

**TOWN OF MAYFIELD PLANNING BOARD
SEPTEMBER 19, 2018
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE CHAIRMAN
JERRY MOORE
ADAM LANPHERE
RICHARD MILES
FREDERICK CASTIGLIONE, ALTERNATE
ADRIEN ZAMBELLA, ALTERNATE**

**SEAN M. GERAGHTY, SENIOR PLANNER
MICHAEL STEWART, CODE ENFORCEMENT OFFICER**

OTHERS PRESENT:

**RICK ARGOTSINGER, SUPERVISOR
LIZ ARGOTSINGER
MIKE DOUD, BORREGO SOLAR
JAMES CONNERS, P.E., CHAZEN COMPANIES
EUGENE JOUBERT**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:00 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION: Mr. Geraghty pointed out that the minutes to the July 18, 2018 meeting are not yet available and will have to be approved during the October meeting.

III. PV ENGINEERS, P.C. (BORREGO SOLAR) – SPECIAL PERMIT FOR SOLAR FARM ALONG NYS ROUTE 29:

A. Background:

PV Engineers (Borrego Solar) is proposing a Solar Farm Project along both the north and south side of NYS Route 29 on property owned by Karen and Eugene Joubert (Tax Map Parcel No. 151.-6-9). The parcel is approximately 138+/- acres in size. The applicants have indicated that the project will effect approximately 72+/- acres of the parcel and physically alter approximately 20.5+/- acres of the property.

B. Code Enforcement Office/County Planning Department Review:

Article XI of the Town of Mayfield Zoning Regulations stipulates that all applications for Special Use Permits must begin with a pre-submission conference. The pre-submission conference gives the Planning Board and the applicant an opportunity to gain some perspective of the potential ramifications of the proposed use. The applicant is responsible for providing the Planning Board with some basic information on the proposal prior to the pre-submission conference.

PLANNING BOARD DISCUSSION: Mr. Geraghty reminded everyone that this evening's review of PV Engineers' Solar Farm Project is considered a pre-submission conference. He asked Mike Doud, Borrego Solar, to give the Planning Board a little background on the project.

Mr. Doud informed Board members that he works out of Borrego Solar's Latham office which currently has 13 employees. He indicated that Borrego Solar has developed approximately 30 Solar Farm projects in New York State. He talked briefly about the relationship between PV Engineers, P.C. and Borrego Solar. He explained that there are laws that prevent an engineering firm from being a developer, so Borrego Solar is actually a separate corporation from PV Engineers.

He introduced James Conners, P.E., Chazen Companies, to Board members. He pointed out that Mr. Conners will be able to provide more of the specific technical details of the project. Mr. Doud then explained that the project involves the development of a 15 megawatt Solar Farm that will be separated into three (3) parcels. He indicated that the system will be tied into the Vail Mills substation. He pointed out that National Grid is currently conducting a second study on the project and will be getting back to Borrego Solar with the results of that study in the near future. He pointed out that it is conceivable that the project could be reduced in size to 1 or 2 of the sites. He indicated that this second Study by National Grid will define what the cost will be to upgrade the substation at Vails Mills. He pointed out that National Grid has had some voltage issues at the

substation and that Borrego Solar may be able to work with National Grid to resolve the power issues.

Mr. Doud then talked briefly about the community Solar Farm model. He pointed out that, typically, individuals who subscribe to community Solar Farms get a 10% discount on their electric bills. He also indicated that his company intends to negotiate a PILOT Agreement for the project. He indicated that, once approved, the project will take approximately 6-8 months to construct.

Planning Board Chairman John Kessler pointed out that the site is not very level and that some type of screening will need to be provided to prevent potentially negative aesthetic impacts.

Mr. Doud indicated that he understood a certain amount of screening will need to be provided. He asked if there are specific areas that are a concern to the Planning Board?

Mr. Kessler pointed out that he would like to see the screening on all four (4) sides of the property and pointed out that he believes the Town's Zoning Regulations call for that type of screening.

Planning Board Member Aaron Howland agreed and indicated that a significant amount of screening is going to be needed to buffer this project from adjacent properties. He speculated that some of the screening may need to include very mature trees.

Mr. Doud then gave Board members a little background on why renewable energy is important. He talked about the millenials and the next generation of kids being very concerned about this issue and wanting to see more of these types of projects.

Mr. Geraghty agreed that there is a need for more renewable energy and pointed out that the Town is not interested in seeing an eyesore and that the planting of extensive vegetative buffers around this type of facility is also important to the environment.

Mr. Howland pointed out that, while there may be a need for more of these types of renewable energy projects, it is still a for-profit business and the costs associated with developing the project itself have to be factored into a developer's decision making.

Mr. Kessler stated that he believes Solar Farm properties devalue adjacent properties.

Mr. Doud indicated that he didn't believe there was any evidence to suggest that.

James Conners, P.E. then began talking about some of the other details of the project. He pointed out that the existing tax parcel is located on both sides of NYS Route 29. He indicated that, eventually, the property will be subdivided to create four (4) separate lots. He indicated that one lot will be created around the existing home, and the other three (3) lots will be set aside for each of the 5 megawatt Solar Farms. He indicated that a 20' gravel driveway will be constructed on both sides of the property to access the infrastructure. He talked about the need for new DOT curb cuts along NYS Route 29. He then talked about the existence of both NYSDEC and U.S. Army Corps regulated wetlands on the property. He indicated that the project will not impact any of those wetland areas. He indicated that a 7' chain link fence will be provided around the entire facility.

Mr. Geraghty pointed out that the Town's code calls for an 8' chain link fence.

Mr. Conners talked about the developer's intent to implement a Stormwater Pollution Prevention Plan (SWPPP) on the site.

Mr. Kessler asked how far back from the property line the fencing will be installed?

Mr. Conners indicated that a specific distance has not yet been identified.

Mr. Kessler recognized that the developer will most likely want to have that fencing as close to the property line as possible so there is enough space available for the solar panels. He talked briefly about the possibility of constructing berms around the perimeter of the Solar Field and planting trees on top of the berms.

Mr. Conners then talked about the stream disturbance that will take place on the southern end of the property and the need to obtain a permit from NYSDEC.

Mr. Geraghty talked about the recent influx of applications for Community Solar Farms. He pointed out that the proposed project will involve the installation of 50,000+ solar panels and will likely be able to serve several thousand homes in the area.

Mr. Doud agreed and went on to explain that the size of the Solar Farm will allow the entire Town of Mayfield to be connected to the system.

Mr. Geraghty pointed out that Borrego Solar typically has a marketing firm solicit homeowners to see if they would like to sign up for subscriptions to the Solar Farm. He pointed out to Board members that the geographic area that is covered by the initial solicitations may be outside of the Town of Mayfield.

Mr. Doud explained that, if the Town of Mayfield wants a first billing right, Borrego Solar can instruct its marketing firm to only solicit subscriptions from Town of Mayfield residents with its first mailing. Mr. Doud then explained that the project will be capable of serving residents within National Grid's Zone F. He indicated this is quite a large geographic area, so Borrego Solar should easily be able to issue all of the subscriptions that will be available for this solar project.

Mr. Geraghty pointed out that the Planning Board will eventually require some type of written confirmation from National Grid that the project can be interconnected to National Grid's infrastructure.

Mr. Doud indicated that the second study currently being conducted by National Grid is intended to identify how much it will cost to connect the Solar Farm project to National Grid's infrastructure. He indicated that, to date, Borrego Solar has only received some initial feedback from National Grid. He speculated that, eventually, there will be some negotiation between Borrego Solar and National Grid.

Planning Board Member Jerry Moore asked how large the Vails Mills substation is?

Mr. Doud indicated that he believed it was an 18 megawatt station. Mr. Doud pointed out that there are currently two (2) Solar Farm systems transmitting energy into that substation.

Mr. Geraghty indicated that there are operating Solar Farms along NYS Route 29 in the Broadalbin and along NYS Route 30 in the Town of Perth that he believed are transmitting energy into that substation.

Mr. Moore then asked how long the lease term will be with the property owner?

Mr. Doud indicated that the lease term will be at least 20 years and possibly 25. He talked about how the lease agreements are written and pointed out that there are typically 5-year extension options built into those leases.

Mr. Geraghty talked briefly about how a Decommissioning Plan for the site will need to be prepared, along with cost estimates to decommission the site. He indicated that those decommissioning costs will have to be adjusted for the number of years the lease agreement will be in effect.

Mr. Moore asked if the Town, County and School Districts will be involved in negotiating a PILOT Agreement?

Mr. Doud indicated that all three (3) of those entities have expressed an interest in entering into a PILOT Agreement.

Mr. Geraghty noted that there is no formal action to be taken by the Planning Board this evening.

Mr. Doud asked if his firm would receive a follow-up letter outlining what the Board would like to see on the next submission?

Mr. Geraghty indicated that he would put together a letter for the Board and would like to get it out early next week.

IV. ROBERT MCGUIRE – ZONING CHANGE REQUEST:

A. Background:

Robert McGuire owns a 3+/- acre parcel at 125 Griffis Road in the Town of Mayfield (Tax Map Parcel No. 136.-4-8). The parcel is currently zoned R-1 Residential. Mr. McGuire has been operating a repair garage on the property for many years. He is in the process of trying to sell his property and has had inquiries from individuals who would like to operate different types of commercial uses on the property. Since his use of the property as a repair garage is considered a legal non-conforming use, any change to a different commercial use would not be allowed. Mr. McGuire has asked the Town Board to change his property to a Mixed-Use-1 classification. The property adjacent to Mr. McGuire's property is currently zoned under this classification.

PLANNING BOARD DISCUSSION: Mr. Geraghty asked Board members if they were concerned that Mr. McGuire's zoning change request would extend the Mixed-Use-1 classification too far down Griffis Road and too far away from the NYS Route 30 Corridor?

Mr. Howland indicated that he felt all of the commercial properties in the community should have been zoned under some type of commercial classification when the Zoning Ordinance was prepared. He indicated that he didn't think it was fair that existing commercial businesses were zoned under Residential classifications that immediately caused those properties to be legally non-conforming.

Mr. Stewart pointed out that, while Mr. McGuire has operated a repair garage on the property for quite some time, by changing the property to a Mixed-Use classification, a better suited commercial use would be allowed on the property.

There was a general consensus among Board members that extending the Mixed-Use-1 District boundary to include Mr. McGuire's property made sense given that he has been operating a commercial business on the property for many years.

PLANNING BOARD ACTION:

MOTION: To recommend to the Town Board that Robert McGuire's zoning change request for his property at 125 Griffis Road involving the change from an R-1 Residential classification to an Mixed-Use-1 classification be granted.

MADE BY: Aaron Howland

SECONDED: Adam Lanphere

VOTE: 5 in favor, 0 opposed

V. REVIEW OF SOLAR FARM REGULATIONS:

A. Background:

The 2017 Zoning Law Update included new language in Article V, Section 508 dealing with Solar Farms. Given the number of Solar Farm applications and recent inquiries that have been made in towns throughout Fulton County, the Town Board has asked that the Planning Board familiarize themselves with the Solar Farm Regulations and offer any suggestions for additional language that should be included in that section of the Zoning Law.

PLANNING BOARD DISCUSSION: Town Supervisor Rick Argotsinger explained to Board members that there is another Solar Farm project being looked at on Jack Putnam's property. He noted that Mr. Putnam's property is completely hidden from view and will, consequently, not have the potential adverse aesthetic impacts that the previously-mentioned project will likely have.

There were several minutes of discussion concerning the parameters of the Planning Board's review under the Town's current Solar Farm Regulations.

Mr. Stewart pointed out that the Solar Farm Regulations were adopted as part of the Zoning Law update in 2017 and are almost identical to the Town of Johnstown's Regulations.

Mr. Geraghty added that the Town of Johnstown Regulations, which the County Planning Department helped prepare, have essentially been adopted by several other communities in Fulton County. He indicated that the review procedures and the design standards that have been established in those regulations have worked very well. He pointed out that, unfortunately, there have been projects that were well designed and subsequently approved by local Planning Boards, that have not been constructed and installed in accordance with approved plans. Mr. Geraghty stated that he felt the Town's existing Zoning Regulations

provided enough regulatory guidance and established clear parameters to allow the Planning Board to require the applicant to provide everything it needs for the project to be a benefit to the community.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:00 p.m.

MADE BY: Jerry Moore

SECONDED: Adam Lanphere

VOTE: 5 in favor, 0 opposed