

**Minutes for a Ticonderoga Planning Board Meeting held on May 6, 2021 commencing at 7:00 p.m. with Public Hearings for East Light Partners Solar and Pivot Energy Solar**

**Present:** Chairman W. Doug McTyier, Mike Powers, Ben Leerkes, Walt Lender, Town Attorney Matthew Fuller, Building Inspector Dave Burrows, Town Clerk Tonya M. Thompson

**Others:** Mark Wright, Jamie Fordyce, Will Bliss, Garrett Peterson, Gordon Woodcock, Jacob Runner, R.B. Crammond, Beth & Tim Tiger, Mark Harrison

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

Public Hearings

East Light Partners (Doering – 49 Veterans Road) - Solar

Jamie Fordyce explained that since the last meeting it was decided to hold off and consider impacts to some of the landowners abutting the Northern part of the array, due to the APA's guidance to cut out panels over the wetlands, so we did shift those arrays to the north and spent time with the neighbors (Provoncha) in that area. We found some mutual beneficial change, which was to put the arrays in the corner of an old garden which is over 150 feet from their property line, there was more existing natural vegetation in this area. This really provided a nice buffer, so we did move those panels in to the east to utilize that existing buffer. That is the change that was made. From a EAF/Storm water point of view, there was no impact change. We have a new stormwater report incorporated with these updated plans.

Chairman McTyier inquired where the construction site was going to be located. There is already a parking area, is this the staging site.

Mr. Fordyce agreed, it is already a compacted site that will not require any significant change. We went out to the site today to get the perspective of the array from north to east and there is quite a lot of vegetation and you would have trouble making out the next house. We did offer to the neighbors (Provoncha) some additional planting here if necessary – screening trees.

No Further public participation.

Mr. Leerkes asked who would own the substation.

Mr. Fordyce answered that they would. There is a demarcation between what the project owns and what National Grid owns, but the substation will be owed by the project. We have a medium voltage cable that runs in a trench on the Rafferty parcel under an easement to a pad. We own the initial step-up transformers that are on the pad and basically on the high side. That is the division of ownership.

Mr. Leerkes asked about the contaminated soil, how will cables be put in?

Mr. Bliss answered that there will be some trenching done, but all of the soil is intending to be used on site as back fill. There is a point where some of the cables are trenched and some are going to be tucked into the racking system. There is a very small amount of trenching on the property. The contamination has greatly decreased from the original testing that was done in 1980.

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**Resolution #27-2021** brought by Ben Leerkes, seconded by Walt Lender to close the public hearing for East Light Partners (Doering – 49 Veterans Road) at 7:08 p.m. **4 – Ayes, 0 – Nays. Carried.**

PIVOT Energy (Crammond – 33 Commerce Drive) - Solar

Gordon Woodcock made the board aware that APA approval has been received. Decommission estimate has been provided.

No further public participation.

Mr. Leerkes noted that the APA had made comments of vegetation, in your proposal you are suggesting that grazing will be done. However, nothing is allowed to graze nor is mowing between May 1 and October. Not a lot of grazing can be done before May or after October.

Mr. Woodcock noted that the grazing was proposed and approved by the APA, we understand the time frame. We can work with that. This is how we designed this project.

Mr. Leerkes asked if the panels are raised up to allowing grazing.

Mr. Woodcock agreed, panels are raised up, fencing has been specified to allow for small animals but also prevents smaller sheep from being able to escape. There is ample room for turnaround and drop off. We hired a grazing consultant to look at our design. There were minor tweaks, like not planting anything toxic to sheep.

Mr. Leerkes asked about water for these animals.

Mr. Woodcock agreed. If it is on site, that is nice and if they have to truck it in, then that would be part of their original bid packet.

Mr. Leerkes stated that it seems to him that with the constraints the Adirondack Park is putting on that, that grazing is not an option. Not a lot of grazing can happen before the first of May and then after October.

**Resolution #28-2021** brought by Mike Powers, seconded by Ben Leerkes to close the public hearing at 7:14 p.m. **4 – Ayes, 0 – Nays. Carried.**

Regular Business of the Planning Board

**Resolution #29-2021** brought by Mike Powers, seconded by Ben Leerkes to approve the minutes from April 1, 2021. **4 – Ayes, 0 – Nays. Carried.**

East Light Partners (Doering – 49 Veterans Road) – Solar

Chairman McTyier feels all of his questions and concerns have been answered. He has walked the project location twice once with the 1<sup>st</sup> plan and after with this change.

Mr. Leerkes believes that with the contamination on site, this is by far the best option. He would like to mention something that has nothing to do with this project specifically, but the County is looking to recommend review of our laws. The law that we have has no criteria for judging

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agricultural land as a use, so the county is proposing that the towns could pass some sort of mechanism so that.... Right now we have no way of rejecting anything because it is not a good use for the community. That is why this one is particularly important because that is contaminated soil anyway. The other one is zoned light industrial, the town has already decided that it is not agricultural land. The first one we did was considered significant agricultural land and we should have the ability to judge for the community whether it is better that it remain agricultural rather than sold. There are other lands available. The problem is that they are picking the things that are really accessible for them. There are other uses, the return on this for electric is huge compared to agriculture; however, as a society are we better off to have solar panels on really good agricultural lands and let waste land go for nothing. This has nothing to do with these two, this is just a thought. He is on this committee at the county and we are looking into this.

Chairman McTyier agreed, where he came from in Pennsylvania there was so much development pressure and that is the other aspect of this. With solar panels we still have the majority of nice farmland, but if it gets torn up for housing developments ...

Mr. Leekers continued, explaining that right now with the law we have there is no criteria where we can reject a solar array on the basis that the better use is agriculture. Really, the town should look at putting some sort of criteria in there.

**Resolution #30-2021** brought by Ben Leerkes, seconded by Walt Lender to declare a complete application for East Light Partners (Doering – 49 Veterans Road) – Solar, 139.4-1-1.110/139.4-1-2.000/139.4-1-47.000. **4 – Ayes, 0 – Nays. Carried.**

(The board went through the AEF form)

**Resolution #31-2021** brought by Walt Lender, seconded by Ben Leerkes to declare no significant environmental impact from the East Light Partners (Doering – 49 Veterans Road) – Solar, 139.4-1-1.110/139.4-1-2.000/139.4-1-47.000 project. **4 – Ayes, 0 – Nays. Carried.**

**Resolution #32-2021** brought by Ben Leerkes, seconded by Mike Powers to approve the East Light Partners (Doering – 49 Veterans Road) – Solar, 139.4-1-1.110/139.4-1-2.000/139.4-1-47.000 project with the conditions of receipt of the decommission bond. **4 – Ayes, 0 – Nays. Carried.**

PIVOT Energy (Crammond – 33 Commerce Drive) - Solar 150.2-10-2.000/150.2-10-1.000/139.4-1-55.1000

**Resolution #33-2021** brought by Ben Leerkes, seconded by Walt Lender to declare a complete application for PIVOT Energy (Crammond – 33 Commerce Drive) - Solar 150.2-10-2.000/150.2-10-1.000/139.4-1-55.1000. **4 – Ayes, 0 – Nays. Carried.**

(The board went through the AEF form)

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**Resolution #34-2021** brought by Ben Leerkes, seconded by Walt Lender to declare no significant or minimal environmental impact for PIVOT Energy (Crammond – 33 Commerce Drive) - Solar 150.2-10-2.000/150.2-10-1.000/139.4-1-55.1000. **4 – Ayes, 0 – Nays. Carried.**

Mr. Woodcock did mention that they will be approaching the Town Board in regards to use of the Town Road at Commerce park.

**Resolution #35-2021** brought by Ben Leerkes, seconded by Walt Lender to approve the complete application for PIVOT Energy (Crammond – 33 Commerce Drive) - Solar 150.2-10-2.000/150.2-10-1.000/139.4-1-55.1000 with the condition of receipt of the decommission bond. **4 – Ayes, 0 – Nays. Carried.**

Tim Tiger – Single Family Dwelling (160.26-1-21.000) 393 Baldwin Road

- Present structure destroyed by fire
- Demolition of damaged structure
- New construction – 3 story home
- Meets set backs
- No closer to the lake
- Municipal Water and Sewer
- APA – Non-jurisdiction letter received
- Same Footprint
- Plans set forth may be changed per the cost of construction material costs (will need to amend application and return to the Planning Board if change in plans)

Mr. Leerkes inquired if the new LGPC restrictions will apply to this application?

Mr. Lender stated that this would need to conform to those new regulations. He added that he did not see the LGPC non-jurisdictional letter or approval letter for the storm water pan.

Mr. Tiger agreed that he was unaware that this needed to be done. He will do this.

**Resolution #36-2021** brought by Walt Lender, seconded by Ben Leerkes to declare a complete application for Tim Tiger – Single Family Dwelling (160.26-1-21.000) 393 Baldwin Road. **4 – Ayes, 0 – Nays. Carried.**

**Resolution #37-2021** brought by Doug McTyier, seconded by Ben Leerkes to approve the complete application for Tim Tiger – Single Family Dwelling (160.26-1-21.000) 393 Baldwin Road, with the condition of receiving a Non-Jurisdictional letter or storm water approval letter from the Lake George Park Commission. This is a Type II action. **4 – Ayes, 0 – Nays. Carried.**

Harrison – Self-Storage (150.27-2-2.000) Burgoyne Road

- Phase I Building (Not enough room to expand at the old Wicker Ford garage property)
- One section is 30 x 150 feet, second is 30 x 120 feet
- Meets set backs

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- Drainage ditch down the hotel side and down the front where Route 22 meets is all naturally graded
- Existing drainage on the side
- Swales on property lines
- Gravel brought in to site – adequate for drainage on site

Mr. Leerkes wants to be sure the drainage is appropriate by the Play area for the Day care next door, he also inquired about fencing – the ACAP play area is right next door.

Mr. Harrison stated that there is already really good drainage in the area, and he wasn't planning on fencing or screening but can do what you want.

Mr. Leerkes asked what way the water drains now.

Mr. Harrison answered that the water drains back to the road on the natural drain, the hotel side goes down to the natural drain also. He can build up the headstart side and taper it.

This application will need to be referred to the County Planning Board as it is within 500 feet from the state/county road.

**Resolution #38-2021** brought by Walt Lender, seconded by Ben Leerkes to declare a complete application for Harrison – Self-Storage (150.27-2-2.000) Burgoyne Road. **4 – Ayes, 0 – Nays.**

**Resolution #39-2021** brought by Ben Leerkes, seconded by Mike Powers to declare no significant environmental impact with the Harrison – Self-Storage (150.27-2-2.000) Burgoyne Road, project. **4 – Ayes, 0 – Nays.**

**Resolution #40-2021** brought by Mike Powers, seconded by Walt Lender to table the Harrison – Self-Storage (150.27-2-2.000) Burgoyne Road, until response is received from the Essex County Planning Board referral. **4 – Ayes, 0 – Nays.**

**Resolution #41-2021** brought by Walt Lender, seconded by Ben Leerkes to adjourn at 8:37 p.m.

Respectfully submitted, Tonya M. Thompson, Town Clerk