop a 2 megawatt facility, that currently they do not have a survey completed and they are working on road frontage and access to this site. Mr. Cushing stated that they do not have a CESER number for this but are working with Sun Common to get the CESER number.

Mike Ingham asked how many acres the property is and how many acres the solar farm was proposed to be? Mr. Cushing stated that the property is 27 acres and he believes the solar farm will be 8 to 10 acres for which they are currently working on the details.

Acting Chairman, Bob Pelkey asked how many panels were proposed for this site? Mr. Cushing state 8 acres of panels.

Mike Ingham asked if the panels will be mounted on posts? Mr. Cushing stated that they will not, that they will be set upon ballasts that won't penetrate the surface of the land fill.

Acting Chairman Bob Pelkey asked if any of the panels will rotate. Mr. Cushing stated no.

Mark Acker asked if the ballasts that the panels will be set on will sink into the ground over time. Mr. Cushing stated that there will be some settling.

A discussion followed on the property and it was noted that this was previously used as a landfill, that it was legally closed and the soil has been covered. Mark Acker asked if a soil study had been done on

the property. Mr. Cushing stated that it has been listed as D property by the DES.

Acting Chairman Bob Pelkey asked if Brownfield was going to be the developer of this property? Mr. Cushing stated that they purchased the property, leased the land to the developers and they are working with a local engineer presently to develop this site. The local engineer is the engineer who developed the solar farm for the Town of Williamson on their landfill.

Mr. Scibetta stated that the Supervisor and the Building Department are well versed in regards to the Williamson landfill solar farm, and suggested that the Board members go to the site and walk it. A discussion was held in regards to the Williamson landfill solar farm. Dennis Scibetta stated that this was an ideal site for a solar farm as it was used previously as a landfill.

Acting Chairman Bob Pelkey asked if the applicant was planning on submitting detailed plans? Mr. Cushing stated yes, that this was just an informational meeting tonight.

A discussion followed on the fact that power lines ran along Burritt Road and this site was picked for that reason. A discussion followed on the requirements for a landfill once closed.

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Mark Acker asked where the applicant was planning on tying in the solar farm with RG&E/NYSEG? Mr. Cushing stated he believed at the substation on Manitou Road and he knows that there are challenges to this.

A discussion was held in regards to the split/merge that the Board had approved on the front properties. Mr. Scibetta stated that he applicant had not finalized that split/merge as the plans have not been filed in the County Clerk's office.

A discussion then followed in regards to this proposed site needing access from the road and the issue of the front properties split/merge needing to be finalized.

Mark Acker asked the applicant in regards to the power generated from this site, how it will be used? Mr. Cushing stated that there were 2 options. They could use it as a community solar which means residential and small commercial businesses would be allowed to purchase the energy or it would be a single off-taker, which means that they would sell it to one institution.

A discussion followed on community solar.

Mr. Acker then asked if the developer was going to turn over the property to a third party after the proposed solar farm has been developed? A lengthy discussion followed in regards to the Federal Incentive Tax Credit. A discussion then followed on how this application for a solar farm was different from the 2 previous applications in the fact that the landfill property was an excellent choice on which to place the solar farm. Dennis Scibetta stated that the town of Williamson uses the energy produced by their solar farm to power their waste water treatment plant.

Dennis Scibetta asked the applicants what the efficiency of the Williamson solar farm was? The representative from Sun Common, Matt Vanderbrook stated that it produced 20% over what was predicted last year.

Mark Acker asked what the actual efficiency was. Mr. Vanderbrook stated that it was predicted to produce 1.8 million kilowatt-hours for the town and it produced over 1.8 million. A discussion followed on

how the predictions were made.

Dennis Scibetta asked where the solar panels will be manufactured? Mr. Cushing stated that he believed in Canada and went on to explain where they presently get their solar panels from.

A discussion then followed in regards to the amount of solar facilities being proposed in the Town of Parma at this time. Mr. Mullen then stated that the interceptors that will collect the energy from the solar farms can only handle so much energy and therefore the applicants want to get in and approved so that the energy from their solar farms will be accepted at these sites.

A discussion was then held in regards to the zoning codes and the proposal of solar rays in residentially zoned areas. Dennis Scibetta then stated that the applicant needs to get their CESER number.

A lengthy discussion was then held on the proposed Town law in which the Town may opt out of granting an exemption for solar farms from Real Property taxes.

753 Manitou Road

Solar facility

Matt Vanderbrook from Solar Commons presented this application to the Board with conceptual plans. Mr. Vanderbrook then held a discussion on the NYSERD incentive plan and that it was now in Block 7. Mr. Vanderbrook stated that this project would be a community solar project, that he has 2 existing

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projects in the process right now and that the owners of this property were approached by a large firm a couple of months ago, and had contacted Mr. Vanderbrook because they wanted a local firm to design this project.

Acting Chairman Bob Pelkey asked Mr. Vanderbrook what the size of the project is? Mr. Vanderbrook stated that it would be a 2.57 megawatt solar farm on 8.5 acres. Mr. Pelkey asked if they had applied with RG&E yet? Mr. Vanderbrook stated that they had and had a CESER code of 10989. Mr. Vanderbrook then reviewed the plans with the Board. He stated that the solar farm would be a pier driven system, having access from Manitou Road with a 10 foot wide screening buffer and 7 foot high fence for security.

A discussion was then held on the zoning of the property. It was determined that this property was zoned high density. The Board asked Mr. Vanderbrook to add to the plans the transformers that will be used at this site.

Dennis Scibetta questioned Mr. Vanderbrook as to how much of Greece, the applicant had taken into account in regards to this solar farm? Mr. Vanderbrook stated that they would not know until the end of the process with RG&E.

Dennis Scibetta then stated that the site was near Buttonwood Creek, that there were wetlands on the site, and asked if the applicant had looked into this? Mr. Vanderbrook stated that they had, and they will have a full storm water plan in place at the time the project is built. He also stated that this project will be subject to SWPPP reports.

Kyle Mullen stated that the wetlands were not identified on the plans. Acting Chairman Bob Pelkey asked if the fire department will have access to the site? Dennis Scibetta stated that the Town has requested a meeting with all the fire departments and chiefs in the area to find out what their concerns and requirements will be. A discussion was held in regards to the Town's requirement of a general turn around for all site plans for fire apparatus. These plans do not show a turn around or a passing lane and there was a concern in regards to that.

A discussion was held in regards to the process that the applicant will now need to follow to get this plan approved. The Board stated that the applicant will need to put more details on the plans per the Town's

site plan checklist. Mr. Vanderbrook stated that he would do that. Acting Chairman, Bob Pelkey asked if there will be transformers on site as the Board will be concerned as to how the applicant would handle any oil spills on site. Mr. Acker asked if there was any flexibility on the panel placement at this site. Mr. Vanderbrook stated that there was.

A discussion was held on the lifespan of the solar panels. Mr. Vanderbrook stated that the salvage value of the equipment is more when it was removed. A discussion was held on the fact that the Board will require a demolition plan to be in place and that a Bond will be required for same.

The Board then asked Dennis Scibetta to send letters to all of the other agencies who would be eligible to be lead agency on this application and to let them know that the Planning Board is willing to be the lead agency on this application. Dennis Scibetta stated that he thought that this had already been done, but he would review the file.

There being no further business to discuss a motion was made by Mark Acker and seconded by Mike Ingham to end the meeting at 9:35 p.m. Motion carried unanimously 3-0 (Tod Ferguson and Mike Reinschmidt absent).

Respectfully submitted

Maureen L. Werner
Recording Secretary