

**TOWN OF SKANEATELES PLANNING BOARD  
SPECIAL MEETING MINUTES  
November 3, 2022**

Donald Kasper  
Douglas Hamlin  
Scott Winkelman  
Jill Marshall  
Jon Holbein  
Scott Molnar, Legal Counsel  
John Camp, P.E. (C&S Engineers)  
Howard Brodsky, Town Planner  
Karen Barkdull, Clerk

Chair Kasper opened the meeting at 6:30 p.m.

**SEQR Review– Special Permit**

Applicant: Brewster & DeAnn Sears  
Skaneateles PV LLC  
2825 West Lake Road  
Skaneateles, NY 13152  
**Tax Parcel#051.-02-17.00**

Present: Nancy Vlahos, Kevin Bliss, RIC Energy; Ivo Tomchev, Nicholas Fozmanowicz, Wendel Co.

Chair Kasper reminded the attendees that the public hearing has been closed and that the board will not be taking comments.

Counsel Molnar stated that the board had also circulated the request for the Planning Board to be lead agency on this project and has received no objections to this. The applicant has submitted the full EAF long form including part 1 that has been completed by the applicant. In addition, the applicant has provided and addendum to the EAF, a visual impact assessment, and a FAA no hazard to navigation response dated March 29, 2022. In consideration of the submitted documents he recommended that the board do a review of part 1 for any changes, and part 2 of the submitted EAF Long Form. He continued saying that the board could review part 2 in draft or total review, and the board agreed that they were prepared to review it in total. Chair Kasper recommended that part 1 of the EAF be reviewed to correct any errors.

The board reviewed **part 1 of the EAF** and noted the following:

**E(3)(h):** Changed to Yes, and added under i:

The project is within 5 miles of Skaneateles Lake which is a publicly accessible aesthetic resource. The adopted comprehensive plan and the open space plan reflect that Skaneateles Lake is an aesthetic resource.

The board reviewed **Part 2 EAF**:

- 1 Impact on Land** -  No  Yes
- a. Small
  - b. No
  - c. No
  - d. No
  - e. No

- f. No
- g. No

**2 Impacts on Geological Features -No  Yes**

**3 Impacts on Surface Water -No  Yes**

- a. No
- b. No
- c. No
- d. No
- e. No
- f. No
- g. No
- h. No
- i. **No** The way the site is laid out meets the NYSDEC requirements for solar arrays of this type. If the panels are properly spaced then stormwater controls are not required. Bentley Brook is not located near the site of the array and there was no evident erosion as noted at their site visits.
- j. No
- k. No
- l. **None** There is a concern about surface water in the lake watershed, and as just discussed, research was done, the board conducted site visits, and they will implement erosion control measures during construction. After the meadow is established, the surface water will be improved with the additional infiltration from the meadows underneath the panels. There will be a positive improvement.

**4 Impacts on Groundwater -No  Yes** The ground water will have more infiltration with the meadows. The runoff from the panels will not have any impact to the ground water and there will be no new or additional use of the ground water.

**5 Impact on Flooding -No  Yes**

**6 Impacts on Air -No  Yes**

**7 Impacts on Plants and Animals -No  Yes** It may restrict deer from entering the solar array.

**8 Impacts on Agricultural Resources -No  Yes**

- a. **Small** 28 acres will be removed out of all the farmland in Skaneateles.
- b. No
- c. **Small** During construction, but minimal impact for 30 years after construction.
- d. **No** The system can be removed, and the land returned in agricultural use after 30 years.
- e. **Small** The solar array will not disrupt the agricultural use around the site.
- f. **Small** Farmers have been approached for solar arrays to be placed on their farms; however implementation is impacted by transmission lines, distribution line capacity, and siting to be considered.
- g. **Small** The town does not have a municipal adopted protection plan. Onondaga County has a plan and have concerns with taking prime farmland out of production. The hope is for the arrays to be placed on subprime lands. although 95% of New York is prime

farmland. 28 acres is a small portion of the total farmland and would make the impact small.

**9 Impacts on Aesthetic Resources - No  Yes**

- a. **No to Small** The panels will be 12 in height and the area will be surrounded by a hedge around the system that will be 50 feet tall. There are a lot of woods surrounding the site which makes it an attractive location for the solar array. Although it will be invisible to the public, it is difficult to say no as nothing is 100%.
- b. **No**
- c. **No to Small** as nothing is invisible.
- d. **No**
- e. **No**
- f. **No** There are no visible projects that are similar.

**10 Impacts on Historic and Archeological Resources - No  Yes**

- a. **No to Small** SHPO had commented that there will be no affect. Brook Farm is located .5 miles which is listed on the National Register of Historic Places. Brook Farm is located on the east side of Route 41A and is not visible from the roadway. Given distance from the solar facility, screening from topography, and existing and proposed vegetation, no impacts to the historic site are anticipated.
- b. **No**
- c. **No**
- d. **NA**
- e. **No**
- f. **No**

**11 Impacts on Open Space and Recreation - No  Yes** Property has no trails and not part of any plan. This will have conservation controls like a conservation easement for 30 years.

**12 Impacts on Critical Environmental Areas - No  Yes**

**13 Impacts on Transportation - No  Yes**

**14 Impacts on Energy - No  Yes**

**15 Impacts on Noise, Odor, and Light - No  Yes** Any noise from the inverters will not be heard beyond the fence line.

**16 Impacts on Human Health - No  Yes** There will be none there.

**17 Consistency with Community Plans - No  Yes**

- a. Small
- b. No
- c. Small
- d. No
- e. No
- f. No
- g. No

**18 Consistency with Community Character - No  Yes**

- a. No
- b. No
- c. No
- d. No
- e. Small
- f. Small

Member Marshall commented that although this site is appropriate for the solar array; if it were in a different agricultural field it would be inconsistent as agricultural use is being taken out of agricultural production. It is like the slippery slope of strip development. She continued saying that we need to be cautious about just slipping through these and saying no, no, no. With this site it is a no but some of these are no, so easy no based on location. Member Hamlin said that when he started the Planning Board journey eight years ago, he had a concern with precedent. After a conversation with the Planning Board attorney, in the purest sense the board does not make precedent setting decisions. Each project is before the board on its own merits and is not compared to other projects, but the attributes are compared to the code of the town. This is a unique site and other sites in town will have a tough time. Mr. Camp added that this land use is specifically permitted in the zoning code. Considering a project unfit could be considered questionable. Member Winkelman said that site plan review and special permit process is quite rigorous, and this project checked all the boxes. There is not another site in town or especially in the watershed that would have as small an impact as this project. Have faith in the process. Chair Kasper said that the biggest thing is the visual impact, that land will still be able to be farmed in 30 years, will not increase any waterflow off, and there will be no negative impacts. From the standpoint of a visual impact there is not a better site in the town as you cannot see it from any vantage point. Member Hamlin said that they will product power and not negatively impact water for 30 years. Member Winkelman said that he looks at it as a conservation property that will be a meadow that is not plowed or sprayed with pesticides in the watershed.

Counsel Molnar said that based upon the board's deliberation, the answers to the questions presented in the FEAF as well as these comments, all as part of the record, he recommended that the board check box A in Part 3 that the project will have no significant adverse impact on the environment, and therefore an environmental impact statement need not be prepared. Accordingly, a negative declaration is issued. Counsel Molnar said that he will complete the paperwork for signature by the Chair and publish in an environmental news bulletin for the negative declaration for a type 1 action.

**WHEREFORE**, a motion was made by Chair Kasper and seconded by Member Hamlin declare that this project will result in no significant adverse impacts on the environment, and, therefore an environmental impact statement need not be prepared, with a negative declaration issued. The Board having been polled resulted in the unanimous affirmance of said motion.

Chair Kasper said that the board never took a position on the fire chief's comments and asked if the site plan reflects the revised entrance to the solar array. Ms. Vlahos said that the site plan reflects to correct location for the drive and the driveway permit is under review by NYSDOT. Mr. Camp commented that the applicant is using a road that is categorized at permeable by the NYSDEC. They view it as a special road and will have low usage. Member Winkelman commented that having the road going around the entire solar array as was recommended by the fire chief, would place too much impermeable surface coverage on the lot and in the watershed. Chair Kasper said that they agreed to move the equipment to the south and queried if there is enough area around the solar array and fence. Mr. Tomchev said that there is a twenty foot distance between the arrays and the fence. Mr. Bliss said that a truck can go between the panels.

Chair Kasper commented that the access road is being constructed to meet New York State code requirements for access roads to solar arrays. Counsel Molnar noted that the New York State fire code was

reviewed, and the conclusion was made that the fire department had reviewed the plan and recommended that the access road should go around the entire solar array, creating disturbance where none exists now and would be potentially problematic to the Planning Board regarding impermeable surface coverage. Following up on our discussions regarding Skaneateles Solar PV and the Fire Department's position on the size and build-out of the perimeter road to be placed around the proposed solar array, please know that we pulled up the New York State 2020 Fire Code (the "Fire Code") regarding photovoltaic systems. The Fire Code shows that per Section 1204.2, pathway requirements for solar arrays are exempt for solar trellises. In addition, and better guidance on topic, Code Section 1204.4 re Ground – Mounted photovoltaic panel systems, requires a clear, brush free, area of 10 feet for ground mount solar arrays. We saw that this section implies the pathway may be brush free soil and does not mention that the pathway must be fashioned in stone or other paved materials. We have copies of the pages from the Code on point for reference.

For this project, the pathways are proposed to be 15 feet between the rows, and around the perimeter, which appears compliant with the Fire Code of the State of New York. In addition, although arc fault circuit interrupters are only required on roof mounted solar arrays per the Fire Code, the specs provided by the applicant indicate that the inverters have this function for rapid shutdown, with two proposed transformers located next to two driveway pullouts on the site plan.

As a result, it is fair for the PB consider the Fire Code requirements and proposed design by the applicant compliant with New York State fire code, to determine that the applicant's suggested pathway design is satisfactory for special permit review, despite the Fire Department's advisory review suggestion to require an access road around the entire perimeter of the array with the consequence of all the land disturbance. While taking the fire department's recommendation under advisement, the fire code is clear in this situation that it exempts the road as suggested by the fire department. Mr. Formosa stated that the drive from the panels to the fence is twenty feet wide all around.

Chair Kasper inquired if there is any way that the property owner could preserve the large trees between the solar array system and West Lake Road as an additional screening from West Lake Road. Member Winkelman said that the applicant was going to supplement the hedgerow on the east side of the project. Ms. Vlahos stated that there will be screening on the east side of the project. There is an existing tree line and that is part of the project area that will be maintained by the company as part of the management plan. Chair Kasper clarified that he is talking about the existing forest east of the project down by the farmhouse. Mr. Bliss said that that area is lower still than the solar area. He continued saying that the forest is off site and not part of the application. Chair Kasper commented that 75 feet east of the solar array could be an area for trees to be maintained by the property owner. Mr. Brodsky suggested that the planting plan be modified to show the plants you specifically wish to maintain and have protected. Mr. Camp said that alternatively, that this could be included as part of the resolution that the existing landscaping shown in the area is part of the approved plan is to remain. Counsel Molnar commented that it could be done similarly that was done for the hotel. Mr. Brodsky suggested that it is shown on the plan as well. Ms. Vlahos commented that they may have that note on the plan already. Mr. Bliss said that with the addition to the existing hedgerow and the topography of the land, it is unlikely that the project would be seen from West Lake Road. Chair Kasper said that the additional buffer of trees would be an added measure to screen. Mr. Bliss said that they will have responsibility for

the conditions placed on the project. Mr. Camp responded that the landowner is the responsible party for the entire parcel including the project. Member Hamlin said that it should be in the resolution as they move forward on these types of projects the decisions are largely based on visual impact. Mr. Camp suggested that the plan could have a box east of the hedgerow that indicates that the existing trees shall remain. The lease area does not include the existing hedgerow to the east of the project. Mr. Bliss said that the landowner wants the project screened from his dwelling and an additional condition the Planning Board could require the hedgerow and 75 feet from it shall remain treed to ensure a visual screen. Mr. Tomchev said that they can include that hedgerow in the area. Counsel Molnar said that that is a nice solution between the property owner and the tenant; however, the Planning Board grants any approval that runs with the land whether the tenant remains. Chair Kasper said that the information should be on the drawings. Member Hamlin suggested that the language could be that the tenant will use whatever efforts to treat it as good as it is now or better for the life of the project. Counsel Molnar added that it should also be placed on the plan. Member Winkelman added that the 22 of the 28 acres of the project will consist of solar arrays which is less than the 25% maximum allowed.

Chair Kasper inquired if the lines to the service at the road will be underground. Mr. Bliss replied yes and at the road will be a couple of poles and that there will be six poles in the field which National Grid will maintain. The fence and gate around the project site will be after the hedgerow. Member Winkelman inquired about the meadow mix that will be planting under the arrays. Mr. Fozmanowicz read the plan saying that it will include Fescue and 20% turf type ryegrass. Mr. Bliss said that it is listed on the planting plan. The area will be mowed 2-3 times a year. Member Marshall inquired if any pollinators are included. Mr. Bliss said that they do it on request. Mr. Fozmanowicz said that it can be included.

Counsel Molnar said that the town had received a decommissioning plan from the applicant and subsequently suggested edits were made to include the statement that the decommissioning plan would be put into implementation if the Planning Board revoked the special permit based on noncompliance provided that the applicant was accorded due process and revocation if necessary. There will be an assurance on the decommissioning set forth in a decommissioning bond or alternatively, a letter of credit, which is his recommendation to the board. It is easier to call a letter of credit than a bond. The applicant has removed from the decommissioning cost estimate the salvage value; if it were left in it would work to the detriment of the town. The assurance of decommissioning is in the form of a letter of credit in a five year interval. The letter of credit should be specific to the years in question so that in the year renewal after the first five years the decommissioning cost estimate is \$174,694.56 with 2.5% inflation, with that being the appropriate amount of the letter of credit. That would leave the town a sum sufficient at the first stage of the letter of credit. The letter of credit will increase over time with the schedule reflective of the cost estimate and an inflation factor of 2.5%. There is a sold draft for the decommissioning plan that will need editing to reflect a letter of credit in lieu of a bond. The decommissioning plan will become part of any resolution and appended to the resolution. Counsel Molnar recommended that he prepare a full resolution with a comprehensive listing of all conditions and considerations for review by the board and then the applicant. A draft will be prepared and circulated and considered at the November regular meeting. Chair Kasper inquired about the comments regarding the existing drainage tiles in the field and Counsel Molnar said that it had been added to the decommissioning plan in section 12. Chair Kasper inquired on what would happen if they are

disturbed when the arrays are under construction and Counsel Molnar said that it could be added as part of the resolution for repair of any damaged drainage tiles at the time of construction of the solar arrays. The plans will be updated to reflect the updates for the planning plan to include pollinators and for the area to preserve a buffer for the maintenance of the existing trees east of the project.

**WHEREFORE**, a motion was made by Member Hamlin and seconded by Member Marshall to adjourn the meeting. The Board having been polled resulted in the unanimous affirmance of said motion. The Planning Board Meeting adjourned at 8:06 p.m. as there being no further business.

Respectfully Submitted,

Karen Barkdull, Clerk

**Additional Meeting Attendees:**

John Cico	Nancy Vlahos
Holly Gregg	Kevin Bliss
Bill Mahood	Julie Moore
Dessa Bergen	

**Additional Meeting Attendees (Zoom):**

Gary Heyer	Nicholas Fozmanowicz
Ivo Tomchev	Alan Methelis
Fran McCormack	Barbara Delmonico
Connie Brace	