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| Planning Board  5 Route 31, P.O. Box 568  Jordan, NY 13080 |  | Town of Elbridge  County of Onondaga  State of New York |

**Town of Elbridge Planning Board**

**October 10, 2023**

**Minutes**

**Members Present:** Chairman Marc Macro, Co-Chairman John Stevenson

Members: Steve Walburger, Tim Sullivan and Sec/Alt

Member Holly Austin

**Members Absent:** Wendie Smith

**Staff Present:** Joe Frateschi, Esq., Howard Tanner

**Others Present:** Doug Blumer, Victor Ciaccia, Erin Enright, Nate Cobb, Andrew Aupperle,

Chris Snyder, Henry Anreder

**Old Business:**

Site Plan Review/special permit

Applicant: Eagle Point Farms, LLC

Property Address: 671 Whiting Road

Tax Id.: 033.-01-11.0

Planning Board reviewed the drafts of the drawings, and it was determined that the Board did not have final updated drawings in hard copy, 5 copies. They will add a signature line for execution by Marc Macro. Any approval tonight would need to be conditioned on receipt of updated final plans with today’s date, showing the addition of a few more panels. Total megawatts is 2.5 AC, and 3.0 DC behind the meter.

SEQRA

Motion to designate the Planning Board as lead agency was made by John Stevenson, Steve Walburger seconded, all voted in favor.

Each question on the SEQRA Type 1 checklist was reviewed individually, and “no or small impact” was determined to be the answer to each question.

A motion for a finding of no significant impact pursuant to SEQRA was made by Steve Walburger, seconded by Tim Sullivan, and all voted in favor.

Counsel has reviewed the County’s comments and incorporated them into the proposed conditions.

Applicant reports that the neighbors that attended the public hearing have not contacted the applicant since the last meeting. They submitted the project for a restudy, and they will incorporate the request for placement of the poles across the street in that restudy. NYSEG will come to the site and consider different locations on Doug Blumer’s property. The restudy will take at least 2 months. Applicant will stick to 4 poles, and would need to come in for a site plan amendment if they went to 5 poles. There’s a substation across the street and running behind their homes, but those would not be changing. The applicant spoke to NYSEG about direct interconnect to the existing lines, they said it has no capacity.

The possibility of a host community benefit agreement for this project was discussed. Such agreements are meant to defray the costs of the town. Counsel asked the applicant to discuss host community benefit agreements they have done.

The applicant responded that there have been some tax changes recently. It used to be standard to do PILOT agreements, but they have opted to go with taxes as assessed for this project, though they are open to discussing a host community benefit agreement with the Town Supervisor or Town Board. The economics are tight on this project because of burying the cable for such a long distance. But they are willing to enter good faith negotiations on the subject. They can’t address what they’ve done in the past for host community benefit agreements because the tax programs have changed so recently.

The JE school district also asked for some benefit, so they are working on a deal with the school as well. The county IDA has not asked for anything.

A motion to issue a Special Permit was made by Tim Sullivan, with the following conditions as recommended by counsel:

Contingencies:

* Site plan must be updated with today’s date
* That the following conditions as set forth in the Onondaga County Planning Bpard’s August 9, 2023 referral letter be complied with:
  + A SWPPP must be submitted and be acceptable to all governing authorities with jurisdiction over the project
  + Applicant must obtain access and work permits from the Onondaga County Department of Transportation to use the proposed driveway onto Whiting Road
  + Comply with wetland permitting (none required because complied with 100 foot buffers).
  + SPDES permit is obtained, if required
  + The applicant must consult with the New York Agricultural Land Trust to ensure project compliance with limits on development as outlined in the parcel’s agricultural conservation easement.
* Operation and Maintenance Plan to be reviewed and approved by Counsel (draft already submitted – applicant will review again, counsel will submit comments to applicant).
* Decommissioning agreement and bond have to be reviewed and approved by Counsel
* Applicant has 6 months to pull a building permit
* A Host Community Benefit Agreement that is acceptable to the Town, working with the Town Board.
* This approval is made with the further condition that this approval is for plans and other submitted documents “Site Plan Documents” that have been signed by the Planning Board chairperson, and the applicant, including those as finally approved, and requires that all of the work shown be completed by the applicant in order for a certificate of occupancy or compliance to be issued. Any proposed changes, additions, or deletions to the scope of work or materials from the Site Plan documents are NOT approved and are subject to further Site Plan Review.

John Stevenson seconded, all voted in favor.

Special Permit/Site Plan Review

Applicant: Norbut Farms Community Solar

Property Address: Wheeler Road (O’Connell Farms)

Tax Id. 040.-07-05.1

Site is just west of Wheeler Road, and it’s a Community Solar Project.

It is a 5 Megawatt system on one single site. It is within the ag district, and is compliant with all dimensional requirements in the code for the district. Project does need a special use permit and site plan approval. Contains a battery equipment storage.

There are Army Corps wetlands on site but no DEC wetlands. Site is covered under the self-administered nationwide permit.

Applicant is hoping tonight for declaration of intent to act as lead agency and start the SEQRA process, and refer to the County for its review.

The fence will be 7 feet tall, so applicant will need an area variance. Applicant requested review of the code for a provision stating that the code is superseded where state law conflicts with it. Counsel invited applicant to review the code and discuss further with him. Agricultural fencing is the type of fencing that is planned.

Counsel asked applicant if they have considered ground mounted rather than poles because 6 poles are shown. Counsel suggested the applicant can check out sites in Manlius that have done that.

The Planning Board noted that the applicant will need a vehicle turnaround if they enter and find the gate is shut. After 300 feet a turnaround is required by code. They need to place it at the 75% point of the 900 feet entrance road so a vehicle would only have to back down 25% of it to access the turnaround.

Applicant confirmed that the temporary gravel staging area will be removed at the conclusion of construction. Applicant intends to pave the first 100 feet of the entrance road.

Applicant is intending to purchase the property – it is under contract now. Purchase of property is contingent on this process.

Pole mounted panels are proposed; single access trackers. They’re bifacial, so it minimizes the overall footprint of the facility.

The applicant submitted an operation and maintenance plan.

Applicant prefers negotiating a PILOT agreement rather than a Host Benefit Community Agreement. PILOTs typically provide for annual payments.

A resolution was circulated by counsel prior to the meeting. It is attached hereto and incorporated, and was reviewed by the Planning Board and voted upon as set forth in the attachment.

The applicant will send the notice letters for SEQRA and 239M referral.

Steve Walburger made a motion to hold a public hearing on November 14th. Tim Sullivan seconded, all voted in favor. Holly Austin to publish notice.

Howard requested the applicant seek a driveway permit from the County, and noted he would like to notify the Town of Brutus since this abuts their water tower.

Board signed the draft letters of intent to declare itself lead agency and form for submitting for County review.

Board requested a revised cut sheet – 7 copies – showing the turnaround that was requested.

Site Plan Modification

Applicant: Andrew Aupperle

Property Address: Route 5

Tax Id:

Applicant was unable to fit two buildings in with the grade. The 7% driveway requirement determined the back line of his swale, which meant a 22 foot cut. Once he got out and staked it, applicant says it didn’t feel right. So, applicant has extended the driveway with a switchback, which gains them 12 feet on finished floor elevation. He’ll then have somewhere to put the water that flows onto the property during significant rain events. A 10 unit building will fit with the revised driveway, and septic allows for that. DOT conceptually says everything is good with them – they are happier with this revised plan. A small retention area is now planned for on the street side.

This plan involves somewhat more construction cost for the driveway, but this is still feasible. There will be a 7-foot ready rock retaining wall on the street side now. No dynamics of the building have changed, dumpster is at the other end, maintenance building is the same. He’s adding curbing as well, and the catch basin will look more attractive and safer now. This makes the stormwater management easier as well.

It's not as great financially but this fits the site better. Future development would only be possible if the sewer comes through and he could do more to the west. Onsite septic eliminates that possibility for now.

Significant changes have to go back to the county for review. We can send it back to the county for their review at their next meeting, and then put it on our November meeting. Lighting is the same 4 fixtures and the location is further off the road than it was before – 8 feet further back.

A small monument sign is proposed. The Planning Board asked the applicant mark the dumpster and signage on the plan. We can send it to the County without those markings but the Board requested them for the next meeting.

Is there a limit on how long they have to obtain a building permit? No, not for this project.

**New Business**

Subdivision discussion:

Applicant: Joe Tomi

Property Address: Route 5

Tax Id:

Howard will verify that it’s a 3-lot subdivision, not 4. There’s a three-unit house on the property now. If it is in fact 3-lot and the 4th lot that appears on the plans is an error, it is appropriate. B-1 lots, and two would be for sale.

**Minutes September 12, 2023**

Holly to add conditions provided by counsel relative to Dan McLaughlin’s project at 1125 Route 5 E.

Minutes will be reviewed again at the November meeting.

Steve Walburger moved to adjourn, John Stevenson seconded, meeting adjourned at 8:10 p,m