

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – July 19, 2018
PB 2018-7

Present: Burg, Conrad, Craft, Lilly, Taczak, Waechter

Absent: Casale

Presiding: William Conrad, Chairman

Conrad: Good evening everyone. I want to welcome everyone out to the July meeting of the Town of Lewiston Planning Board.

A motion to approve the minutes of May 2018 was made by Burg, seconded by Lilly and carried.

The first item on the agenda was a request from Anita Coleman, for a one lot subdivision on Upper Mountain Road, SBL# 102.18-1-31.

Conrad: Is there anyone here representing the project? Sir if you would step forward, introduce yourself, your address and describe what you are doing.

Bob Coleman: We bought the property as a rental and it's on two parcels so what we want to do is divide it.

Conrad: Any question from the Board?

A motion to classify the subdivision as a minor and treat it as a minor was made by Taczak, seconded by Craft and carried.

A motion to recommend approval of the subdivision as presented was made by Lilly, seconded by Taczak and carried.

The next item on the agenda was a request for a Site Plan Review and Special Use Permit, Borrego Solar Systems representing Mr. Timothy Masters.

Conrad: I want to make mention that the property for this project is owned by Timothy Masters who is the Building Inspector for the Town of Lewiston. He has recused himself from any review of the project. He is not present tonight. Chris is here in his absence. He has formerly written a letter to the Town Board. I'll read it so everyone is aware. Please be advised as Building Inspector I am recusing myself from any approval or involvement of the proposed

solar project at 1897 Swann Road. Since I am the owner of the property I wish to avoid any perception of impropriety or ethics violations. GHD and the remaining staff at the Building Department will be handling all of the required reviews. I just wanted that in for the record please.

Lindsey McIntyre, Project Developer with Borrego Solar. We put together some packets for you guys to look at. It's an over view of the company as well as the project. The first couple of pages are an overview of Borrego as a company. We've installed over 70 megawatts across New York State and are in the process of installing another 30-45 watts currently.

Conrad: What does that represent project wise?

McIntyre: Its 16-18 projects. 2 megawatts plus, all utility scale. Close to the end there is a map of all of our sites that are in development and completed. The closest one here is Houghton College which is 1.5 hour drive.

Lilly: What is the average size in acres of your project?

McIntyre: 15-25 acres.

Conrad: What is that based on market standards as far as what's economically feasible?

McIntyre: Feasibility for us is 5 megawatts AC system size so that requires anywhere from 20-25 acres, sometimes greater depending on the setting. We have some sites that are greater than that.

Conrad: What type of properties do you normally develop, farm property, industrial property or is there a mix?

McIntyre: I would say a mix. We are really looking for cleared land. Farm land really falls in to this category.

Conrad: Do you do Brown Fields as well?

McIntyre: A little bit but it's very expensive to bring those capped landfills up to where they need to be in order to install solar.

Conrad: Brown Fields can be a number of things besides a landfill.

McIntyre: Right. We haven't done a lot in New York State. A few in Massachusetts. It's something down the road we are looking in to.

Conrad: There are a lot of things and obviously there are properties close by that lend themselves to that kind of non-use for anything other than is really useful so.....

McIntyre: For us what's important when looking for sites is proximity to sub stations. Cleared land is definitely great but we are looking for areas that are close to 3 phase power lines and within 3-4 miles of a substation. In order to make these projects....and make them financial they need to be in close proximity to substations.

Conrad: Where does that drop your....say all the property in the Town of Lewiston, where does that percentage that's actually viable for you?

McIntyre: When you put in the layers, we're looking for property that is not near wetlands, we're within that buffer territory. Also the substation layer of identifying property. We have owners that are easy to work with. There is not a lot of great property that fits in to these feasibility studies. Not every farm field is classified being perfect for solar.

Conrad: You have 2 out of the 3; I don't think Tim's the nicest guy.....

Taczak: What would be the curiosity what would be the substation that you would tie in to?

McIntyre: It's on Swann Road.

Taczak: But where on Swann?

McIntyre: It's close to the dump. I can pull it up on my lap top to show you.

Taczak: Somewhere in the vicinity of the highway garage? That answered my question.

Lilly: How high are the panels on this project?

Marc Kenward: The panels for this project are a fix tilt system so these panels while racking is mounted by screws. There are screws that are put in to the ground, the racks are assembled on top of the screws and the panels are put on the racks. The panels will be at approximately 25 degrees and the lowest point of the rack will be 30" and the top will be approximately 9'.

Burg: That's the height of the panel right?

Kenward: Yes.

Parisi: Do you have any study or on the panels to see how the light that they are supposed to be absorbing will be reflected for the neighbors?

Kenward: I don't think we prepared one for this at this time. We can. The panels have to be.....we've actually installed these at airports so they do meet the FAA regulations and we can do a glare study for it.

McIntyre: The panels proposed for this site are analogs right

Mark Tenor Urban Anthony: We did the site plan. On the cover of the site plan is a systems description. It lays out the number of modules and sizes and talks about what the racking equipment is.

Kenward: We do have NSD sheets for you.

Conrad: As far as the reflectivity typically the entry states they are no more reflective as a body of water. The neighbors were contacted within close proximity to the project.

VanUden: They are just the ones that have agricultural property.

Conrad: Did anyone have any concerns?

VanUden: No.

Conrad: What would the time frame be on a project like this?

McIntyre: As far as installation? Depending on when we get our approval we would like to install the beginning of 2019, once the snow melts. Total installation time 4-6 months.

Conrad: Are you looking at any sites within the Town?

McIntyre: We have one other site that is early stages of our due diligence. We haven't started the permitting?

Conrad: What is the rumor or I don't know if it's a rumor or not on how much the grid can actually handle around here. I hear there are only 3 large scale projects that the grid could handle?

McIntyre: It's the substations. The substation capacity. When that is met unless upgrades are made we can't install any more beyond that. It's cost prohibitive. I don't know if there are any other applications from other companies. The other site we are looking at would tie in to the same substation.

Conrad: How does this agreement work? I don't want to get in to too much of the nitty gritty with the contract you have with the owner? Do you lease the property from them and the panels are your property?

McIntyre: Yes. It's a 25 year agreement with the land owner to lease the parcel. He gives us access to the parcel for 25 years.

Conrad: At the end of that 25 years what happens?

McIntyre: We have a few options. We could decommission the system or we can re-new the lease. The panels are still going to be producing at the 25 year mark. We can extend the lease at that point. There are options within our lease agreement with the land owner. It will really depend on the technology at 25 years and the site.

Conrad: Does the agreement run with the land or is it tied to the owner?

McIntyre: I believe it runs with the land. If he sells the property, it's carried

Lilly: You had in your paperwork here the cost of removing it perhaps in the future. Is there a bond or monies put up if that has to take place or is that just an estimate for general purposes?

McIntyre: We have an estimate in the agreement with the land owner.

Lilly: Should that have to take place for whatever reason is there a bond or monies put aside?

McIntyre: We currently do not have a decommissioning bond.

McAuliffe: It is Tim's suggestion that you get a bond.

Lilly: Is that something that would benefit the Town to have it in place?

Conrad: Yes.

Lilly: Is there a method for that to take place?

Parisi: Any approval you can put conditions on for a decommission bond be in place prior to the issuance of the.....

Conrad: It's in the Town Law.

Parisi: I think the law itself actually requires that....I want to say it's on a 5 year basis you have to go back and re-exam the cost of decommissioning it and providing updated expense for that.

Lilly: The bond can increase as the years go by then.

Parisi: Section 360-219B, the applicant shall submit a decommissioning plan, it has to identify the life of the project and then they have to submit a decommissioning plan every 5 years during the life of the solar energy system.

Lilly: You have no issues with putting up a bond?

Conrad: Do you have anything from the engineer's standpoint? We have your review letter here. Is there anything you want to comment on?

Camie Jarrell: Not really. Our comments were fairly minor. We are asking for a few language additions to the storm water plan which is pretty typical. We asked for there is an indication of wetlands; a tiny sliver of wetlands that will only be affected by the pipe and access road crossing it. Our typical requirement that the town be copied on any permit or any communication with the appropriate agencies and any of their requirements.

Conrad: Is that in your letter?

Jarrell: Yes, that was our general comment to.....our general comment 1 was on they provided a preliminary screening analysis which indicated that the local area electric power system is not suitable for.....and that further evaluation be required. They need to show the town that they have full permission for the interconnection with the system and that National Grid has approved the project.

Conrad: The County Planning Board has reviewed and recommended approval. The Town of Lewiston Environmental Commission also reviewed and recommended approval. Are there any further questions from the Board?

Burg: When do we apply for the jurisdiction for determination from the US Army Corps of Engineers? The Town Engineer, item 2, must obtain a jurisdiction determination from the US Army Corps. of Engineers. I'm not trying to be cute but I don't know exactly what that is but I didn't see it in the packet.

Kenward: We contacted the Army Corp. and we're waiting for it to process. Typically it takes a while. We've contacted them last month.

Jarrell: Basically when you're developing an impractical wetland you file either DEC if they're wetlands or the Corp. or both if you're not sure. They actually have to physically come out and look at the site and determine the wetland area and then they make their jurisdictional determination. It usually has to do with whether or not the wetlands are connected to the larger system in the area and they direct you from there what permit applies.

Kenward: We have started the process.

Lilly: How would this benefit the neighborhood, the local residents?

McIntyre: Just to give you an overview of what the project is; it's classified as a community solar array. Meaning that all of the power that is generated here gets fed out in to the utility and distributed within the grid. The neighborhood technically is going to be gaining access to these green electrons that are generated by the solar array. Not a financial benefit but the power they are receiving on the circuit with National Grid is going to be solar generated. It's off setting just the carbon foot print of the homeowner's that are actually on this circuit with National Grid. Beyond that we are looking to enter in to a pilot program. We started discussions with the Town today where it's a payment in lieu of taxes where the Town would actually receive a tax benefit from the system and therefore the residents of the Town receive a benefit.

Conrad: Any further questions from the Board? Councilman do you have a question?

John Jacoby: If our Town gets the 3 and we reach the saturation point if you will, if individual homeowner's want to put panels on their roof would they be prohibited?

McIntyre: They can still do that. It's just large scale development would be hindered by that.

Jacoby: It won't put any encumbrance against them?

McIntyre: A typical residential system is around 10 kw, so something of that size would not be affected.

Jacoby: Thank you.

Parisi: Do you plan on screening any of the property from the front or the sides for the neighbors or from the street. Obviously I'm talking about plantings with the fence that you have.

Conrad: If that photo is accurate there is a lot of wooded area around there.

Kenward: There is already a lot of natural screening on the sides. The only screening that would be warranted could be across the front. Anything that is visible from the road for the neighbors across the road.

Conrad: It's over 500' back correct?

Kenward: 528' to the closest portion of the array. The nearest neighboring dwelling unit is 545'.

Conrad: Could you orient us as to which way the panels are oriented?

Kenward: Facing south.

Conrad: I know the codes says about whether they are oriented towards the neighbor.

Kenward: They would be oriented in the direction of that nearest neighbor.

Conrad: It's just that small section. That small section would be the part to impact the neighbors.

Kenward: Yes.

McIntyre: 25 degrees and it's a 210 degree.....

Conrad: Any other questions from the Board? Anyone in the audience here to speak on the project either for or against it?

Taczak: Construction, materials going to be taken off site? Will they remain on the homeowner's property?

Kenward: There is no grading required for the site. We will use the existing grades.

Taczak: I'm talking road way material and stuff that's all going to be used within the site?

Kenward: There's not that much roadway. It's a 20' wide gravel road and we will just take that material and spread it out.

Other civil engineer: I find it to be very environmental friendly to construct because they don't strip the top soil off, they build on the grade and it's always the grade of the land.

Taczak: I didn't realize that.

Civil: There is no earth work involved. They just follow the grade of the earth and that's so if it is decommissioned all of it comes out of the ground, even the foundation, the conduit and taken off site and the farm can be farm land again. I live in Batavia. In a 30 mile radius I know of 3 golf courses that are now returned back to farmland. I find that pretty amazing. The same thing may hold true for these in 25 years.

Conrad: Has your company ever had to decommission a site?

Kenward: Not yet.

Lilly: What is the oldest site you have had in operation?

Kenward: We've been around for 30 years on large scale systems but on the large scale 10 years. I know some that are actually still functional.

Parisi: Our Code just so the board is aware requires a decommission bond as part of the permit.

Kenward: We do it all the time so that is fine.

Conrad: Anything else from the Board? We have to address the Special Use Permit and then after that if it's approved by the Board we have to move on to the Site Plan Approval to recommend to the Town Board.

A motion to approve the Special Use Permit was made by Burg, seconded by Craft and carried.

A motion to recommend approval of the Site Plan as presented and to meet the Town Engineer's letter dated July 9, 2018, was made by Lilly, seconded by Taczak and carried.

The next meeting will be August 16, 2018, at 6:30 P.M.

A motion to adjourn was made by Taczak, seconded by Burg and carried.

Respectfully submitted,

Sandra L. VanUden
Planning Board Secretary

William Conrad
Planning Board Chairman

