

**Minutes for the Ticonderoga Planning Board Meeting with a Public Hearing on
October 22, 2020 commencing at 6:00 p.m.**

Present: Chairman Doug McTyier, Mike Powers Stephanie Mitchell, Jay Merten, Ben Leerkes, Don Meserve, Walt Lender, Tonya Thompson, Attorney Matt Fuller

Others: Tina, Phil and T.J. Huestis, Amy Schryer, Dave Burrows, Stephen Adler, David Ingalls Jr. and David Ingalls III from Ingalls & Associates, LLP

Mr. McTyier opened the meeting with the Reciting of the Pledge of Allegiance.

Public Hearing

The Town of Ticonderoga Planning Board will hold a public hearing and meeting on October 22, 2020 at 6:00 p.m. at the Community Building Auditorium, 132 Montcalm Street, Ticonderoga, NY for a Site Plan Review regarding an application submitted by Phillip Huestis for a 5 MWac solar installation to be located at 1490 NYS Route 9N, Ticonderoga, NY. Any interested parties will be given an opportunity to be heard.

David Ingalls, Jr. gave a presentation to the board on the proposed project.

- APA Permit received
- 7' High Chain Link Fence
- Buffered w/ Ever Greens, White Pine, White Spruce - Native Trees suggested from the APA
- Low visibility of the panels unless you are right in front of them
- 5 Mega Watts
- Stone Roadway - no new impervious disturbance
- 2 Equipment pads - grass filter strips
- All Underground conduit
- Panels are trackers - absorb energy on both sides
- O&M Plan in place for the Maintenance of the facility
- Grass mowed two (2) times a year
- Not a lot of human activity at the site - office will track the panels
- Glare analysis - non reported
- Storm Water Prevention Plan - Utilize the existing farm road - no run off
- Decommission plan in place - Bond to be paid to the Town
- Panels are salvageable - metals can be sold

Mr. McTyier asked about Wetlands.

Mr. Ingalls noted that they are using existing facilities to cross a stream corridor, there will be no additional impact from this project. There will be no construction in the wetland area.

Ms. Mitchell also asked about the wetlands and the distance to stay away from suggests 100 feet.

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Mr. Ingalls explained that these are Federal Wetlands and that is a non-issue.

Ms. Mitchell brought up the fact that the APA permit talks about a principle aquifer, so that is potable water - will there be heavy machinery that may compromise this aquifer.

Mr. Ingalls explained that there will be no heavy machinery, the panels are on posts and will be pushed into the ground. There may be a bobcat used.

Mr. Huestis stated that he is unaware of any aquifer on this property, the Town researched this years ago, there was a possible of one right along the roadway and was unusable. None on this site location.

Ms. Mitchell asked about the Bond - will this remove everything and put the property back as it was.

Mr. Ingalls explained that the bond will remove everything and again reiterated that there is salvage value in these panels.

Ms. Mitchell asked how deep the electric will be.

Mr. Ingalls noted that the electric will be about three feet in the ground.

Mr. Merten noted in the Town's zoning ordinance - the array cannot exceed 50% of the acreage. His calculation is that it is approximated 57% of this property.

Mr. Ingalls believes that the ordinance speaks to just where the panels are located and that is actually less than 50% of the acreage.

Mr. Merten asked if there were any residences within 600 feet of this project.

The answer was no.

Mr. Merten asked what the project cost was of this project and brought up an example of a project in Grand Island Boulevard being much more expensive.

Mr. Ingalls is not sure why or what the difference is, but he can talk with the engineer.

More discussion on the other project.

Mr. Merten asked how many farms Solar Park has completed.

Mr. Ingalls answered that they are working on or have worked on approximately 10, but he believes that 3 have been completed.

Mr. McTyier noted that the APA letter speaks of one zoning district and the engineers letter speaks of another district. He would like to have this clarified.

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Ms. Mitchell asked about a permit in the packet she found and if it was from the Town..

Mr. Ingalls explained that this application was submitted to the Town back in January, this has been a lengthy process. We have been waiting for approval from the APA to move forward at the Town level.

Mr. Merten asked how many panels will be placed.

Mr. Ingalls believes it is close to 17,000 modules.

Mr. Leerkes noted that this is a permitted use in this area for a Tier III project through a Special use Permit - that is what is in front of them tonight to decide.

Mr. McTyier agreed but in that Engineers letter it stated that the district was medium density - not Rural, this needs clarification.

Mr. Ingalls noted that this is over 1,500 feet from the road and that is rural residential.

Mr. McTyier would just like this clarified in the letter, because this is not an allowed use in Medium density.

Mr. Leerkes noted that if this property is taken out of agricultural, this solar array is a good alternative.

Mr. Ingalls noted that this still needs to go through NYSERDA and when that happens, Ag and Markets will weigh in heavily about this.

Mr. Merten believes that the amount suggested for the Bond seems light.

Mr. Ingalls explained that this number was arrived at from numbers that NYSERDA has put forth. He will look into who is responsible if the amount to decommission this is above the amount in the Bond. He again noted that there is huge salvage value in these panels.

Mr. Merten asked if the sale or change of the property or if Solar Park is no longer the entity in charge what happens to the panels?

Mr. Ingalls noted that the lease is transferrable with the property, even in the decommissioning. The APA made that part of their permit.

Ms. Mitchell asked questions about specific parts she found in the APA permit, one in particular was that it notes there was not permit obtained for this property.

Mr. Fuller explained that at some point in the past the parcel was subdivided and a permit was not obtained for that. It was common then and is now common for the APA to at

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least note it on their findings and on approval of this permit it approves that subdivision after the fact.

Ms. Mitchell also noted that this permit has not been filed with the County yet. This permit should not be initiated until that happens.

Mr. Powers explained that this APA permit and it's approval has no bearing on this Board's approval. We can only act on our Town law on the books.

Ms. Mitchell stated that getting this permit filed protects the Town.

Mr. Ingalls insisted that they will be filing this permit with the county soon.

More discussion on the filing of the APA permit.

Mr. Leerkes came back to the mowing, the permit wants mowing not before May and not after October. Why is that. Seems like odd times of the year for just two mowing.

Mr. Ingalls explained that the reasoning for that is the pollinators, they will be planting pollinating flower mixtures - this gives the wild flowers time to bud and pollinate. They did not want the pollinators cut in the middle of that process.

Mr. Leerkes was surprised that there wasn't a concern about the birds also.....

Mr. Merten asked how the people in town would benefit from this project...

Discussion on the process of this project....and the benefits to the community.

Ms. Mitchell asked if there was room for expansion if more people wanted to participate in the energy savings.

Mr. Ingalls stated that there is no room for expansion on this particular project, this is the max for the space, plus National Grid can only bear so much on it's grid.

Mr. McTyier wrapped up the Public Hearing for the night explaining that it will need to be kept open as there are questions and documents that are needed coming out of this discussion tonight. Letter revised regarding the density, Referral to the County Planning Board, and the percentage of coverage of the lot, plus updates on the SEQR long form.

Ms. Mitchell stated that this also needs to be filed with the county.

Discussion on the board declaring the Town as Lead Agency.

Resolution #19-2020 brought by Ben Leerkes, seconded by Walt Lender to declare the Town as Lead Agency on this project for the SEQR long form. **7 - Ayes, 0 - Nays. Carried.**

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Resolution #20-2020 brought by Mike Powers, seconded by Ben Leerkes to table this Public Hearing regarding the Huestis Solar Farm Application for submittal of certain documents: Updated SEQR long form, Revisiting of acreage cover, updated Engineers report on district (remove medium density) and notice from county on referrals. **7 - Ayes, 0 - Nays. Carried.**

Agrenio - 20 LakeHouse Way (160.42-1-26.000) - addition

Steve Adler - Representing

- addition 19x25
- Bump out (bunk room)
- LGPC - non-jurisdictional
- Second Floor - additional (bedroom)
- No new construction towards the lake
- Going up
- No exterior lighting
- Town sewer and private water

Mr. Merten inquired about rain catch system - existing gutters.

Mr. Adler stated that there is non currently on the structure, the area is already pervious - nothing goes toward the lake. Addition will have the same cedar shakes as the rest of the structure.

Resolution #21-2020 brought by Ben Leerkes, seconded by Stephanie Mitchell to declare the application complete for Agrenio - 20 LakeHouse Way (160.42-1-26.000) - addition. **7 - Ayes, 0 - Nays. Carried.**

Resolution #22-2020 brought by Ben Leerkes, seconded by Stephanie Mitchell to approve the complete application for Agrenio - 20 LakeHouse Way (160.42-1-26.000) - addition. This is a Type II action and there is no significant impact. **7 - Ayes, 0 - Nays. Carried.**

Resolution #23-2020 brought by Ben Leerkes, seconded by Walt Lender to accept the minutes from February 6, 2020. **7 - Ayes, 0 - Nays. Carried.**

Resolution #24-2020 brought by Ben Leerkes, seconded by Don Meserve to accept the minutes from August 6, 2020. **7 - Ayes, 0 - Nays. Carried.**

Other Business

Town Clerk Thompson informed the board that there is current discussions of combining the ZBA and PB. There has been issues for years of vacant positions, there just aren't the people wanting to volunteer anymore. She would like the board to think about this and give feedback for future discussion.

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Mr. Fuller explained the process of combining the boards.

- 5 member board w/ 2 alternates
- up to a 3 month process
- Will hear both ZBA and PB matters w/ ZBA matters first
- Local Law Procedure

More discussion was held - a few board members expressed interest and more discussion will be held.

Resolution #25-2020 brought by Walt Lender, seconded by Don Meserve to adjourn at 7:32 p.m. **7 - Ayes, 0 - Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk