

**TOWN OF MAYFIELD PLANNING BOARD
NOVEMBER 14, 2018
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE CHAIRMAN
JERRY MOORE
RICHARD MILES
FREDERICK CASTIGLIONE, ALTERNATE**

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

OTHERS PRESENT:

**RICK ARGOTSINGER, SUPERVISOR
LIZ ARGOTSINGER
MICHAEL DOUD, BORREGO SOLAR
NICHOLAS VAMVAS, THE CHAZEN COMPANIES**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:03 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the September 19, 2018 meeting.

MADE BY: Aaron Howland

SECONDED: Richard Miles

VOTE: 5 in favor, 0 opposed

III. PUTHAVEN FARMS – SPECIAL PERMIT FOR MINING OPERATION ALONG SAND HILL ROAD:

A. Background:

Puthaven Farms owns a piece of property along Sand Hill Road in the Town of Mayfield (Tax Map Parcel No. 136.-3-24.111). The property is approximately 40.8+/- acres in size. Puthaven Farms would like to conduct a mining operation in the southwest corner of the property. The mining operation will encompass approximately 2.3 acres of the site.

(NOTE: Planning Board Member Aaron Howland indicated that he would be abstaining from participating in the review of this application.)

B. May 16, 2018 Meeting:

During its May 16, 2018 meeting, the Planning Board continued its review of Puthaven Farms' Special Permit application for a mining operation along Sand Hill Road. At that time, the Planning Board asked that several additional pieces of information be provided prior to the public hearing. The Planning Board subsequently scheduled a public hearing on the Special Permit application for Wednesday, June 20, 2018. The public hearing on this application was eventually withdrawn after the Town Code Enforcement Office learned that the NYS Department of Environmental Conservation (NYSDEC) previously determined that the application for a Mined Land Reclamation Permit was incomplete.

DISCUSSION: Mr. Geraghty reminded Board members that, during the May 16, 2018 meeting, the Board was told by the applicant that the NYSDEC had all of the information it needed to proceed with its review. He reminded the Board that, based on what the applicant stated, a public hearing on the Special Permit application was scheduled.

STATUS: The Town of Mayfield Code Enforcement Office has been in contact with NYSDEC concerning this application. The Code Enforcement Office received e-mails from NYSDEC on October 25th and 26th outlining the status of the Puthaven Farms' application and requesting comments from the Planning Board concerning SEQR Lead Agency status. The Planning Board was also informed that Puthaven Farms still has to provide additional technical information to the State before it will continue its review of the permit application.

DISCUSSION: Mr. Geraghty explained that NYSDEC has reached out to the Town requesting Lead Agency status for the review of this mining operation. Mr. Geraghty reminded Board members that NYSDEC typically insists on acting as the Lead Agency for any review of a mining operation. He pointed out that NYSDEC has ALSO informed the Town that the applicant still has to provide additional technical information before the

State's actual review of the application will continue. After a brief discussion, there was a general consensus among Board members that a letter should be sent back to NYSDEC concurring with the agency's proposal to act as Lead Agency. The Planning Board also asked that NYSDEC be informed that the Board's biggest concern is that the project be adequately screened.

MOTION: Authorizing a letter to be forwarded back to the NYSDEC.

MADE BY: Jerry Moore

SECONDED: Fred Castiglione

VOTE: 4 in favor, 0 opposed, 1 abstained (Aaron Howland)

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

A. Background:

PV Engineers (Borrego Solar) originally was 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 indicated that the project would originally effect approximately 72+/- acres of the parcel and physically alter approximately 20.5+/- acres of the property.

After meeting with the Planning Board on September 19, 2018, the applicant decided to reduce the size of the project. As part of the revised project, the existing property will be subdivided into three (3) parcels. Parcel 1 will be 4.73 acres in size and will be created around the existing home on the south side of NYS Route 29. Parcel 2 will be 95.44 acres in size and will be created on the south side of NYS Route 29 around the solar facility. Parcel 3 will be the remaining property on the north side of NYS Route 29 which is 36.25 acres in size. The new proposal calls for the system size to be reduced from 15 megawatts AC to 4 megawatts AC and to use only the property on the south side of NYS Route 29. The revised project will involve the installation of approximately 4,500 panels.

B. September 19, 2018 Meeting:

During its September 19, 2018 meeting, the Town of Mayfield Planning Board began reviewing Borrego Solar's Special Permit and subdivision applications for a Solar Farm along NYS Route 29. At that time, the Planning Board asked that the following information be provided on a revised submittal:

1. The Planning Board expressed concern with potential adverse aesthetic impacts that could result from the project and asked that a detailed

visual analysis showing what the Solar Farm will look like from all four (4) sides be prepared.

STATUS: A visual analysis of the revised project on the south side of NYS Route 29 was prepared showing views from the east, west and north of the site.

DISCUSSION: Planning Board Chairman John Kessler questioned why a berm was not provided as part of the Landscaping Plan.

Mike Doud, Borrego Solar, stated that berms can be problematic in terms of Landscaping Plans because they are not natural features. He pointed out that the existing topographic features along the road will essentially act as a berm. He indicated that, typically, a double row of trees will be more effective at screening a project and will be better looking. He indicated that berms typically drain water away from trees and, many times, the trees end up dying off.

Planning Board Member Aaron Howland stated that he felt taller trees will need to be planted. He indicated that he liked the idea of a double row of trees planted in a staggered formation.

Mr. Kessler, again, reiterated his desire to see a berm constructed to provide more effective screening of the proposed Solar Farm.

Mr. Stewart pointed out that, if the Planning Board's only concern is the elevation of the screening, it may be easier to request taller trees.

Mr. Howland pointed out that the visual analysis, looking from Nine Mile Tree Road, does not show adequate screening of the proposed facility.

Mr. Doud agreed that the view from Nine Mile Tree Road will be very difficult to obscure because there is approximately a 40' elevation difference.

2. The Planning Board asked that an extensive amount of landscaping be provided in order to buffer the proposed Solar Farm on a year round basis from adjacent properties.

STATUS: Sheet C-3.1 shows the proposed landscaping for the solar facility. The Landscaping Plan shows plantings along the east, west and north sides of the property. The planting schedule indicates that 80 Colorado Blue Spruce and 119 Eastern White Pines will be planted. The size of the trees at the time of planting is identified as 8' to 10' in height.

DISCUSSION: Mr. Geraghty asked why the trees were planted along the road in front of the property with the residence on it?

Several Board members pointed out that the residential parcel may not be owned by the solar company, which will make it very difficult to maintain any plantings on the property.

Nicolas Vamvas, Project Engineer, Chazen Companies, agreed that it will be difficult to maintain trees on the residential property.

Mr. Geraghty suggested that the trees be planted along the back property line closer to where the solar facility will be located.

Planning Board members agreed that it would make more sense for the trees to be back closer to the solar field.

There was then a lengthy discussion concerning the visual analysis and the mix of trees to be provided along the property line.

Mr. Geraghty pointed out that the County Planning Board recently recommended a very specific mix of trees for a solar project in the Town of Johnstown. He reminded the Board that this project will also need to go before the County Planning Board under Section 239-m of the General Municipal Law. He speculated that the County Planning Board will likely provide a similar type of recommendation in terms of the magnitude of the Landscaping Plan and the mix of trees to be provided.

Mr. Howland agreed that a different mix of trees should be provided. He suggested that some type of arborvitae be included in the planting schedule.

Planning Board Member Richard Miles agreed and indicated that he felt a significant number of additional trees will need to be planted in order to adequately screen the facility.

3. A written confirmation must be provided by National Grid that the utility company is aware of the project and has established that the project can be interconnected to the company's infrastructure.

STATUS: A copy of the application to National Grid has been provided. However, no official response from National Grid has been provided.

DISCUSSION: Mr. Doud explained that Borrego's proposed project is at the "Ceasar Stage" of review with National Grid. He indicated that National Grid has let Borrego Solar know that a 4 megawatt system can be tied into the Hales Mills substation. He indicated that Borrego has not yet received its final response from National Grid outlining the costs associated with tying into that substation.

4. A detailed Decommissioning Plan for the site must be prepared. The Decommissioning Plan must provide an estimate prepared by a qualified engineer setting forth the cost associated with decommissioning the Solar Farm Project. The present cost to decommission the site must be established and then a 2% per year escalation cost should be factored in over the life of the lease term to establish the amount of the financial surety that will need to be provided to the Town.

STATUS: The Decommissioning Plan has been provided identifying a present value to decommission the site of \$194,974.91. After factoring in a lease term of 20 years at 2% inflation rate, the estimated the cost to decommission the site in the future is \$289,722.46. However, a salvage cost has been factored into the present value of the decommissioning cost estimate. The Town of Mayfield is not interested in what the salvage costs are and will require that the salvage cost subtotal be removed from the equation before the 20-year 2% inflation rate is applied.

DISCUSSION: Mr. Doud indicated that he would have the Decommissioning Plan updated after removing the salvage costs from the present day subtotal.

5. A detailed Maintenance Plan for the Solar Farm must be provided.

STATUS: Provided.

DISCUSSION: The Planning Board stated that it would like language added to the Maintenance Plan indicating that any trees that die or are severely damaged during the lease term will be replaced by the applicant.

6. A separate subdivision plat must be provided as part of the submittal package.

STATUS: ?

DISCUSSION: Mr. Vamvas indicated that he would provide a separate drawing showing the subdivision plat.

C. Application Information:

Section 508-2 of the Town of Mayfield Zoning Law identifies the application information that must be submitted for a Solar Farm Project:

1. Blueprints or drawings of the solar photovoltaic installation signed by a licensed professional engineer showing the proposed layout of the system and any potential shading of nearby structures.

STATUS: Provided.

2. Proposed changes to the landscape of the site, grading, vegetation, clearing and planting, exterior lighting, screening, vegetation or structures.

STATUS: Provided. The applicants have indicated that there will be no exterior lighting required for the facility.

DISCUSSION: Mr. Doud stated that there will be a motion detector light provided at the equipment area. However, he indicated that there typically is no maintenance performed at the facility during the evening hours.

3. A description of the Solar Farm facility and the technical economic and other reasons for the proposed location and design shall be prepared and signed by a licensed professional engineer.

STATUS: A description has been provided by the applicants in the form of a "compliance summary." The applicant has also provided a letter to Planning Board Chairman John Kessler outlining solar project benefits.

DISCUSSION: Planning Board Member Jerry Moore pointed out that the project site is located in an Agricultural District and the landowners will be required to pay back property taxes that were reduced because the property was formally an active farm.

Mr. Geraghty noted that the property owner could have removed the property from the Agricultural District during the County's recent 8-year review if it was known at that time that a Solar Farm development was going to be proposed on the property.

4. Confirmation prepared and signed by a licensed professional engineer that the Solar Farm complies with all applicable federal and State standards.

STATUS: ?

DISCUSSION: Both Mr. Doud and Mr. Vamvas indicated that the final plans will be stamped by a licensed professional engineer.

5. One or 3-line electrical diagram detailing the Solar Farm layout, solar collector installation, associated components and electrical interconnection methods with all national electrical code and compliant disconnects and over current devices.

STATUS: A 3-line diagram has been enclosed with the revised submittal.

DISCUSSION: Mr. Geraghty asked Town Code Enforcement Officer Mike Stewart if he had any comments regarding the 3-line diagram?

Mr. Stewart indicated that he did not have enough time to review the diagram but would review it prior to next month's meeting.

6. Documentation of the major system components to be used including the PV panels, mounting system and inverter.

STATUS: Provided.

7. An Operation and Maintenance Plan, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

STATUS: Provided. A Stormwater Management Plan for the site has also been submitted.

8. Information on noise (inverter) and reflectivity/glare of solar panels and identify potential impacts to nearby properties.

STATUS: A description of the potential noise and glare impacts have been provided in the compliance summary.

D. Minimum Requirements:

Section 508-3 of the Town of Mayfield Zoning Law outlines the minimum requirements that all Solar Farm developments must conform with:

1. All ground-mounted panels shall not exceed 12' in height.

STATUS: The maximum panel height identified on the Site Plan drawings is 9'.

DISCUSSION: The Planning Board recognized that the proposed panels should conform with the Town's maximum height limits for ground-mounted panels.

2. All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum 8' high fence with a self-locking gate.

STATUS: The compliance summary and the Site Plan drawings indicate that an 8' high fence with self-locking gates will be provided.

DISCUSSION: Mr. Moore asked if the project would involve the installation of batteries or storage cells on the site?

Mr. Doud noted that the NYS Energy Research and Development Authority (NYSERDA) recently issued new regulations concerning storage cells. However, he noted that there will be no storage cells proposed as part of this project.

3. The total surface area of all ground-mounted and freestanding solar collectors, including solar voltaic cells, panels and arrays, shall not exceed 80% of the total parcel area.

STATUS: The compliance summary indicates that only 2.4% of the total parcel area will be used.

4. The installation of a vegetative perimeter buffer to provide year round screening of the system from adjacent properties.

STATUS: Previously discussed.

5. Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case-by-case basis, ensuring the potential impact to its residents, business or traffic are not a detriment.

STATUS: Previously discussed.

6. All solar-energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings as well as streets and rights-of-way.

STATUS: Previously discussed.

DISCUSSION: Mr. Miles asked if there would be any potential glare impacts for vehicles that are coming down Nine Mile Tree Road?

Both Mr. Doud and Mr. Vamvas explained that the panels are constructed with a material that is intended to absorb the sun's rays and not reflect them.

7. All onsite utility and transmission lines are, to the extent feasible, placed underground.

STATUS: Provided.

8. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations and at intervals along the perimeter fencing.

STATUS: Provided.

DISCUSSION: Mr. Miles questioned what the perimeter signs along the fence line will look like?

Mr. Doud indicated that the signs will be very small in size and will conform with National Electrical Code (NEC) standards. He pointed out that the signs will not be very visible.

9. The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.

STATUS: Previously discussed.

10. All solar energy system components shall have a 50' setback unless abutting residential uses. Whereby the solar facility shall be located 200' from property lines.

STATUS: The solar facility is in compliance with this standard.

DISCUSSION: Mr. Moore pointed out that, once the property is subdivided, the solar panels will be within 200' of a residential property.

Mr. Geraghty pointed out that, if the property line cannot be moved on the subdivision plat, then the applicant will need to seek a variance from the Town Zoning Board of Appeals (ZBA).

Mr. Doud asked if trees could be planted in the setback area along the property line?

Mr. Geraghty indicated that they could and that the only thing prohibited in the setback areas are structures.

11. Solar modular panels shall not contain hazardous materials.

STATUS: Refer to product safety data sheet.

12. All pertinent structures including but not limited to equipment shelters, storage facilities, transformers and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.

STATUS: N/A

13. Lighting of Solar Farms shall be consistent with State and Federal law. Lighting of pertinent structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff to reduce light pollution.

STATUS: There is no lighting proposed as part of the project.

DISCUSSION: Mr. Geraghty indicated that there should be a notation added to the drawings noting that a motion detector light will be provided near the equipment building.

14. There shall be no signs except announcement signs, such as “no trespassing” signs or any signs required to warn of danger. A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis.

STATUS: Provided.

DISCUSSION: Mr. Geraghty pointed out that the Planning Board would like the local volunteer fire company to be informed of the project.

Mr. Doud pointed out that, typically, fire departments won’t go in to battle a fire within a Solar Farm. He indicated that, in the case of a fire, National Grid will be contacted and will simply shut off the power to the site and allow the fire to burn out.

Mr. Miles asked why Fire Departments wouldn’t at least try and put out the fire?

Mr. Doud pointed out that burning materials are hazardous.

There was then a few minutes of discussion concerning the potential hazards associated with the panels.

15. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. However, it shall not be used for the permanent storage of vehicles.

STATUS: Provided.

DISCUSSION: Mr. Vamvas pointed out that the hammer areas at the end of the access road will essentially serve as the parking areas.

The Planning Board had no further comments regarding that issue.

16. Section 508-4 of the Town of Mayfield Zoning Law outlines additional conditions for Solar Farm facilities, while Section 508-5 discusses the decommissioning and removal of a solar installation.

STATUS: All of the items outlined in those sections of the Town of Mayfield Zoning Law have been previously addressed as part of the review of this application.

E. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a subdivision application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Full Environmental Assessment Form, provided by the applicant, has been completed adequately?

DISCUSSION: Mr. Vamvas indicated that the Full Environmental Assessment Form needed to be updated with the new project information. He handed a copy to the Planning Board for its review.

Mr. Geraghty pointed out that the Planning Board will need a little time to review the document before initiating the State Environmental Quality Review process.

F. Planning Board Action:

Article XI, Section 1102 of the Town of Mayfield Zoning Law indicates that the Planning Board must schedule a public hearing on any Special Permit application. Likewise, Article X, Section 1008 of the Town of Mayfield Zoning Law requires that a public hearing be scheduled on any subdivision application within sixty-two (62) days of the time the Planning Board determines the preliminary plat to be complete. Consequently, does the Planning Board feel that it has enough information to schedule public hearings on the Special Permit and subdivision applications for Borrego Solar's Solar Farm Project along NYS Route 29 at this time?

DISCUSSION: The Planning Board felt that additional information will need to be provided on the revised drawings before the SEQR process can be addressed. However, the Planning Board suggested that the project be forwarded to the County Planning Board under Section 239-m of the General Municipal Law in order to get a recommendation from that Board.

Mr. Kessler indicated that, as part of the Landscaping Plan, he would like the Board to require that all of the plantings be completed before any panels are installed.

Both Mr. Doud and Mr. Vamvas indicated that they didn't foresee any problems with that requirement.

V. OTHER BUSINESS:

A. Code Enforcement Update:

Town Code Enforcement Officer Mike Stewart talked briefly about a potential property transaction involving a landlocked parcel near the Great Sacandaga Lake. He indicated that if the property owners wished to pursue the property transaction, they will need to go before the Town's Zoning Board of Appeals (ZBA) seeking an Area Variance since one of the parcels is already undersized and cannot legally be reduced in size.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:16 p.m.

MADE BY: Aaron Howland

SECONDED: Fred Castiglione

VOTE: 5 in favor, 0 opposed