

Town of Manchester Planning Board Meeting Minutes

September 15, 2020 – 7:00pm

Present: John Boeckmann, Steve Buerman and Scott VanAken & Lee Sanders - members, Stuart Gwilt, Chairman and Steve DeHond, Code Enforcement Officer

Absent: Jill Havens, Recording Secretary and Julie Vanderwall

Also, present: Applicant(s) – SUNEAST – Mike Mantell and Greg Elko; Chet McLaughlin, Suri Sukdaung, Bob Weigert – Property Owner, Jasper Daniels, Tayler Squies, George & Mary Lue Mueller, Julie Metzger and David Reed; **MRB Engineer** – 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 hearing notice. Eighteen (18) surrounding property owners were notified by mail of this meeting of which seven (7) were present.

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. 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 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

Town of Manchester Planning Board Meeting Minutes

September 15th, 2020 – 7:00pm (cont.)

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. Are there any questions for me?

Julie Metzger, Resident: Can you tell me where the access road for this is going to be? (After explanation of placement) Why does it have to go there next to my house?

Mike Mantell: We will be providing screening to the neighboring properties. The access road placement there provides for the best use of the property, also allowing for full site access and visibility

Julie Metzger: How long is construction?

Mike Mantell: Approximately 8 months.

David Reed, Resident: For those of us neighbors with wells, what will this do to our water quality? Do we need to have concern for any toxins?

Mike Mantell: No, not at all. This is all safe, solid equipment.

David Reed: Are these things going to be able to take any shock absorption from Dolomites routine blasting?

Mike Mantell: We are looking into that and plan to test it and make sure they can stand the blasts at the mine.

David Reed: This is going to decrease our property values. What can we do about that? Nobody wants to be next to these things.

Mike Mantell: People say that but it's never been proven that property values decrease.

David Reed: Our property values are going to go down; I want my taxes reduced! And what about the wildlife?

Mike Mantell: Well its mainly a farm field there.

David Reed: Yes, where deer and turkey use that field also.

Mike Mantell: We are leaving wooded areas.

Stuart Gwilt, Chairman: Any other questions?

(Hearing none)

The Public Hearing will remain open at this time.

At this time, MRB Engineer, Pat Nicoletta reviewed the SEQR – Designating Lead Agency with the Planning Board.

SEQR – Designating Lead Agency

WHEREAS, the Town of Manchester Planning Board (hereinafter referred to as “Planning Board”) is considering Site Plan approval to allow for the development of the SunEast Manchester Solar, LLC Project (“Project”), a proposed 20-megawatt (MW) alternating current (AC) solar photovoltaic (PV) project located within the Town of Manchester. The proposed Project will be located on 135 acres of the approximately 179-acre parcel as described in the Site Plans dated May 1, 2020 and all other relevant information submitted as of September 15, 2020 (the current application); and,

WHEREAS, the Planning Board has determined the proposed action referenced above to be a Type 1 Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has on Tuesday, July 21, 2020, declared its intent to be designated the Lead Agency for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has provided written notices to this effect to the involved and interested agencies; and,

WHEREAS, the Planning Board has previously determined that it is the most appropriate agency to ensure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

Town of Manchester Planning Board Meeting Minutes

September 15th, 2020 – 7:00pm (cont.)

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as the lead agency for the Action identified above herein.

Motion Made by Member: Steve Buerman

Seconded by Member: Lee Sanders

Dated: September 15, 2020

The above Resolution was duly adopted on September 15, 2020 by the Town of Manchester Planning Board

Jill A. Havens, Town Clerk
Town of Manchester

At this time, MRB Engineer, Pat Nicoletta reviewed the SEQR – Full Environmental Assessment Form (EAF) Parts 2 - 3 & Supporting Information.

Upon Completion of review it was determined that no additional changes were needed.

SEQR – Determination of Environmental Significance

WHEREAS, the Town of Manchester Planning Board (hereinafter referred to as “Planning Board”) is considering Site Plan approval to allow for the development of the SunEast Manchester Solar, LLC Project (“Project”), a proposed 20-megawatt (MW) alternating current (AC) solar photovoltaic (PV) project located within the Town of Manchester. The proposed Project will be located on 135 acres of the approximately 179-acre parcel as described in the Site Plans dated May 1, 2020 and all other relevant information submitted as of September 15, 2020 (the current application); and,

WHEREAS, the Planning Board has determined the proposed action referenced above to be a Type 1 Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board determined that said Action to be subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Planning Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and

WHEREAS, the Planning Board has given consideration to the comments provided by the involved agencies and interested agencies at tonight’s meeting; and

WHEREAS, the Planning Board has completed its review of Parts 2 and 3 of the Full Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 2 and 3 of the Full EAF and directs the Planning Board Chairman to sign and date the Full EAF Part 3.

Town of Manchester Planning Board Meeting Minutes

September 15th, 2020 – 7:00pm (cont.)

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has reasonable concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) There will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) There will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or , are there any other significant adverse impacts to natural resources on the site;
- (iii) There are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) The overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) The site is will not negatively impact an identified archaeological sensitive area;
- (vi) There will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) There will not be any hazard created to human health
- (viii) There will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) There will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (x) There will not be created material demand for other Actions that would result in one of the above consequences;
- (xi) There will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) There are not two or more related Actions which would have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Assessment Form; and

BE IT FINALLY RESOLVED, that the Planning Board does hereby make a Determination of Non-Significance on said Action, and the Planning Board Chairman is hereby directed to issue the Negative Declaration as evidence of the Planning Board Determination of Environmental Non-Significance.

Town of Manchester Planning Board Meeting Minutes

September 15th, 2020 – 7:00pm (cont.)

The above resolution was offered by Scott VanAken and seconded by Stuart Gwilt at a meeting of the Planning Board held on Tuesday, September 15, 2020. Following discussion thereon, the following roll call vote taken and recorded:

I, Jill A. Havens, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Manchester Planning Board for the September 15, 2020 meeting.

Jill A. Havens, Town Clerk
Town of Manchester

Mike Mantell: Are there any questions regarding the Site Plan?

Pat Nicoletta: The Town Board will need to discuss the site plan further and the Planning Board should take no further action on the site plan at this point.

Mike Mantell: My understanding is that the Planning Board can act on the Site Plan for the Building Permit.

Pat Nicoletta: It is my opinion in working with the Town Board and the Town Attorney on this project, that at this time, the Planning Board **should not** make any action one way or the other on the Site Plan Permit.

Mike Mantell: For the plan to go forward or the agreement?

Pat Nicoletta: As part of the agreement, the plan to move forward should come in the form of a recommendation from the Manchester Town Board, at this time, it is my recommendation that the Planning Board should not make any decision one way or the other on the Site Plan at this time.

Julie Metzger: Would it be possible to have my attorney review the Site Plan?

Steve DeHond, Code Enforcement Officer: I have a copy of the proposed Site Plan in my office and it can be reviewed any day of the week.

Previous Minutes:

A motion was made by Scott VanAken to approve the minutes from the meeting which took place on August 18th, 2020. The motion was seconded by John Boeckmann. All voted "Aye." Motion carried.

Meeting adjourned @ 7:48pm.

Respectfully submitted,

Stuart Gwilt
Planning Board Chairman

Jill Havens
Recording Secretary

***NOTE:** The minutes of this meeting were taken by Planning Board Member, Scott VanAken and transcribed by Recording Secretary, Jill Havens.