

Town of Manchester Planning Board Meeting Minutes

June 23rd, 2020 – 7:00pm

Present: John Boeckmann, Steve Buerman, Scott VanAken, Julie Vanderwall, Jeff Flower & Lee Sanders - members, Stuart Gwilt, Chairman, Jill Havens, Recording Secretary and Steve DeHond, Code Enforcement Officer

Absent: NONE

Also, present: Applicant(s) – SUNEAST – Mike Beckner, Mike Mantell and Greg Elko; **Landowner:** Robert Weigert; **Town of Manchester Residents:** Jim Tears, Kris Blair and Jasper Daniels; **Town Board Members:** Jaylene Folkins & Dave Phillips; **MRB** – Patrick Nicoletta

Preliminary Site Plan Application # 4592-19: SunEast Development who is requesting a 20,000 kw Solar Project located at 3169 County Road 13, tax map no. 45.00-1-6.110 in an A-1 district pursuant to Chapter 325 Section 325-44.1.

The chairman read the public meeting notice. No surrounding property owners were notified by mail of this meeting due to the nature of it being a public meeting, not a public hearing.

Stuart Gwilt, Chairman: Please come forward and tell us what you want to do.

Mike Mantell, SunEast: I am a Civil Engineer with Stantec. I am here on behalf of SunEast Development with regards to the proposed 20 MW Solar Facility at 3169 County Road 13. I also have Mike Beckner and Greg Elko with me from SunEast Development to help answer any questions that you may have. SunEast is a clean energy development company with offices in Connecticut and Pennsylvania; they are also currently developing about 750 MW worth of solar in New York and New England. They were awarded 120MW worth of solar projects and that includes this Manchester project. They were also awarded another 200MW worth of solar projects from NYSERDA. SunEast is a big player in the solar development of this area and throughout the Northeast.

This 20MW ground mounted solar facility is proposed on existing farmland that is zoned A-1 is an allowed use in this zone. The facility consists of the solar array with a security fence around the perimeter with a gate at the access point. It has a stone access road off County Road 13 that traverses the site providing access throughout the site. There is inverter space around the facility and then a substation at the south end of the site. The site is approximately 179.6 acres with a residence and outbuildings on the northeast side, these buildings will remain after construction. The facility within the project that will be fenced in will be 130.8 acres. In order to construct the facility, we do have to cut about 17 acres of trees. While the site is not within an area of concern for any endangered species or threatened wildlife, we are going to cut any trees over 3 inches in diameter during the months of DEC allotted time November 1st-March 31st, in order to not impact any Northern Long-Eared Bat habitat, even though it is technically not shown within that area.

The plant interconnect for that area is down along the National Grid transmission line on the south side of the property. We will go from the substation area down to connect to that transmission line. The panels are single-access tracking panels that will start the day facing to the east and track the natural movement of the sun across the sky end the day facing west, for maximum solar capture. The panels at maximum height are 14 feet. The project meets all the Town bulk and setback requirements. As far as lot coverage, which will include the panels, inverters, substation area and the existing buildings, it is about 21.4% which is well below the maximum for the town code requirements. There are some areas of steeper topography that we would need to grade to get the site to the approximately 10% slope that we would want in order to install the panels. There will be no impact to the existing wetlands on the site. None of the grading or construction will impact those areas. We will provide landscape screening on the northern side of the project, along County Road 13, along part of the fence line and along the neighboring residential properties to help screen the visibility of the site. We have provided a decommissioning plan for your review. Storm water pollution prevention plan is also provided. For this site, there should be

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no additional run-off added once the construction is completed.

The project does have many benefits, it does provide 20MW from a clean energy source. It provided tax revenue and job creation during construction of the site; as well as, revenue to local businesses during the construction period. There will be essentially no traffic impact. It is a temporary facility, after its life of 20-25 years, this site can be returned to its prior use as opposed to having a building or something more permanent constructed here.

Scott VanAken: The last part that you mentioned is no impact on the roads, does that also include any drivers of vehicles passing by the site, what is the glare?

Mike Mantell: The way the panels are tilted, there should not be any glare. The additional screening of the fence should also help limit that as well.

Scott VanAken: So, the fence is going to have some type of screening in it as well?

Mike Mantell: The trees that we plant, oaks and maples will be the screening factor along with the fence to help reduce any possible glare.

John Boeckmann: Who here is notified in the event of an emergency?

Mike Beckner: Our control center, then the town, then anyone else that we have listed that would need to be involved. It's all in real-time. There would need to be an emergency management plan put into place for your review, prior to you issuing a building permit.

Lee Sanders: It is my understanding that if one part of that system goes wrong, the entire site shuts down, is that correct?

Mike Beckner: Yes. The entire thing shuts down.

John Boeckmann: The seeding that you will be putting sown, what does that consist of?

Mike Mantell: That would be like a meadow mix.

John Boeckmann: You stated that the State would eventually accept it, what does that mean?

Mike Mantell: The DEC requires that 80% of the area is vegetative, so after the growth of the seeding, we would meet that requirement.

John Boeckmann: Once its accepted, who is responsible for maintaining it?

Mike Mantell: We are.

John Boeckmann: And you have a set plan for maintaining it regularly?

Mike Beckner: Yes, it will be all included in the O&M Plan that we give to you prior to approval.

John Boeckmann: I didn't see anything regarding a sign at the main entrance.

Mike Beckner: That will be forth coming as we get further into the project.

John Boeckmann: The new plants that you are putting in, what type of warranty comes with them?

Mike Mantell: I believe it is a one-year warranty.

Mike Beckner: Its in the vegetative management plan, seems like it is a year or 2.

John Boeckmann: Ok, two years is a preference.

Mike Beckner: Everything is negotiable.

John Boeckmann: Chain-link fence, what is the depth to which that is installed?

Mike Mantell: It's probably about 36-inches.

Mike Beckner: We would have to check with the company that installs that, but bottom line is, we aren't going to install a fence if it is just going to fall over.

Steve Buerman: A large portion of your demolition and disposal costs seem to be subsidized by the value of the salvage material. It's certainly an aggressive number by today's standards, aren't you going to be even more aggressive 20-25 years down the road determining what those materials are valued at?

Mike Beckner: We picked 15 because we don't think that is too far down the road. What we did as a protective mechanism for you is a review after year 15 by a stamped engineer saying that this is the updated salvage value every 3-5 years. What we try to avoid is having it be reviewed every year because its just tedious. If you prefer a 3 year or a 5 year, whatever you guys are comfortable with that's up to you and we just need to work through it. From our standpoint, if you ask for a review every year, someone has to come back in front of you and negotiate but that's up to you.

Steve Buerman: But you would be ok with coming back every 3 years and having it professionally assessed for salvage value?

Mike Beckner: After year 15, yes. That is why we provided you with the year 15

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estimate.

Steve Buerman: I question the accuracy of year 15 projection, that is just so far into the future. Maybe you can start at year 5 and then every 3 years come back and do a reassessment? That would be a more realistic number then.

Mike Beckner: We can agree to every 3 year, now bear in mind this decommissioning, we really should sometime have a work session since there is a lot going on in it. I don't think we can pick it all apart today, but we give you a year 15 estimate because when you take salvage value out, the value is negative. It goes to zero at about year 13, so the reason we pick 15 is so that we upfronted you guys a bond. If you wanted to review it, say every year from year one on, we would not end up posting a bond because the value would be negative. It is \$30-million worth of equipment and it costs \$5 million to take it away, so that is why we chose year 15. But if you want that every 3 years, between year one and 15 to still review, that is fair. We do not have an issue with that.

Steve Buerman: How much is the decommissioning bond at the initial start?

Mike Beckner: I do not recall off hand, I would have to look.

Scott VanAken: Is the number 69,300? I think that is what I saw in the appendix A.

Pat Nicoletta: One of the things this board needs to consider is do you want salvage value in the equation? Basically, the requires the town if you decided to salvage the materials.

Mike Beckner: That is if the Town decommissions. If the company goes default, the bank is not going to leave \$30-million worth of equipment for the town to just take and cash-in. I think you are talking relative risk. How many things have to go wrong that we would leave all that value for the town to capture?

Steve Buerman: Can you answer my question, how much is the bond at decommissioning?

Scott VanAken: It is \$69,300.

Steve Buerman: That does not seem like very much money if you think about what would have to happen.

Scott VanAken: On 30 acres, just the men and equipment alone.

Mike Beckner: What you are really saying is that you do not believe the salvage value.

Steve Buerman: That is correct.

Pat Nicoletta: I mean, I do not know if the town really wants to be in the salvage business anyway. So, then the salvage value might need to be taken out of the bond equation and we negotiate a bond from there.

Mike Beckner: Right. That is assuming I let you guys take all the equipment. I think there is a lot to negotiate on the decommissioning. I am negotiating this same thing with 5 other towns around New York. There is a point where the project cannot bear the cost of the bond. NYSERDA recommends including salvage value but if you do not include salvage value, it would be a \$640,000 bond escalating by 2% in year one, the project is not worth it. It would cost too much money, so we just have to find that happy middle ground. I will gladly give you other towns decommissioning plan and bond to show you that we aren't taking you for a loop. There has got to be a spot where you are comfortable, and we can still afford it.

Pat Nicoletta: The town attorney and their attorney, as well as the town board and planning board need to be involved in this discussion to determine what is the best option and what that value should come out to. Our concern is, too much salvage value is a concern for the town if they have to recycle it. Right now, I don't think the town wants to be in the business of salvaging most of this equipment.

Mike Beckner: I think there needs to be a work session, so that we can all talk through this stuff.

Scott VanAken: I don't want to hang on decommissioning too much, but can you walk me through the sale of the property? So, you walk away, and you sell it to another buyer. Does that whole decommissioning plan stay with the property?

Mike Beckner: We don't own the property. We are leasing the land. So, when you project finance, its just like when you mortgage your house. You're not getting the mortgage on the house alone; you are getting it on the property. The project financing covers the lease. The bank has to have the ability that in the event we default, they can step in and remedy and continue to run the project. In all likelihood, what that bank would do is sell it to someone who makes a living owning and operating solar

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projects. That lease would flow with all the assets, decommissioning plan, permits, etc., that are required to keep the project going.

Steve Buerman: In regard to the emergency response plan, we would expect you to train and educate our local first responders initially upon completion; as well as, once a year update training.

Mike Beckner: Yep. Again, we will cross that bridge when we get further into the project before permits are issued.

Steve Buerman: You mentioned earlier about the foliage, I believe the better solution is, if it dies, you replace it. The first complaints from residents are going to be the visual side of it and how it looks.

Mike Beckner: We have lots of negotiations to continue after this.

Lee Sanders: Back to the property maintenance, once you get that seeded and up and running, what is your maintenance plan for the property? One of my concerns is that, every time a solar company comes in they show us all these pictures of all these well-groomed properties but in reality, for example, the one we have in town is small and its all over-grown and it looks like crap, in my opinion.

Mike Beckner: It's kind of like hay, we mow it like 3-4 times a year is typical.

Steve Buerman: I would think that 4 mows a year would be sufficient.

Scott VanAken: You have been speaking about all the positives of this project, are there any negatives? Have you come across any negative aspects of these projects and how have you remedied them?

Mike Beckner: I think the biggest negative is that beauty is in the eye of the beholder, if you don't like how it looks, I can't help you with that.

Stuart Gwilt, Chairman: In the paperwork, it says that at year 15, the equipment is still operating at 80% efficiency, is that correct?

Mike Beckner: Yes, I actually think it is more than that. I believe it is considered 35-year equipment.

Stuart Gwilt: Can you tell us who is the beneficiary of this electricity?

Mike Beckner: The closest users. We don't control the power, National Grid does.

Scott VanAken: We talked a little on Town Law and Taxable Value, have we resolved that or is that a Town Board discussion?

Mike Beckner: That is an everybody discussion. Currently, there is a PILOT application with Ontario County and the IDA. The most recent one that is going through is a Solar Village project. We will fill out the same paperwork and we will negotiate a per mega-watt payment and then that get distributed to the different taxing agencies, the Town, School and County.

Steve DeHond informed the Planning Board that our Town Engineer, Pat Nicoletta is here and has updated information regarding this project.

Pat Nicoletta: So, we have received the SEQR part 1, if the Board wanted to tonight, we can review part 1 of EAF and then declare your intent to be lead agent. Once you declare your intent, it goes through a process of interested agencies for 30 days, which would put us back at the end of July for possible SEQR determination at that point. If you want to wait, we can review part 1 and then the board can decide how they want to proceed from there.

Steve DeHond: I know we wanted to review with the Town Board yet regarding the PILOT and the bonding at our next Town Board meeting, which is July 14th, 2020.

Pat Nicoletta: We can review part 1 tonight and then wait until the next meeting to declare the intent for lead agency. I will be at the Town Board meeting next month for their input as well. Maybe if you want to wait for input from the Town Board next month, then you can declare your intent at your July meeting.

Stuart Gwilt, Chairman: Ok, lets go over part 1 of the SEQR

At this time, Town Engineer, Pat Nicoletta reviewed the Full Environmental Assessment Form – Part 1 – Project and Setting with the Manchester Planning Board.

Stuart Gwilt, Chairman: Does anyone have a feeling one way or the other about waiting or declaring intent tonight?

Scott VanAken: I know that hunter's do use that property, so I think that should be

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changed in the Part 1.

Lee Sanders: I think I would like to see the hours of operation changed during construction to not include Sundays and Holidays.

Scott VanAken: I agree. I think those should be removed as a standard hour of operation. Obviously, if something happens, you have to do it.

Pat Nicoletta: With these changes, I would advise the board to take the time to go through it in more detail and then come back in July to declare their intent.

Mike Beckner: One more thing to add, this Lead Agency is just a formality for you guys to govern the project. You guys are going to get another bite at the apple on construction and the building permit. That will come further down.

Scott VanAken: I think we should declare lead agency at the next meeting. I don't think we need to do that today. If we want to approve this with the changes we just noted, I am fine with that.

Jaylene Folkins, Town Board Member: I need some clarity on your answer regarding who benefits from this electricity that is generated here?

Mike Beckner: The closest National Grid User. We are not a distributor of energy; we are a wholesale supplier. So, the entire grid benefits from the electricity generated here.

At this time, Town Engineer, Pat Nicoletta reviewed the comments from MRB Group regarding this project.

Based on advisement from Town Engineer, Pat Nicoletta, the first public hearing on this project will be held on August 18th, 2020. The SEQR part 1 will be acted on at the July 21st, 2020 meeting.

Meeting adjourned @ 8:19pm.

Respectfully submitted,

Stuart Gwilt
Planning Board Chairman

Jill Havens
Recording Secretary