

Minutes for the Ticonderoga Planning and Zoning Board Meeting commencing at 6:00 p.m. on May 5, 2022, with Public Hearings for TiCon Solar and PIVOT5 Solar

Present: Dr. W.D. McTyier (Chairman), Walt Lender, Mike Powers, Ben Leerkes, Tonya M. Thompson (Clerk), Dave Burrows (Zoning Officer)

Absent: Don Meserve and Alternate Erik Leerkes

Others: Bridget Cuddihy, Mark Sweeney, Gordon Woodcock, R.B. Crammond, Jon Cooke, Joe & Alicia Vilardo, Margaret Armstrong, Tim Ryan, Supervisor Mark Wright

Chairman McTyier opened the meeting with the Reciting of the Pledge of Allegiance and welcomed everyone in attendance.

Public Hearings

The Town of Ticonderoga Planning and Zoning Board will hold a public hearing and meeting on May 5, 2022 at 6:00 p.m. at the Community Building, 132 Montcalm Street, Ticonderoga, NY for a Special Use and Site Plan Review regarding an application submitted by TiCon Solar, LLC for a 5MWac solar Photovoltaic system be located at 149 Charboneau Road, Ticonderoga, NY (Leon & Dan Catlin - tax map #'s 139.4-1-10.1 & 139.4-1-36.1). Any interested parties will be given an opportunity to be heard.

Ms. Cuddihy reported to the board that she received confirmation from DEC acknowledging that they did indeed work through all the concerns that had been brought to light in the letter that the Town had received during the notification of intent for lead agency. They noted that it is a form letter that gets sent out in these instances with concerns added – there was a file on record showing the discussion and solutions to the concerns.

Ms. Cuddihy also gave the board the APA permit with its conditions as requested and she can confirm that it has been recorded at the County and all is in order.

Ms. Cuddihy stated that she and Mr. Burrows just spoke before the meeting and he had explained that there was more required on the Decommissioning plan that she provided. She will be getting this together and forwarding it to the board for review and discussion at the June Meeting.

No Comments from the Public were presented.

Resolution #34-2022 brought by Walt Lender, seconded by Ben Leerkes to table the TiCon Special Use and Site Plan Review public hearing until June 2, 2022, at 6:00 p.m. **4 – Aye, 0 – Nays. Carried.**

Mrs. Thompson reminded that in order to get in front of the June PZB, the materials must be received by the 15th of this month of May. All confirmed.

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The Town of Ticonderoga Planning and Zoning Board will hold a public hearing and meeting on May 5, 2022 at 6:00 p.m. at the Community Building, 132 Montcalm Street, Ticonderoga, NY for a Special Use and Site Plan Review regarding an application submitted by PIVOT Energy for a 2.5 MW Community Solar project located at 599 Delano Road Ticonderoga, NY (Rigoberto & Gail Feliciano – tax map # 139.2-3-6.200) Any interested parties will be given an opportunity to be heard.

Mr. Woodcock informed the board that he had nothing new to present at this time.

No comments from the public were presented.

Mr. Burrows presented the Decommission Plan and Bond numbers that were received and agreed upon.

Pivot Solar 5

Estimated first year decommissioning	153,800.00
Estimated salvage/resale value	(52,500.00)
Estimated total cost	101,300.00
Inflation escalator @ 2% over 25 years	64,832.00
Total estimated decommissioning @year 25	166,132.00
25% reserve per LL #2 of2019	41,533.00
Total estimated bond amount	207,665.00

Resolution #35-2022 brought by Ben Leerkes, seconded by Walt Lender to accept the findings presented by Zoning Officer Burrows and agreed upon by Gordon Woodcock of PIVOT5 for location at 599 Delano Road (Feliciano) #139.2-2-6.200 (on file in the Town Clerk’s Office) Total Decommissioning Bond is \$207,665.00. (See breakdown above). **4 – Aye, 0 – Nays. Carried.**

Resolution #36-2022 brought by Mike Powers, seconded by Ben Leerkes to close the Public Hearing for PIVOT 5 Energy for a 2.5 MW Community Solar project located at 599 Delano Road Ticonderoga, NY (Rigoberto & Gail Feliciano – tax map # 139.2-3-6.200) at 6:10 p.m. **4 – Aye, 0 – Nays. Carried.**

Resolution #37-2022 brought by Ben Leerkes, seconded by Walt Lender to declare a complete application for PIVOT 5 Energy for a 2.5 MW Community Solar project located at 599 Delano Road Ticonderoga, NY (Rigoberto & Gail Feliciano – tax map # 139.2-3-6.200). **4 – Aye, 0 – Nays. Carried.**

Resolution #38-2022 brought by Ben Leerkes, seconded by Walt Lender to adopt a Negative Declaration for PIVOT 5 Energy for a 2.5 MW Community Solar project located at 599 Delano Road Ticonderoga, NY (Rigoberto & Gail Feliciano – tax map # 139.2-3-6.200). **4 – Aye, 0 – Nays. Carried.**

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Resolution #39-2022 brought by Ben Leerkes, seconded by Walt Lender to approve a Special Use Permit for PIVOT 5 Energy for a 2.5 MW Community Solar project located at 599 Delano Road Ticonderoga, NY (Rigoberto & Gail Feliciano – tax map # 139.2-3-6.200). **4 – Aye, 0 – Nays. Carried.**

Resolution #40-2022 brought by Ben Leerkes, seconded by Walt Lender to approve the Site Plan Review application for PIVOT 5 Energy for a 2.5 MW Community Solar project located at 599 Delano Road Ticonderoga, NY (Rigoberto & Gail Feliciano – tax map # 139.2-3-6.200). **4 – Aye, 0 – Nays. Carried.**

PIVOT 6 – 150.2-1-2.110 & 150.2-1-18.000 (529 Old Chilson Road) 5MW, Alternating Current (AC) solar energy generating facility to be located on 24 acres

Chairman McTyier explained that we should hold a public hearing on this new Solar application and asked for the Board’s opinion.

Resolution #41-2022 brought by Wal Lender, seconded by Ben Leerkes to schedule a Public Hearing for PIVOT 6 – 150.2-1-2.110 & 150.2-1-18.000 (529 Old Chilson Road) 5MW, Alternating Current (AC) solar energy generating facility to be located on 24 acres at 6:00 p.m. on June 2, 2022. **3 – Aye, 0 – Nays, Mike Powers - Abstain. Carried.**

Mr. Woodcock will hold off on the explanation and description of the project until next month’s Public Hearing.

The Huestis Solar - from Solar Park Energy, LLC (tax map #139.15-3-5.110 &135.4-1-20.000

Mr. Woodcock explained that he is taking over for the Solar Park Energy, LLC. This company was representing the Huestis Solar Farm and has had some unfortunate circumstances. He has been asked to assist with the project and would like the board to review and approve the last few items that remained as the project was actually approved a year ago when the Ingalls firm presented it.

The Board agreed to review the Decommissioning Plan and the Special Use Permit.

Mr. Burrows went over the Decommission figures.

Solar Park 17

Estimated first year decommissioning	\$118,292.25
Estimated salvage/resale value	.00
Estimated total cost	118,292.25
Inflation escalator @ 2% over 30 years	94,633.80
Total estimated decommissioning @ year 25	212,926.05
25% reserve per LL #2 of 2019	53,231.51
Total estimated bond amount	\$266,157.56

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Resolution #42-2022 brought by Ben Leerkes, seconded by Walt Lender to accept the findings presented by Zoning Officer Burrows and agreed upon by Gordon Woodcock for the Decommissioning Plan and Bond for The Huestis Solar farm - from Solar Park Energy, LLC (tax map #139.15-3-5.110 & 135.4-1-20.000. (on file in the Town Clerk's Office) Total Decommission Bond is \$266,157.56. (See breakdown above). **4 – Aye, 0 – Nays. Carried.**

Resolution #43-2022 brought by Ben Leerkes, seconded by Doug McTyier to approve the Special Use Permit for The Huestis Solar farm - from Solar Park Energy, LLC (tax map #139.15-3-5.110 & 135.4-1-20.000. **4 – Aye, 0 – Nays. Carried.**

Cooke - 59 Alexandria Avenue (150.11-1-30.000) 40x80 Steel Building

Mr. Cooke plans to replace an existing building with a Steel 40x80 3,200 square foot Building. He has many 'toys' that are his assets he would like to protect such as a couple of Sea Rays, Limousines and other miscellaneous items that he plans to restore and protect from the elements He will demolish the smaller existing building, all set backs have been met, there are no utilities at the moment but eventually will be added, French drains on being constructed on his entire property and this building will be included and tied into those drains with perforated pipe and crushed stone.

Chairman McTyier noted that he cannot create more storm water than what was there before.

Mr. Cooke assured the board that there will not be.

Resolution #44-2022 brought by Walt Lender, seconded by Ben Leerkes to declare a complete application for Cooke - 59 Alexandria Avenue (150.11-1-30.000) 40x80 Steel Building with no environmental impact and the board finds no Public Hearing is necessary for this project. **4 – Aye, 0 – Nays. Carried.**

Resolution #45-2022 brought by Walt Lender, seconded by Mike Powers to approve the complete application for Site Plan Review regarding for Cooke - 59 Alexandria Avenue (150.11-1-30.000) 40x80 Steel Building. **4 – Aye, 0 – Nays. Carried.**

Minutes to Approve

Resolution #46-2022 brought by Ben Leerkes, seconded by Doug McTyier to accept the Minutes from April 7, 2022. **3 – Aye, 0 – Nays, Mike Powers - Abstain. Carried.**

Other Business

Mr. Burrows was sent the bond agreement from ELP Solar and he would like to have some confirmation that the board would like him to sign the agreement, or should the board be signing these.

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Mr. Fuller explained that after the board approves an application, it does not go back in front of them. This agreement would be the same as issuing a building permit, etc. The Zoning Officer is able to sign.

Mr. Burrows again brings up the Camper law and stresses that he really would like to have something in writing to back him when telling people they cannot be living in campers. At this moment there is a camper occupied with a family of five maybe even six on Race Track Road.

Chairman McTyier knows we have discussed this already. He understands that it is the Town Board that will ultimately decide on this, but the PZB can make recommendations for consideration.

Mr. Lender would like to see something in from the Zoning Office, draft a law for the board to review.

Mr. Burrows will do this.

Mr. Burrows next brings up the sign law. He did draft some suggestions on the proposed language from years ago.

Mr. Powers noted for the temporary sign language it says it can be removed by the Code Enforcement Officer – he would suggest adding ‘or his designee’. Also, placing signs on utility poles – is this necessary? It is illegal to put them there regardless.

Mr. Burrows would like to be able to point to our law when questioned as to why he is taking signs off the poles.

Mr. Powers continued, with the moving signs, pennants – temporary signs, he feels they can be up during normal business hours. He continued with the section on lighting. It states lighting in units??? Normally it is lumens. That needs to be clarified. He also felt the design guidelines should go. More discussion...

It was felt that the design regulations should stay.

Mr. Powers asked about the Downtown Business, Business District, Hamlet Mixed Use – those designations were not corresponding with the law, we never adopted those titles.

Mr. Lender believes this is moving in the right direction, whatever we can do to help clarify.

Mr. Burrows will make these changes on his draft and bring back in front of the Board.

Resolution #47-2022 brought by Walt Lender, seconded by Doug McTyier to adjourn the meeting at 7:01 p.m. **4 – Aye, 0 – Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk