

JOINT TOWN/VILLAGE OF CLAYTON

PLANNING BOARD

December 6, 2018

The meeting opened at 7:01 PM with the following members present: Chairman Doug Rogers, Mike Ingerson, Frederick Bach, David Crandall, Duane Hazelton, Paul Heckman, and alternates Patrick Dewey and Therese Christensen. Absent Preston Lowe

Also Present: Zoning Officer Richard Ingerson , Ashley Pastorius as Recording Clerk and Attorney Joe Russell

Townspeople Present: Mary Zovistoski, Pam McDowell, Rob Company, Allison Soto, Greg Rossetti, Matt Bassett, Donna Bassett, Allen Heberling, Margaret Heberling, Tom Oot, Brandon Jacobson, Cindy Grant, Jack Stopper, Kevin Rarick, and Marcus Wolf.

At 7:18pm **MOTION** made by Paul Heckman, 2nd by Patrick Dewey to approve November 2018 meeting minutes as amended. Motion carried.

7:19 Patrick Dewey will sit in for Preston Lowe. Therese will recuse herself from Oot Project.

**7:20 PM—Village—Oot Brothers, Inc, NYS Route 12, Clayton, in the Marine Development District. Site Plan Review**

The applicant is proposing to add five new townhouses on the route 12 property. Received correspondence from County Planning Board with several recommendations: the existing portion of the project has interior walkways to the dock and pool, similarly the new portion should incorporate walkways, local board should require landscaping similar to the other portion. Not a condition of county planning board just a suggestion, notify county within 30 days of action on this matter.

Received Site Plan checklist for village and town from applicant. This is a complete application. 239m Short Form Assessment. Grading and planting plan showing trees on east side was submitted. The walkways are in accordance of original plan of 26 units, so no additional walkways will need to be built. Soften the grade on the river side of the units. There are catch basins on Island View Drive between units 3 and 4 which collects the storm water from the front. Existing roofs swale around the houses, no gutters. 4" for a vapor curb. Brick paver sidewalks and patios, proper landscaping (shade trees and various shrubs). Tom will personally address any inadequacies. The lot that is for sale shall meet the requirements so noted in the Town Ordinance for that District.

At 7:35 PM **MOTION** made by Patrick Dewey, 2nd by Paul Heckman to approve application. Motion carried.

**Aye: Rogers, Ingerson, Bach, Crandall, Hazleton, Heckman, and Dewey**

**Nay: None      Abstain: None      Absent: Lowe**

**7:38 PM—Town—OYA Solar, 40861-924 NYS Route 12, Clayton, in the Agricultural and Rural Residential District. Special Use Permit.**

Applicant is seeking a special Use permit for the construction of a seven-megawatt D.C. Solar Facility. There is an existing National grid substation on route 12 that solar project will connect to. This project is a NYSEDA solar project incentive program when once built, individuals and business that subscribe to national grid can take advantage of community solar price discount. When a home or business subscribes to a community solar project, they receive a credit on their electric invoice through remote net metering. OYA Still has to negotiate a pilot agreement with Jefferson County.

Panels are warranted from manufacturer for 25 years but should have a longer lifespan. Panels are comprised of brushed aluminum glass sheet panels. With more panels you max out the inverter at 20 megawatts AC for a longer period of time. The panels in the field are DC Watts, once power goes through inverter power is AC. OYA has procured a decommissioning bond and will be responsible for removing any structures after the end of life of the project. 20-year leases with 4, five-year extension options with the landowners. If the land owner determines they no longer want the solar array on their property after the twenty year lease, the decommissioning plan goes into effect.

Scenic protection overlay district development requires 90' setback from road. Land from road to solar array could potentially be developed but land is not owned by OYA as they are leasing land and has no control if the landowner were to develop that land.

Visual screening / impact as it sits in scenic overlay district. OYA is willing to work with a landscape design architect. A visual/ viewshed analysis was completed and provided to board. Concerned with viewership from river and TI bridge and concerned about native vegetative screening, does not want to draw attention to array with fancy landscaping but screen array from surrounding areas. Board would like to see a more natural native vegetative screen along route 12. 300 ft from road to the first array. Glare analysis report had been completed as well and project was deemed to not have any significant glare effect for overhead aircraft/nearby airports or surrounding homes. Three hundred foot setback from Rte. 12 to fence.

Build two access roads from Blanchard Road going into each section of the array.

Applicant is also asking that several waivers be granted with the project: the Board agreed to the following waivers.

- Waive scenic protection overlay requirement that says you can't have a footprint of a nonresidential area building over 30k sq ft.
- Coming in as a public utility facility: fall under public utility requirements as well as state requirement to have an 8ft fence. But local code says it does not allow a fence that tall in that district. Having a chain-link fence around array is necessary due to National Electric Code.
- Waive submission of traffic study as roads are for a passive use: construction, infrequent maintenance of panels, landscaping.

Town of Orleans planning board, who has acted as lead agency on project conducted seeker review to see if there were unnatural environmental barriers being created and found there has been no significant impact to flora or fauna. Regarding burying lines, national grid has control over what can and cannot be buried, but within the array the lines can be buried. Come out of ground to tie into national grid panel.

Applicant provided compliance letter acknowledging that they will comply with any solar law that is enacted by the town. Compliance letter is part of the application.

A condition that the applicant submit a visual simulation showing view from river and islands.

At 8:56 PM **MOTION** made by Mike Ingerson, 2nd by Paul Heckman to open the public hearing.

239m response – comply with 2 stipulations

Resolution from negative declaration SEQR from town of Orleans.

Resolution from town of Orleans planning board for site plan and special use approval

**Received Correspondence:**

Leona Wilke - In favor of solar farm

Cindy Grant – (letter) pleased with proposed solar project.

Cindy Grant at meeting: Bruce could put land up for sale and keep the open space. Development could happen.

Vivian serwinski - In favor of solar farm

Robert Purcell – Urge suspension of consideration until a universal solar policy can be adopted. Board should take into consideration clayton comprehensive plan

Town of Orleans planning board – letter of support

Gerald Smith – Onondaga Audubon Society – environmental impacts are paramount concern. Requests placing a moratorium on development of industrial solar farms. Site may contain Limestone and may be a habitat for protected species.

Applicant has complied with current ordinance requirements for special use permit.

Compliance letter has legal merit.

Positive waterfront assessment completed

Matt Basset – Bruce Shaw neighbor. Greg has been accessible and has had open communication. Concerned about tree line but that will stay intact. Flexible and stays in contact.

Alan Heberling – what’s the benefit to Clayton. 10% discount on power bill for those who would subscribe to solar community. There may be some economic benefit during construction. Native pollinating ground cover. Possibility of sheep and bees on premises.

At 9:30 PM **MOTION** made by Fred Bach, 2nd by Dwayne Hazelton to close the public hearing. Motion carried.

At 9:33 PM **MOTION** made by Dwayne Hazelton, 2nd by David Crandall to accept waivers. Motion carried.

At 9:34 PM **MOTION** made by Mike Ingerson, 2nd by David Crandall to approve the application contingent upon approval of waivers and any conditions. Motion carried.

Conditions

- Any electrical lines that are not subject to national grid oversight should be below grade
- Visual screening along route 12 should be designed by a landscape architect. Planning board approval
- Decommissioning plan to include removing foundations above bedrock
- Black chain link fencing

**Aye: Rogers, Ingerson, Bach, Crandall, Hazleton, Heckman, and Dewey**

**Nay: None      Abstain: None      Absent: Lowe**

At 9:46 PM **MOTION** made by Paul Heckman, 2nd by Mike Ingerson to adjourn the meeting. Motion carried.

Respectfully Submitted,

Ashley Pastorius, Recording Clerk