

Town of York Planning Board Meeting
Wednesday, May 27, 2020
Zoom meeting

York Planning Board present: Joe Mcllroy, Al Brightman, David Dermody, Davies Nagel (1st alt), Heather Grant

Absent: Zach Kobylanski, Chris Wall

Chairman Mcllroy opened the meeting at 7:30 pm and read the following notice for tonight's meeting. This meeting is being conducted remotely pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus. Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed. There will be no privileges of the floor and the public will not be permitted to comment during this meeting.

Mr. Mcllroy called roll call for the Board members – 5 present and one alternate. We have a quorum and would like to ask who else is attending the meeting and who they represent.

Terry Rasmussen, Director of Development for OYA Solar; Lance Brabant with MRB; Yogesh Kumar, Project Manager for OYA Solar; Dave Ingalls, SolarPark Engineer; Joe Hens, Ingalls & Assoc. & SolarPark; Greg Rossetti, OYA & head of origination; Kirk Richenberg; Dustin Geiger, James Campbell, Atty.; Glenn MacKay, OYA Project Manager, Jerry Deming, Town Superintendent; Donna Kassel, OYA ecology and environment; Carl Peter, York Code Enforcement officer; Donna Falkner, clerk

Mr. Mcllroy asked for a motion to approve the April 29 minutes.

Resolution:

Mr. Dermody moved to accept April 29 minutes as written, Mrs. Grant seconded, carried.

Mr. Mcllroy asked for a vote:

Dave Dermody – Yes

Heather Grant – Yes

Alan Brightman – Yes

Joe Mcllroy – Yes

Mr. Mcllroy asked if Chris Wall ever came on and Ms. Falkner said no. Mr. Mcllroy said the minutes have been approved.

Mr. Mcllroy said we are going to move on to SolarPark Preliminary Site Plan and will start with Lance Brabant who has some comments and will give us kind of an overview of what he has done with the plan.

Mr. Brabant -I was recently retained to assist the York planning board through these reviews and in the review process associated with it. I'm very familiar with the solar projects as I work with a number of communities where solar has been an application before them. I'm aware and I've done work with

them. I've reviewed other Ingles applications before and the town of Avon so I'm familiar with their work as well. I did complete and receive all of the application information from the town of York. Also, Ingles associates provided me information that may have been missing from the package. I believe the Town of York received it. They see the Town of York on that submittal as well. We went through all of the application that was received to date. I believe they cc the Town of York as well and at one of your last two board meetings, SEQR was initiated and the planning board was seeking to obtain lead agency. The application is now going through a coordinated review with other involved and interested agencies. As of today, I believe Jim Campbell the town attorney has forwarded over to us one of the responses from Ag & Markets, basically stating that they don't have any objection to the Town of York taking over as lead agency for the application. They did offer several comments as well, which will be part of the record when we get to the environmental review of this application. MRB group did complete a thorough review of the information that was provided both as the site plans SEQR, is there anything additional that the Planning Board has comments on that maybe I can address from my letter, or would you prefer me just to do a quick overview.

Mr. McIlroy said a quick overview to start with would be appropriate/

Mr. Brabant:

So I'll try to go through and summarize some of what I consider the big ticket items that are typical in a process like this. And then we'll go from there. In our letter we identified that this is in an Ag District, which we're all familiar with. And then what that requires per your local law requires some acknowledgement from the applicant to be provided to demonstrate that the development complies with the current guidelines, as may be established by the New York State, Department of Ag and Markets relating to the mitigation from the solar energy projects. We did receive via email, bare with me, I'm trying to go through my emails, I apologize. We did receive from Joe Hens, representative from Ingles Associates, their submission to Ag & Markets their NOI which they did 5/21/20 in which they demonstrated that they are working with Ag & Markets to comply with that criteria. And they've also submitted a common letter generating compliance with that requirement of the code.

So the site has a fair number of wetlands on there, we did ask for them to classify those wetlands. And then that coordination with Army Corps & DEC would be required as part of the permitting process for this project. We want to make sure that the minimum amount of disturbance is necessary is being monitored and maintained as part of the project. But then also we have correspondence that they have approvals from those agencies prior to this board granting approval.

We also suggested that they submit some viewshed or line of sight analysis, which you may have already requested and I apologize if some of these comments are thought that was previously discussed. A line of sight analysis is basically taking the site and then showing us pre and then showing us post development of the solar panel. That way we have a better idea of what it's going to look like from certain points perspective from around the area. And then that would help demonstrate whether or not the planning board feels there's a need for additional screening or buffering to be provided. So we're making the suggestion that be provided to you guys to assist in your review of this application.

Obviously, as part of construction, we want to make sure that we have a very good sequence of

construction, demonstrating how the site is going to begin, and then what's going to happen during, and then how it ends, making sure that we're only disturbing what is ultimately necessary to get that part of the project completed. And that proper protection is provided during construction erosion, instead of actual measures in compliance with the New York State DEC guidelines there blue book. So we have several questions regarding construction sequence, just trying to make sure that we better understand what their process is, and then get as much detail as we can on the plans that demonstrate how they're going to comply with those requirements. We also stated that because they exceed one acre of disturbance, which is typical in a size project like this, that ultimately is SWIPP and a general permit from New York State DEC would be required to be obtained as part of the project and that's typical as well. And then that will provide inspections during the construction process in compliance with that permit and will run with the project until such time the project was stabilized and correction had halted and stopped. We did go through the decommissioning plan, we had several questions on that. We asked for them to again, kind of itemize and detail their sequence of soil restoration. DEC has some guidelines as to what we're looking for in that. And we're just looking to get a little bit more detail out of it, to make sure that we have everything that we want to see and was required on the plans and within the decommissioning plan. We also know the decommissioning plan is going to be a revolving document between now and the end of the review process. Because ultimately, whatever the planning board decides that they want to be added in, let's say for example, landscaping, the decommissioning plan is going to have to accommodate that. The estimate would also have to be revised to accommodate those landscaping locations as well. So this plan will be changing throughout the review process as items get discussed and may be required as part of the process. With that being said, we also stated that in the decommissioning estimate, not only should include, you know the items associated with the solar panels in the infrastructure and the roadways, but it should also include what it does, for the most part, the stabilization of the site. That's what its purpose is, but also the erosion and sediment control measures. The permitting process associated with obtaining permits will allow us to disturb that area. Again, when we remove that equipment to make sure that it has a SWIPP component associated with it. You want to make sure that it's all inclusive, and it has all the components that may be required at the time of decommissioning for them, and that's, that's basically a summary of our comments as written and provided to the town, dated May 22. I'm not sure if the board has any specifics or comments based on what I discussed, but I'm willing to assist where I can.

Mr. McIlroy - I'll open it up to the board. Does anybody have questions or comments on any of that?

Mr. Nagel - Just one quick question about what you would plant on the land. And my concern is whether you use native plants or non-native plants and bushes or trees like that. Is that part of the whole scheme? What exactly you use to plant on the land?

Mr. Brabant - Typically what we've seen being required in most of these instances are where the planning board decides they want screening, we typically want something like an evergreen, something that's going to stay fully vegetated throughout both summer and winter. So that you have full screenage, I've seen both native and non-native but mostly native species, so that we're not creating a scenario that might be harmful to the environment. But also, I've seen staggering of species as well. That's typically optional to the to the planning board. What I've seen is that the applicant would propose something that met the screening criteria, and then the landscaping species would be

reviewed in compliance with what DEC recommends us to do. That way we can kind of iron out the details as we get farther along. But at least we'll have a screening and a buffer that's more associated with what you guys would require.

Mr. Nagel - And in the open fields there would also be something that we would discuss what you would what you would plant around and underneath that around the solar panels.

Mr. Brabant - Correct, typically what we've seen is obviously most of these solar panels have a fencing around them and then that's where we see the landscaping provided is outside of the fencing in a manner that would provide buffering but also prevent shading of the solar panels. The intent of the solar panels is to capture as much light as they possibly can and use cases that works. But it's going to be ultimately the purview of the planning board to decide what they feel is necessary.

Joe Hens - Just to clarify too, we are proposing native pollinator mix within the array. So, you're getting that inside the array as well as the Evergreen screening around the outside. Like that based on, you know, native pollinators, native wildflowers.

Mr. Brabant - Good. It's going to be vegetated inside the solar enter. We're not going to have a brownfield

Mr. Nagel - Right, right. Right. My concern was using native plants instead of non-native.

Mr. Brabant - So I apologize if I misunderstood

Mr. Campbell - is it typical for the planning board to dictate not only species but the size of the plan for buffering purposes.

Mr. Brabant - Correct? That's, that's what I'm used to seeing in most instances, because ultimately, our goal is to mitigate as much impact to the neighboring area as possible. And if it's deemed, through our review, the planning board's review, that there is an impact that needs to be mitigated through screening and buffering, the size of the tree, the type of tree, the location of that tree is that purview of the planning board.

Mr. Brightman - if they're going to be preparing views of this project, they'll need to know what kind of foliage what kind of trees we want put in first, won't they?

Mr. Brabant - It's definitely helpful. I'm making an assumption, but I think it makes the most sense to have something that's going to be covered year round, something that's not going to lose its leaves and then be buried in the middle of winter because then that doesn't provide you much screening I put off, obviously that's optional. It doesn't mean it has to be that way. You can have some different type of trees out there that maybe a better looking specie in the summertime and so be it, but we typically see a form of an evergreen something that's hardy all year round, provides that screening and doesn't lose its leaves

Mr. McIlroy - what typical heights would you plan or what is planned by solar park at this point. I think

we have this rendering. What's size of shrubs were you're planning on starting with?

Mr. Ingalls - Yes, I'd like to jump in. We are typically showing a six-foot evergreen at the planting as our tree. This plan that we have now currently has I think it says 128 Eastern red seeder we would be glad to accommodate any type of species. But as Lance states, I think typically what we have been doing is the Evergreen because as Lance states, it gives you the year round screening. We have a pretty robust planting along Retsof Road, and then basically the whole Eastern section of Chandler east of the existing sawmill. And that's what's represented in the renderings, I'm not sure who has seen what renderings yet, but Joe has put together several renderings. He has those, we might even be able to share those with you guys. And we can actually look at them if you would like, up to the board.

Mr. McIlroy - Yes, I have. I have one in front of me. And I mean, I say every picture has to be at least a half page. I mean, that's like nothing as far as when you look at them, it really doesn't show us a whole lot. So I'm a little disappointed in the rendering.

Mr. Brightman - Is it possible to see what the latest rendering is?

Mr. Hens - I could share my screen. Actually, what you're probably looking at as the memo version.

Mr. Ingalls - What you guys have is only a small screenshot of what the mailing was looking like. And that was basically just to send people a tickler to alert them and hopefully we can arrive at a date tonight, as we talked about at the last meeting. That's just like the postcard or flyer that was going out. So, we can get you a much better representation of the rendering.

Mr. McIlroy - I want the public to have a better presentation. This feeling to me, it's almost a joke. I mean, this is what the public is going to see. And I think this rendering is really important that it's done and done right.

Mr. Ingalls - We'd be glad to work with the board. Typically, we know we talked about this at the last meeting, typically we don't send out or try to attempt to put the rendering on a flyer. The best bet would be for the public, if they had any questions to contact us and we can send them something different or email them something different. I think that was something he had talked about getting an email address or contact. It's very difficult for us to put the rendering on the postcard so maybe Joe can at least show us what we're looking at and We can figure it out from there.

Mr. Hens - Do I need any specific permissions for that? Can I just hit share screen here? That's disabled by the host right now.

Mr. McIlroy - you can tell we're new at doing this.

Ms. Falkner - can you do it now?

Mr. Hens - I can now. Can everyone see that? That's the birds eye view. So, I pulled this up and blew it up. We had a package of PDFs that had each of the renderings on someone's sheet or on a half sheet. So you see here, this is just the overall site aerial. And you can see Retsof and Chandler roads, and you

can see where the tree plantings are.

Mr. McIlroy - could we go back? Why did we end the tree plantings coming from the west headed east down through there. We've got all this area on Chandler Road with no shrubbery.

Mr. Hens - thinking there was just to really screen the adjacent properties not necessarily screening Chandler road because of the large distance. When you look at the line of sight images that are further below you can see that you're actually getting most of the screening because the site's so flat from the existing grade and the fence itself, you're really only seeing that green vinyl fence as the privacy slats. These aren't quite as high definition as the other image because they're sharing a page. But you can see this is the view of the solar array from 3903 Retsof Road. Post construction so this is the height that they're being planted at. You can see they're a little bit shorter than the fence because they're six feet high. And then this is with assumption of 10 year growth of about a foot per year. And these would go a little bit fuller than what you're seeing here. But again, it just gives you more like the height representation of the array. And see the array, you can see the fence and you can see the trees. This is the view looking perpendicularly at the array from Retsof Road so you can see again, the site's so flat. This is the actual existing grade from Google Earth. You can see the site so flat that you're really not seeing much over that fence of the array itself. right front. And then here again, this is at full growth and once again, this is going to actually look a lot more fall over. We're limited by the technology we have at our disposal, but this lets you at least get an idea of the height. And then this is what I was talking about on Chandler roads so you can see how far away the fence looks from the road here and this is all actual distance. So you're really only seeing the side of that fence from the road. That's again post construction. This is after construction. You can see the trees are a little bit higher. And this is another view from Chandler. This is the closest point. So I guess this would be like your worst case scenario. And here you can see, again, the site's flat, you can see over the top slightly the trees at construction, and then post construction they fill in.

Mr. Ingalls - Joe that's on the east end of the property right down toward where the existing Trathen house is.

Mr. Hens - So if you look at this aerial, this is the closest point. So you really have a view here, you got a view here, get a view here. And then you get a view where my cursor is looking at the array from the back of the house. We have this model. so if the board wants any other views, or they want us to add anything to this rendering, we've also taken this and superimpose it onto actual, like Google Street View imagery or photos we've taken. So, there's a lot we can do with this to spiff it up. Again, we apologize. You know the intention wasn't to hide the ball or anything like memos are limited by the technology and how much you can actually cram onto a memo that we're folding.

Mr. McIlroy - Well, to me, I think the memos are going to be more than one or two pages because I think that the renderings just looking at them in that little snapshot really doesn't give anybody a whole lot of what it looks like. And so, that's my opinion. I don't know about the rest of the board. What's your failings? Let's go down through Dave, what do you think?

Mr. Dermody - Well, I happened to go, I was camping this weekend and I happened to go by another solar field down in Chemung County and they did not use shrubbery at all. They used some kind of a

black wrap on a chain link fence with holes in it. And you could see quite a bit of the array. So, I think that, at least me, I think we're making an honest attempt to shield us from the, from the houses, as far as the road view. I think if the rendering is accurate, I don't think it's terrible. I mean, to be realistic. You know, I mean, yes, you could add more trees, but obviously, you know, it's all about cost and efficiencies for everybody. So, I think that it would probably work. I mean, it's not like we're going to be able to hide it, that's for sure.

Mr. McIlroy - No, my question is, do you think the rendering, just postcard, they want to send out that those pictures really show enough for the public to see

Mr. Dermody - I did not. Well, um, I like this rendering that I'm looking at now, I think is fairly decent. Um, you know, I think if I got this in the mail, like, I mean, at least I can look at this and picture this picture that I'm looking at anything less than that would be probably be questionable. You know, if it's shrunk down and it's hard to see, I think that would make it difficult.

Mr. McIlroy - Well, the rendering on the postcard is four inches by two and a half for that particular video.

Mr. Dermody - That's pretty small. That's pretty small. Yes. I think that that would be, I think that would be difficult to for people to discern what the project is going to look like. Four by two is, I mean, it's not even a five by seven card. I mean, five by five by seven. You know, like, a little a little card like you'd have like if you're doing a presentation would be small enough. So I think, you know, two by four, four by two is pretty small.

Mr. Brightman – Can I ask that we just shrink the image on the screen to get somewhere like a representation of what the postcard might actually detail?

Mr. Hens - This is the memo we sent. So this is the actual memo itself. Can everyone see that? Sure that trifold

Mr. Ingalls - Maybe we can explain. This is not a postcard gel. This is eight and a half by 11. This is a full size. Yes. A full-size sheet on front and back. So what we could do is the photo we were just looking at is the one over there on the left center. We could maybe do without some of the other ones Make that image larger, I think white speak volumes and try to so you're going to put more emphasis on it like that.

Mr. Ingalls - And do a couple pertinent renderings on the back side, because we're doing a double, a double side. So at least you're going to get the front would be eight by eight by eight at that point or six by eight, something, you know, something very similar to what we were just looking at. I think that bird's eye view is the one that really helps people understand, well, they could say, well, that's where my house is. That's where Retsof is. You know, I think, I think that bird's eye view, the first one that we've been looking at, speaks volume and is able to decipher and understand what the project is. And, and one thing on the visual screening we also have to remember when we're looking at the the array from Chandler that's over 500 feet. So those renderings are pretty accurate. You're not going to see anything other than the pure easterly corner where Joe was referring to where the one view shed

was. So maybe we can try to work with this thing and maybe tone down the number of photos if you guys think marks the ones that we choose. The other thing is we could also add a website, where they could look at a PDF on a website, so I'm sure that somebody could figure out how to go down to a website and take a look at it as well.

Mr. Campbell - Real quickly, I understand the economics of wanting to keep it on one sheet of paper and fold it up and stick a stamp on it. But if the board is interested in in bigger pictures or more information, is there anything that prohibits you from mailing a small package with three or four pages of paper that they give these renderings to. The concern is that there are some people that will not go on the internet and connect to a website. They don't have access to it. They don't have their comfort level technologically. But they would show up in person to see these things. And so, if we can't do that, the next best thing is to provide a decent representation of the information that's important. If that takes more than a few pages. Is that something you can do?

Mr. Ingalls - We can put something on file at the town hall.

Mr. McIlroy – but the town hall is closed.

Mr. Ingalls - One piece of paper and two or three stuck in an envelope. I think we really know it's not too difficult, but I think we really would really like to try to get it down to one page double sided. I mean, we were talking about 1200 mailings, which is going above and beyond the ordinary notifications that you guys would do anyway. What if we put a full size one outside Town Hall and reference that? Is there a place we could mount it and laminate it and mounted outside the town hall?

Mr. McIlroy - I think, you know, these are entirely different times. That's why we're doing this. The other option is, we can always wait and have a public hearing when we can open the town hall. You know, we can do that. And do a regular public hearing, like we always do, where people can come in and see it. Otherwise, for me, this rendering, I think should be every picture should be half a page. That's my opinion. I don't know, like I said the rest of the board. Obviously, we need to speak up and say what we think. I think, you know, Dave Dermody stated he doesn't think it's big enough together. What do you think Heather?

Mrs. Grant - I like the aerial photo a lot. I think if that was definitely blown up, that would help. But I can understand, not wanting to send more than one sheet of paper. I don't think people are going to look at the packet even, you know, go get it in the mail, and they'll throw it in the garbage or whatever. So, I think if they can get it on one sheet of paper, it makes more of an impact that way. And the other pictures with the trees. I don't think you need as many of those maybe, like we said, take some of those out. But the big aerial should be bigger so that people can really see what the overall project is going to look like.

Mr. Dermody - I agree with you, Heather, I think that's a that's a good statement. I think some of the other pictures are not as pertinent for most people. But that the aerial, the bird's eye view, I think is crucial for a lot of people. They're going to see what it looks like. Most people that are familiar with the area know what it looks like before, obviously, the way it looks now, so they want to see what it's going to look like after it's done. So I agree with Heather

Mr. Brightman - Just to kind of I agree with Heather, the aerial view is the most important because it shows the entire project and how it fits in. I think most of the ground views don't really, at least to me, show me much but I think at least one has to be included because it does show the fence and the trees. Other than one of them I noticed does show I believe the panel's just sticking a little bit above the fence. Perhaps that one would be the best representation that occasionally you might see the panels but only a small portion of them.

Mr. Hens - Can I make a recommendation. Maybe we use a view from Chandler Road and one from Retsof Road and the aerial will make three. I think we have enough space on here where we could make them big enough on the memo where everyone could see it. So that way you're getting both the aerial and you're getting larger, high level views from the road.

Mr. McIlroy - Okay, if we could do one of the renderings from one of the roads with the shrubs at planet sized and then I think you're doing both well either way and then you could do one from the other road with on that 10 year old growth. And I would be good with that. If they were, you know, at least half photos or pictures. I think then people could see these other ones. They're so small, they don't really show you much. Should be able to get them off to what? Five and a half by eight or seven.

Mr. Hens - I can adjust the aspect ratio in the program to so they wouldn't be stretched but they would fill that that whole sheet. So, it'd be something like that something like this here, and then we would do two more views there

Mr. McIlroy - They would be bigger than what you're showing me now, right?

Mr. Hens - Yes.

Mr. McIlroy - Everybody good with that?

Mr. Brightman - I'm okay.

Mr. Dermody - I think so.

Mrs. Grant - Yep, that's good. I also think if you could put the road names on the aerial view right on the road so people can just kind of look at and say, Oh, I know where that corner is. I think that would be helpful to

Mr. McIlroy - And the other thing that I would like to see under rendering is that any resident requesting a full site plan, a special use permit pack the same as the planning board received will be provided one by SolarPark, VIDEO MAIL or FedEx. There probably won't be six, seven people at the most that will request that, but I think it should be an option for the public if they want tee everything. How does the rest of the board feel about that.

Mrs. Grant – Sure that sounds good.

Mr. Brightman – I agree.

Mr. Dermody - Yep. No, no, that will work. Probably not too many people will want it.

Mr. McIlroy - Yes, I don't think you'd have thought, it's not like it's going to be a big request. But there may be one too. three or six little but I don't think it'd be a big amount. And then the only other thing is somehow we would have to, you know, approve the final draft before you mailed the memo.

Mr. Brabant - Yes, I was just going to ask, is that it's my understanding that we're anticipating the June 24 meeting being a public hearing, which we would need to get this out. We would need to get this out well in advance of that meeting. So, I guess my question goes back to the Joe, with the changes have been requested. Is it possible for you to send a working document as you have in the past to the town? Like, how soon can you get it to us?

Mr. Hens - I could send you something tomorrow. That's not a problem, changes being requested are not very high.

Mr. Brabant - take a look at the verbiage up top to make sure we are referencing right dates, right as you can, so that we minimize the changes on our end because we're going to have to send it out to the board. Make sure the board's comfortable with it. Get it back to you guys for the mail.

Mr. Hens – Okay, we'll double check everything on our end and send you the final product.

Mr. Dermody – We probably should, from what I'm seeing here, we're referencing Skype. Is that how it's going to be in the future? Or should we be talking about what we're using now? Zoom? Um, that's a small.

Mr. McIlroy – Zoom

Mr. Dermody – Okay, just wanted it to be clear, so that people are not confused.

Mr. Brabant – Right. So, I think what would happen is, is that we can set the meeting for the 24th. Set it up as a zoom meeting, that we have all the credentials ready to go. And then when Joe sends us this as a draft for our review, as a working document, we can insert that information into this document. That way, it's all ready to go. Does that does that make sense?

Mr. McIlroy – I'm good with that. Is there anything else on the rendering that we need to talk about?

Mr. Ingalls - The only question I had was we had talked about potentially trying to work with Tom's schedule. I don't know if Tom's on tonight, but we had talked about a potential special meeting on June 15. I don't know if that was a possibility. We would respectfully request that if possible.

Mr. McIlroy – what for?

Mr. Ingalls – Just looking at my notes from the meeting we had in April, we had thought that potentially we could set up a public hearing for the second Monday in June, I believe was the 15th. We

were tossing that around as a potential meeting.

Mr. McIlroy - right. I think we're looking now at June 24 for the public hearing. Realistically, by the time we get things done, we get looking over stuff and by the time you get the mailing out to the public, I think we're looking at June 24. That would be our next scheduled meeting.

Mr. Campbell – Does the rest of the board have any thoughts about that? That's June 24. Sound good for everybody?

Mr. Dermody - sounds okay right now for me,

Mrs. Grant - as far as I know.

Mr. McIlroy - Yep, it's ok with me.

Mr. Campbell - Keep in mind that over the course of the next week or two, it may very well be that the restrictions in place currently are loosened, that might allow us to hold this public hearing in a more conventional fashion. And if that does happen, the date being on the 24th will make it more practical for us to adjust from a notice standpoint. If that does happen. One of the things Lance and I have talked about is the possibility of doing a combination where we have a traditional in person public hearing to the extent that we are allowed to in terms of social distancing and number limitations, but also allowing people to participate through Zoom, so that there would be an alternative for those who might not feel comfortable at this point. So early on in the reopening, going off. So if we keep the date, the later date in June, which I think makes sense. It gives us a greater ability to adjust to that, which I think is a good thing, keeping in mind that the whole purpose of of the public hearing is really to facilitate meaningful public input.

Mr. Brightman - I agree with that date. That should work.

Mr. McIlroy - Yes, I think that's our best scenario. We get all done if we can have a public hearing where we can sit around and have stuff up and people can look at it, it's it's definitely going to be the best then if not, we're still going to have one on the 24th you know, via Zoom. So there would be one thing that the next order would be if we make the motion for public hearing for SolarPark on June 24th.

RESOLUTION: Mrs. Grant - I make that motion to hold the public hearing for SolarPark on June 24, 2020. Mr. Brightman seconded the motion.

Mr. McIlroy called for a vote:

Dave Dermody – Yes

Heather Grant – Yes

Alan Brightman – Yes

Joe McIlroy - Yes

Motion carried.

Mr. Nagel – Yes as the 4th member

Mr. McIlroy - Well, you're you can't we have a quorum. Carl do you have any comments?
Carl are you able to hear me?

Mr. Peter – To SolarPark. My only question or comment, I'm not sure at what point we need to identify this as the correct address on it for roadside rather than using the sawmill's address. That's going to be where the primary access to this project is going to be. We have a street address that's been assigned. At some point we need to get this list over so that we can identify it and it gets it directed that way.

Mr. McIlroy - Okay, solar Park, does somebody have an answer to that? because that'll be for emergency vehicles and that'll be before construction starts obviously.

Mr. Ingalls - When we respond and put together the next generation of plans set in response to Mr. Brabant's comments, that would be the appropriate time to do that. So we do have a detail that shows the signage, the Emergency signage. So we would like to put that address in. Do you have that Carl, do you have that address for Retsof?

Mr. Peter – the address is 3955 Retsof Road

Mr. Ingalls - Great. Thank you.

Mr. Peter - The power company would want to be using that as well?

Mr. Ingalls - Yes. Thank you.

Mr. McIlroy - And while I have you Dave, you will also be addressing comments from the Livingston County planning board.

Mr. Ingalls - Good question. Yes. We have not seen any correspondence from the seeker lead agency coordination or county referral. So if somebody could send that to us, then we can respond accordingly to build.

Mr. McIlroy - Okay, Jim do you have them

Mr. Campbell - I will send the county comments now Dave.

Mr. Ingalls – Okay and Lance had mentioned something about others, but it sounds like the only person that responded under the SEQR coordination was Ag & Markets. If we could see that also

Mr. McIlroy - Livingston County did also

Mr. Campbell – Ag & Markets just sent a letter this afternoon. I will forward that to you. The green cards came back from Livingston County, Ag & Markets and the Livingston County highway

department. haven't had any comment back from Livingston County.

Mr. McIlroy - Does anybody else have any questions comments or anything for SolarPark?

Mr. Campbell – Lance, do you have anything else for the board's consideration or for the applicant at this point?

Mr. Brabant - No. So I think what we're looking for and as Dave Ingles mentioned just a couple minutes ago that they're going to provide responses to our comments, responses to some of the comments to request that tonight's meeting and revised set of plans. Ultimately, the sooner we get them, then we can get through our review, and try to provide comments prior to the next board meeting if that's even possible. Regardless, our next board meeting, it sounds as if we're anticipating the making that a public hearing based on the vote tonight, we'll entertain public comments and then have worked capable of or enabled to do so, SEQR determination and lead agency will be discussed at your next meeting as well. I will provide the board and Jim all associated SEQR documents for your review in advance of the meeting, so that you have them in case we're in a position to move forward with those documents. And obviously, if I get revised plans, and I'm able to get through them, I will try to generate comments as soon as I can get it back to you in advance of the meeting so that you have time to look at them as well. That's all I have at this point. But if the board has any comments for me, I'm more than willing to answer.

Mr. McIlroy - No, I think between the comments of the county and your comments, we pretty much cover one through 14 for Preliminary site plan review. And I think, you know, we're in pretty good shape on that at this point. Unless somebody has anything.

Mr. Brightman - Nothing from me, Joe.

Mr. McIlroy - Does SolarPark have any questions for us? You have everything you need from us.

Mr. Ingalls - I do. Joe, are you set as well? Joe from Ingles?

Mr. Hens - Yes. think we're all set. We'll get you that revised memo and try and get that out as soon as possible.

Mr. McIlroy - Right. That is great.

Mr. Brabant - If I may have one more request. I apologize. I forgot. It is a little bit late. I apologize. Those renderings, can you guys send them separately outside of the memo? Just so the board has the larger copy of them for the record?

Mr. Hens - I'll send that same packet I had open today with screenshare. I'll send that out with the revised memo that's already completed so they can both go together.

Mr. Brabant - That way. I mean, that just addresses one of MRB's comments but also good for security to have them and it'd be good to have them for the board for their record.

Mr. Hens - That I agree.

Mr. Brabant - That's it. I appreciate it. Thank you.

Mr. McIlroy - Thank you guys. Thanks, everyone.

Mr. Ingalls - Thank you, everyone. Thanks, Lance.

Mr. McIlroy - Thanks. Have a good night. Okay, addressing OYA Solar if somebody can give us a brief overview of our project.

Mr. Rasmussen - Good evening, everyone. I'm Terry Rasmussen, the Director of Development for OYA Solar. If you don't mind, I'll pull up our site plan because it's a little easier to talk about it with something to see. So I'll see if I can share my screen here. All right. Let's see. Can everybody see the screen?

Mr. Brightman - Not yet.

Mr. McIlroy - Yes, there we go. Got it.

Mr. Rasmussen - All right. Oh, I just got a message that internet connection is unstable. So I'm not sure exactly what that means. Just a sign of the times. If thank you all for accommodating us. I know. It's difficult time right now. And we do appreciate you being on this special meeting. So just a bit of background. We've been developing it for almost a year now just with the preliminary work, and then the background studies. And I guess we submitted our form application back in February and then the world went to a different place. But, you know, this is this is a good site for us. I really like this one, like it's not the perfect solar site. It's not completely flat. It's not completely treeless. But from a neighbor perspective, it's really tucked away from just about any neighbor that could possibly see it. It's surrounded more or less by trees, the only spot where there might be a tiny gap in the trees is thrown along the northwest corner. And just the way the property slopes and slopes down towards east and down towards the south. It's a nice project that's tucked away so, we don't believe that any of neighbors are even going to be able to see it. You know, on the off chance that there's one or two neighbors right on the northwest corner. Our thought tonight is that if they'd like we could do visual screening more or less along the property line or to mitigate any views they might have. But that's just the overall kind of viewscape for a project. We've already talked to DC and gotten concurrences from them on any wildlife or wetland issues. Same with the Army Corps of Engineers. We're not currently attacking the wetlands, in fish and wildlife, US Fish and Wildlife also have given us a return us with no no issues there. The only thing we are still we still have outstanding on our end is the state has a Heritage Preservation Office, they've requested that we do a stage one Archaeological Survey, which we're in the process of, of arranging and conducting. The earliest we've had is getting people out to be able to work on the site. But we intend to have that done in short order. So other than that, we would love to hear any comments you have, any questions you have, and we're more than happy to answer them.

Mr. McIlroy - Okay, I think to start with, from what I found out, the the escrow has been taken care of, and the waiver has been taken care of so we can move forward with the project at this point. I guess my first question would be to Lance is the proposal a complete application.

Mr. Brabant - Good evening. This is Lance again with MRB group. MRB group did review this application and other materials submitted and compared it to your special use permit process and your local law inquiry regarding the solar. We did issue an email out to the applicant requesting some additional information to justify compliance with the requirements of which included documentation on Ag & Markets, determination how they're going to be compliant with that process. They also requested a decommissioning estimate which is a requirement of your solar, especially special use permit process. And then there was a couple other items of which we didn't get response back from the applicant. That response was dated May 21, 2020, in which they responded back with some additional material, addressing those comments, and then some items basically a statement stating that they're working to comply with those requirements. And we'll continue to address those comments as they come in. I would say based on that review, I believe this applicant meets the intent of your special use permit process and your solar requirements. And therefore, I don't have any problem with the board moving forward into preliminary application and SEQR review at this time.

Mr. McIlroy - Okay. Carl, does it follow our town code? Do you have any comments?

Mr. Peter - To the best that I can tell it meets the town code for the solar project?

Mr. McIlroy - Do you have any other comments on the project at this point in time,

Mr. Peter – Not at this time.

Mr. McIlroy – How about the board. Do you have any questions? Comments?

Mr. Brightman - Is it appropriate to raise questions about the drawings at this point.

Mr. McIlroy - Yep.

Mr. Brightman - What is a pole cluster up on the north west corner.

Mr. Rasmussen - So that's how we interconnect the project to the grid. So National Grid is the utility here or Mohawk power, whatever name they're using. So, they have a they've set engineering requirements on the number of poles and what equipment is on those poles. And so that pole cluster is is what their requirements are to connect to the project. It's a group of, I think, it's five poles

Mr. Brightman - and it's up right by the road right?

Mr. Rasmussen - Yes, and you know, that's largely dictated by their engineering standards.

Mr. Brabant - Yes, this is Lance with MRB group. This is typical what we've seen other applications require as well, that they have to have a set of five poles certain distance away, usually clustered

together as shown, and that's where they make their above ground connection to the polls.

Mr. Brightman - Okay. It has a visual impact, though.

Mr. McIlroy - there's no way to get around that basically. Is there any other options.

Mr. Rasmussen - We can have a chat with National Grid and see if maybe that might be possible. ability of moving it back, but, you know, I'm not gonna make any promises, but I will. We will make the request of them.

Mr. Brightman – they are standard telephone poles we usually see street side.

Mr. Rasmussen - Yes. Okay. I'm just trying to see what we have. So, on the screen now is a typical pole typical size. Large 40 foot pole. Some of them may have a couple switches on them, but that's largely it. That's kind of what they look like.

Mr. Brightman – the concern is it's just as you're really driving into the Hamlet.

Mr. Rasmussen - Yes. Let me let me take that back to National Grid and we can we can start that conversation tomorrow to see if okay for us to move that back out of the way of it.

Mr. Brightman - Okay, thank you

Mr. Brabant - Yes, we've seen them back farther on other applications as well. It really comes down to access, as long as we can gain access to the project. That might be a possibility

Mr. McIlroy - What is the access to this site? Because when you look at it is, do they have a right away to get in there?

Mr. Rasmussen - So we have an access road, it runs up, I believe, it runs up the existing driveway to the house and barn, the access road will run up the existing driveway then behind the barn and out to the site.

Mr. McIlroy - So you have an easement.

Mr. Rasmussen – Oh Yes, we believe a lease in place that covers the entire parcel. So, we're allowed to locate our access road up to the parcel, it extends right up to them around that one small corner

Mr. McIlroy - the parcel actually that solar is on is same as the house parcel?

Mr. Rasmussen - yes

Mr. McIlroy – where the driveway goes in

Mr. Rasmussen - or sorry, it's hard to say on this if you look at that it kind of in the key plan it shows

the part of the parcel zips up here and then there's another part for that for part where the houses are. The way that map shows is there's kind of some of the buildings on one and some on the other parcel.

Mr. McIlroy - Okay, and then on your road that goes all the way to the parcel goes all the way to York road?

Mr. Rasmussen - Yes, it does.

Mr. McIlroy - Okay, because you need to have the 250 foot frontage. That's why I was curious. I guess what I'm getting at is somehow you've got to have, that's got to be included in the lease that right away. Because we can't let you put that in there and have that parcel landlocked with no way to get to it. So that would have to be in in the lease, I would say, because that's actually coming through you said a house driveway.

Mr. Rasmussen - Yes.

Mr. Dermody – That's a question I have that honestly, that does not seem logical if there was a major emergency, that you would have to use a house driveway, to get to that facility. If there was some type of emergency, you get emergency vehicles of any size. I mean, I have a farm, and I know what driveways can get like. All you need is something, a truck with a trailer parked in that driveway in the middle of an emergency, and the driveway is tied up. It seems like it ought to have its own driveway to the site.

Mr. Rasmussen - Okay, so let me clarify. I think the intent is to use the same access point and improve and expand it. We will talk to the landowner to see what their plans are. I don't know that if they even intend to occupy the site after this solar farm is built. But if not, then we will arrange access either as a separate access point or some measure to ensure that the access is clear.

Mr. McIlroy - Yes, because that was one of my concerns when I first looked at the plan, one of my big concerns was access.

Mr. Dermody - and then the type of materials involved in the driveway and size of materials to build

Mr. McIlroy - is there a reason you aren't accessing it from York Road?

Mr. Rasmussen - Yes, because any other access point would involve us crossing over a creek in a wetland and and up a hill and through a large forested section, which is unattractive on environmental perspective, and it's also less feasible.

Mr. McIlroy - Okay, well, let's see what kind of options we can come up with because that's, you know, obviously, you've got to have good access. We got to be able to get emergency vehicles in there and it's, you know, 12 months out of the year.

Mr. Rasmussen - Yes, we do. We typically design our roads to be at least 20 feet wide. So, we'll circle

up with both the landowner and our engineering team and, and see if we can make some adjustments to the access drive.

Mr. McIlroy - Okay. You good with that, Dave?

Mr. Dermody - Yes, I mean, I just think that's something that should be looked at. And, you know, without knowing if that residence is ever going to be used again, I think that's reasonable. Let the guys see what they can find out. I would feel, personally, I would feel better if it had its own access road that was unencumbered? Well, I mean, that's just my thoughts.

Mr. McIlroy - They're definitely going to have to have an easement or something that gives them access. And, you know, otherwise we can't allow the project to move forward, if we can't guarantee access to it.

Mr. Rasmussen - Yes, we do. We do have permanent access rights through our lease. We also sometimes end up doing it. If we end up putting the poles back, but we'll also grant an easement to National Grid so you know we already have the rights to put it there now.

Mr. Rossetti - Yes, it's great. All of those those rights and easements as you say, they exist, they exist within and under the current structure that we have.

Mr. McIlroy - Okay, so you will show us on the new plans, that driveway that's going to go in there and materials, fabric, how it's going to be done. I mean, you're not just using what's there. You start at the road, you know, boxing it out, and put an access into it. Not trying to drive up through where half the driveway was.

Mr. Rasmussen - Yes, we'll, either add extra detail or an extra sheet showing the close up of the access point.

Mr. McIlroy - Okay. Good with that.

Mr. Brabant - For the record, the board does have a perfect question. But ultimately, yes, they're going to have to demonstrate one legal access documentation will have to be provided demonstrating that they have that built in or easements shown. And then the roadway itself from driveway will have to be constructed in a manner to meet fire code requirements and town requirements. Both of those things will be addressed as part of a review prior to any of them have been generated by the board.

Mr. McIlroy - Okay, thank you. Does anybody else have any comments at this point on the sketch plan?

Mr. Brightman - Yes, this is one of the visual screening and fencing. You have screening just along I guess would be the northwest corner of it. So that's sort of visible. Is that right? The rest is really hidden.

Mr. Rasmussen - Yes, the rest is very hidden off the east side. Beside the backside, there's a rail access plus a line of trees. And most of the rest of the parcel is screened by heavy tree cover. The only

possible points are right near just south of the access point where one or two houses are. And then there's the neighbor to the immediate north of the house and there's a little bit of strip of land with not full tree cover, but there is also some tree cover in there.

Mr. Brightman - So are they they're looking down on these panels. Is that right?

Mr. Rasmussen - I'll have to look. I'm just trying to remember from my last walk around the outside. And it seems, I think, I thought there was a high point nearer to where the gap there is, but I'd have to confirm with our survey to make sure my mind is working right.

Mr. Brightman – Okay. So Joe, I raised this to you, when we had a chat the other day. Is it possible for anybody interested on the planning board to maybe do it walk around. I just am not familiar with this land and in the houses. Just wondering if anybody else might be interested in that.

Mr. McIlroy - I think it would be a good idea because it's, you know, it's back in. I know most of it is green, but I'm not familiar with it either. Then we could get a good visually and what's what for residents and what they might be looking at.

Mr. Brightman - Exactly. Yes.

Mr. Rasmussen - Yes, we are more than happy to accommodate that. I just want you to bring ong pants and some tick spray.

Mr. McIlroy - not a problem.

Mr. Brightman - It's just you know, it's an important decision and just not knowing it. I'm just a little uncomfortable without having seen it.

Mr. McIlroy - Well, it's actually right in town, but it's pretty real. So I think that would be a good idea. Would other other people on the board be interested in a walk around?

Mr. Dermody - Yes, I think that would work. I think that wouldn't be a bad idea, Joe.

Mr. Rasmussen - Yes, give us a date or two that might work on your end. We'll set it up.

Mr. Brightman - Thank you. Okay.

Mr. McIlroy - Thank you. Anybody else have anything?

Mr. Brabant - This is Lance with MRB group. I guess I want to reiterate, similar to the previous project. Visual renderings from certain vantage points would be important to be provided, both showing what you're proposing to be planted, what that looks like. And then what that 10 year growth rate would look like. Similar to the application before you. That way the board has it as part of their review of the environmental impacts of the site and the surrounding areas. They'll have as much information to justify whatever decision they go with.

Mr. Rasmussen - Yes, that's what we'll have looking at again and confirm view lines to make sure that anybody who can actually see it that we put it in some sort of visual screen or confirm to you guys that you know, nobody can see the project from where they are.

Mr. Brabant - Exactly some type of a write up something responding to that aspect so that they have something to justify their means for whatever direction they go.

Mr. McIlroy – Okay, anybody else have anything? Now I need a motion to accept the application for OYA as complete.

RESOLUTION: Mr. Dermody moved to accept OYA application in its present state. Mr. McIlroy seconded.

Mr. McIlroy called for a vote:

Dave Dermody – Yes

Heather Grant – Yes

Alan Brightman – Yes

Joe McIlroy - Yes

Motion carried.

Mr. McIlroy - Okay, the next thing we need to do is make a motion to send it to the county for review at their June 11 meeting.

RESOLUTION: Mr. Dermody made a motion that we send it to the county for their next meeting on June 11, Mr. Brightman seconded.

Mr. McIlroy called for a vote:

Dave Dermody – Yes

Heather Grant – Yes

Alan Brightman – Yes

Joe McIlroy - Yes

Motion carried.

Mr. McIlroy - Okay, the next thing we need is lead agency. And Lance I don't know if you want to go over this a little better, who has drawn up a resolution for us for that?

Mr. Brabant - Sure. So based on the board accepting the application, our next step would be to declare our intent to be lead agency, we're conducting an environmental review of this application similar to what you guys did in your previous application. Now my generated resolution basically identifies what the project is and the description of the project and identifies that the board has reviewed and received an EDF Part Two or excuse me, part one, fully if completed by the applicant and will continue to review it. And also identifies this as a type one action under seeker requiring the coordinated review, of which point this board at tonight's meeting, is requesting to be the agency to fulfill that requirement and requested that all comments from the involved and interested agencies be received

back to you guys no later than noon on Thursday, July 2 of 2020. That gives us a little bit of flexibility to get it out and then gives them 30-day window to review and and comment back to us. And by that point, it would be July 2. And that's the gist of the resolution offered tonight for you guys for your consideration.

Mrs. Falkner – Lance could you email me that?

Mr. Brabant – I'm sorry, I thought I did. I most certainly can do that. I'll do it right now.

Mr. McIlroy - So can I have a motion for the planning board to seek lead agency for SEQR?

Resolution: Mrs. Grant - I make a motion for the planning board to seek lead agency for the SEQR process. Mr. Brightman seconded.

Mr. McIlroy called for a vote:

Dave Dermody – Yes

Heather Grant – Yes

Alan Brightman – Yes

Joe McIlroy - Yes

Motion carried.

Mr. McIlroy - If we don't have any other questions or comments, we need a motion to adjourn.

Mr. Rasmussen - Sorry. just one quick question. Next step would be to attend the next planning board meeting to review the site plan and then set a public hearing date. Is that correct?

Mr. McIlroy - Yes, you would be where SolarPark was tonight. We would be doing preliminary site plan. This was a sketch plan to get us familiar with the project. And that would be our next step at that the June 24 meeting.

Mr. Rasmussen - All right, perfect. And I just want to thank you all very much for your time and thoughtful comments.

Mr. McIlroy - Okay, well, thank you. Everybody stay healthy and now we'll do a motion to adjourn.

Resolution: Mr. Brightman moved to adjourn at 8:55 p.m., Mrs. Grant seconded.

Mr. McIlroy called for a vote:

Dave Dermody – Yes

Heather Grant – Yes

Alan Brightman – Yes

Joe McIlroy - Yes

Motion carried.

Mr. McIlroy - Thank you, everybody. Stay healthy. Hopefully we can have a real meeting next month.

Respectfully submitted, Donna Falkner, Clerk