

APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS

December 3, 2018

The meeting opened at 7:01 PM with the following members present: Chairman Jim Kenney, Dale MacLaughlin, Lori Arnot, Steve Mack, Ashley Pastorius and alternate Chip Garnsey.

Ken Knapp is now on the Town Board, Alternate Ashley Pastorius will become full time member.

Also Present: Zoning Officer Richard Ingerson and Ashley Pastorius as Recording Clerk

Townspople Present: Mary Zovistoski, Pam McDowell, Rob Company, Ken Knapp, Doug Rogers, Allison Soto and Greg Rossetti.

At 7:01pm Chairman Jim Kenney called the meeting to order.

At 7:02pm **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to approve October 2018 meeting minutes. Motion carried.

7:03 PM—Town—OYA Solar, 40861-924 NYS Route 12, Clayton, in the Agricultural and Rural Residential District. Area Variance Application.

Greg Rossetti from OYA Solar is requesting a 25' east side variance to locate a solar project closer to a side yard than allowed in the agricultural-Rural Residential District. There will be four, 5 megawatt solar facilities spanning two properties and between both the town of Clayton and the town of Orleans. This community solar farm will allow any National Grid customer to subscribe to the solar farm for a savings on their electric bill. The panels would be 7ft long and there would be about a 20ft distance between each panel in the array. Panels cannot be placed any closer together due the tilt of the panel. Once tilted it would shade the panel next to it. There is a national grid substation near route 12 and this is where OYA Solar would connect to the grid. National Grid has an easement on the property where the solar arrays will be and it cannot be encroached on. Allison from SPR law outlined the fact that the town line runs through a single property owned by the same land owner. This project would be classified as a public utility facility and permitted use would be an electric generating facility. OYA is asking for this variance because they need to utilize all the available space between the two properties for all the solar arrays in order to get the incentives that NYSERDA is offering. There is a limited amount of incentives as other solar farms also build and access these incentives, making the project a time sensitive one. Some concerns that were addressed were:

- Glare
 - o There was a glare impact study that was completed, and it had shown that there was minimal glare coming from the solar panels and any potential glare would have no impact on aircraft, nearby airports, highways, and surrounding homes.
- Impact on land
 - o There was a soil analysis completed and there were small patches or areas that were agriculturally productive, but a majority of the land was not.
 - o Once the panels were installed a low growth pollinating ground cover would be laid

- There might be a potential for bees and sheep to occupy part of the land
- End of Life
 - OYA Solar is signing a 20-year lease agreement with both landowners with 4, 5-year options to extend.
 - OYA has acquired a decommission bond, guaranteeing that when the life of the project is up, they will remove all equipment and solar panels from the land.
- Other Concerns
 - There will be a low hum from the array
 - No emissions or odor from solar farm
 - Short term construction
 - Passive use of land
 - Construction would be tentatively set for 2020

As the town of Clayton does not yet have a solar law in place, OYA Solar has agreed to comply with any law that the town was to enact.

At 8:36 PM **MOTION** made by Dale MacLaughlin, 2nd by Lori Arnot to declare a Type II action. Motion carried.

At 8:36 PM **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to close the public hearing. Motion carried. Chairman Kenney conducted the finding of fact.

At 9:09 PM **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to approve the application contingent upon the fact that OYA Solar will conform to all Town of Clayton solar ordinance requirements when the project is started if an ordinance is in place at the time. Motion carried.

Aye: MacLaughlin, Kenney, Pastorius, Arnot, and Mack

Nay: None Abstain: None Absent: None

At 9:12 PM **Old Business**

NAPA Marine sign is still on building with tarp over it. Board gave two weeks for the sign to come down. Richard advised he will send a letter.

At 9:34 PM **MOTION** made by Lori Arnot, 2nd by Dale MacLaughlin to adjourn the meeting. Motion carried.

Respectfully Submitted,

Ashley Pastorius, Recording Clerk