

**TOWN OF ULYSSES  
PLANNING BOARD  
MEETING MINUTES  
Tuesday, 2/16/2016  
7:00 p.m.**

*Approved: March 1, 2016*

**Present:** Chairman David Blake; board members Pete Angie, David Diaz, Rebecca Schneider, John Wertis, and board alternate, David Tyler. Environmental Planner Darby Kiley; and Town Board Liaison Nancy Zahler, who attended in the absence of Richard Goldman.

Public in Attendance: Melissa Kemp and Thom Mayo from Renovus Energy, P.J. Beck, Travis Johnson, Douglas Snyder, Michelle Bamberger, Robert Oswald, Sara Worden, Joe McNamara, Dakota Potenza, Jeff Brown, James Brown, John Potts, Anne Schneiderman, Dr. Brice Smith, Eric and Bridget Slocum, and Tom Hohn.

**Call to Order:** 7:01 p.m.

**Agenda Review; Minutes Review (February 2, 2016)**

Mr. Wertis MADE the MOTION to approve the February 2, 2016 meeting minutes, and Mr. Diaz SECONDED the MOTION. The minutes were unanimously approved, 4-0, with Ms. Schneider abstaining from the vote.

**Privilege of the Floor:** No one from the public offered comments at this time.

**Continued Public Hearing:** Consideration of SEQR and Site Plan Approval for a 360 kW photovoltaic system on the northwest corner of Jacksonville and Agard Roads, Tax Parcel Number 20.-1-6.1; R1-Rural Residence District. The Sciencenter, located in Ithaca, NY, will be leasing approximately 1.81 acres of land from the Finger Lakes Grassroots Festival in order to install an offsite solar collector facility. Finger Lakes Grassroots Festival Inc., Owner; Renovus, Agent for the owner.

Mr. Blake began by telling the audience the Planning Board had discussed the sketch plan on December 15, closed the sketch plan conference and scheduled the public hearing for January 19. On January 5, the Planning Board met to discuss the project further and pass the Stormwater Plan associated with the Renovus project. The initial public hearing was held on January 19, and the purpose of the night's meeting is to continue that public hearing.

Ms. Kemp began her review of the Sciencenter project, starting first with details outlined at previous meetings: Renovus will install a small-to-medium sized, 360 kilowatt solar facility near the intersection of Agard and Jacksonville roads, on land owned by Grassroots. Because non-profits cannot take advantage of the solar project's tax incentives, a third-party investor will assume ownership. The project will offset 100 percent of the Sciencenter's electricity costs and save them 15 to 20 percent on their annual budgets. The project's solar panels will cover roughly

25 percent of the 1.8 acres. No concrete will be poured, though a small gravel driveway will extend from Jacksonville Road to the facility site, she said. The land is a former agricultural field that has been out of service for some time. The project is not located in a flood plain or in a historic area and meets setbacks from a nearby stream and property lines. Renovus has spoken with interested neighbors, including those in the southwest corner, the Murrays and the Van Valens, both located across the street, and the neighbor to the north. The meetings have been positive, she said.

Each row of panels is 10 feet deep, followed by 20 feet of space, another row of panels, and another 20 feet of space. There will be no on-site lighting, with the exception of an emergency light. A fence, which is required by insurance companies, will be installed.

Presenting new information, Ms. Kemp addressed the area's topography and cited TG Miller's survey map, which shows that the land's highest point is 852 feet above sea level and its lowest point is around 846. Renovus confirmed the numbers, and the height difference appears minimal, she said. At this time, Ms. Kemp introduced Dr. Brice Smith, a physicist from SUNY Cortland and Ulysses resident, who addressed glare.

Dr. Smith said the question of glare from solar panels is not new or unique. The common comparison of solar glare is about the same glare produced from a pond, and about half as much as a snow-covered field. Renovus did a detailed analysis of potential glare using the Solar Glare Hazard Analysis Tool, which was created to implement a new Federal Aviation Administration rule, he said. Because this tool is used at airports, it has been tested and validated and is considered a well-accepted tool. It is also very conservative, in that it presents the worst-case scenario for glare and does not consider any terrain impediments that may physically block the glare. Using this tool, he said, Renovus found the potential for most glare would be in the early morning and late night. Three locations were identified as possibly experiencing glare: two homes located across the street from the facility (the Murrays and Van Valens) and a small strip of Jacksonville Road.

Citing data produced from the glare analysis, Dr. Smith presented the following estimates: the point on Jacksonville Road may experience 4.7 total hours of glare in a single year; the home at 7070 Jacksonville Road may see 16.5 total hours of glare in a single year; and 7102 Jacksonville Road may see 21.5 total hours of glare in a single year. Those figures, when averaged out by minutes per day, range from 2.5 to 13 minutes of glare per day during the months of mid-March to about August, he said. From this analysis and in discussing the project with neighbors, it appeared people were comfortable that glare would not be a significant concern, he said.

Next, Ms. Kemp showed illustrative mockups of what the facility views may be from certain points, including views at 16 feet above sea level and from the Van Valen and Murray residences. She also showed a sample image of the black fence to be installed around the facility perimeter. In talking with the neighbors, the discussion came down to aesthetics, she said. Renovus has proposed landscaping between the homes on the east side of Jacksonville Road and at the project site. They have also proposed planting nine Norway spruce trees, spaced eight to 10 feet apart, on the west side of Jacksonville Road.

On the subject of storm water, Ms. Kemp said there is not an issue for this size facility, though Renovus did complete a stormwater pollution plan. The State Department of Environmental Conservation has taken the position that photovoltaic systems are not impervious surfaces. Furthermore, TG Miller does not expect that the project will affect water flow, she said. Existing vegetation will remain on site, she added.

On the subject of decommissioning, Ms. Kemp said there are several levels of contracts and financial incentives in place to ensure operation. The land lease requires decommissioning of the project within 180 days from cession of operation. It is a legally enforceable contract, and there are penalties applied to the owner if there are any delays, she said. The Town is also authorized, under Town law, to take action and remove the system if decommissioning does not occur on schedule, with all costs added to the landowner's property tax bill, she said.

Mr. Wertis asked if, after 25 years, solar panels experience a decrease in electricity production. Could the panels be replaced, he asked? Ms. Kemp said yes, adding the minimum life of solar panels is 25 years. In reality, the life span is more like 25 to 40 years, and it is likely they will retain value, she said.

Regarding administering decommissioning costs via tax bills, Ms. Zahler noted Grassroots is not taxable, and that the land is off the tax rolls. Ms. Kemp said she figured the costs would be administered as a fee and not a tax itself. Ms. Kiley called the penalty fee an ad valorem tax.

At this time, Mr. Blake prefaced the opening of the public hearing by saying there is a possibility, communicated publically by Renovus, of further similar solar fields in the general location of the Sciencenter project. The Planning Board does not know specifics of potential development there, and the Sciencenter project is the evening's only consideration, he said.

Mr. Wertis MADE the MOTION to open the public hearing, and Ms. Schneider SECONDED the MOTION. The motion passed unanimously, 5-0.

The Planning Board received the following written comments:

Greetings Chairman Blake,

I'm writing as a neighbor in the vicinity to the proposed solar installation on the GrassRoots land. Driving by the location, I can see it is planned for the highest part of the land in that area and will definitely be very evident from the Murray and VanValen houses as well as those of us who frequently drive north on Jacksonville Road. I doubt at that high elevation, that vegetative screening will be sufficient to keep this from being a very large visual impact to those nearby. If there were a way to move the installation down the hill to the west, it would be much less intrusive aesthetically.

I do think the neighborhood (as we call it) supports solar energy in general, but if there is a way to tuck it away from view, everyone wins and at least visually, we stay within our Comprehensive Plan that highly rates the preservation of open space.

Respectfully and as a resident and neighbor only,

-Liz Thomas

Dear Town Board planning Commission,

I am writing this in reference to the proposed solar acreage planned for the Jacksonville Road site. I regret that I will be unable to attend the next board meeting, and would request that if possible this letter be read in the meeting, or placed in the record.

I am proud to have raised my family in this community for the past 25 years. I am supportive of alternative energy projects done in a responsible way to limit damage to the environment and to the communities in which they are placed.

I appreciated Renovus's presentation at the Town Board planning commission meeting. We appreciate the full transparency they promised at this meeting.

I have concerns which I believe honor the stewardship of this land in our community and adjacent to Taughannock state park, and the black diamond trail

Concern 1:

It was reassuring that when asked about expansion that the Renovus representative stated that this was not a foot in the door plan to turn this rural natural site into a for profit industrial project of large proportions. My concern prior to this was that unscrupulous business entities in the past have started small projects as a gateway to industrialization based on the "grandfathering" for such enterprises.

The Citizens of the town of Ulysses and our Planning Board, I hope, are considering that a proposed solar farm project of this magnitude may represent a gateway to industrialization on this and adjacent properties in our community.

I believe that restriction or contractual language in the permit is necessary to preclude expansion and to protect the land and community.

Good-faith has already resulted in the current owners signing a "fracking lease" with the oil conglomerate Chesapeake energy on this property. Fortunately, this potential threat to our towns environment and water is, as I understand it, going to hopefully expire soon. This indicates to me that priorities of the non-occupant owners do not always correlate with good stewardship of the land.

Will approving this industrial solar lease and construction act to create an active industrial zone with expansion into our community and neighborhoods?

Will the 4 entities: the owner of the land, Renovus, and the company acting as a for profit financial "shell" for the not for profit Ithaca Science Center make declarations of intent to the planning board as to plans for further industrialization of this site in the future?

Industrialization of this site is certainly the property owners private business interest, but this is a new frontier with no other projects of this size in our community. When Renovous indicated, in the public meeting, that an intent for further expansion was not in the plan, I neglected to ask whether this was true for the longer term.

I hope the board is not forced into considering only the narrow scope of a single permit, when plans for industrial development could set precedent for our rural community for generations.

I would hope that that the intent of this project will not be shielded in vague reassurances and the classic "it's a low probability" answers commonly given in "foot in the door" expansion projects by non-scrupulous entities.

From the meeting I was assured by Renovous, but ownership and plans can evolve and change.

Transparency is vitally important for the process to safeguard our community.

Concern # 2 is glare. Is the proposed project a "build it and we'll remediate it in the future if necessary and at our discretion" plan"?

I hope the board will place specific restrictions on glare remediation and not leave it up to good faith.

Concern #3, Am I correct in the assumption that neither the Science center nor Renovous possess the lease and ultimately it is owned by a 3rdparty shell organization which is doing the financing to pass along the tax credits to a not for profit?

Is there contractual language that states the true owning entity will honor the promises made to the town about the nature of the project or is it good faith?

Concern #4 regards the stated intent to attempt to mitigate the industrial visual impact of this project. The current site provides storage for our local beloved multi-state Grassroots festival. Adding an industrial framework of solar collectors will have a significant additional impact on the land. Covering up over an acre of monolithic steel and glass structure is daunting, particularly as it resides adjacent to our community's pastoral fields and a state park. Will the plan for plantings (usually referred to as the architectural landscape plan) be reactive or proactive?

Specifically, what are plans for plantings and vegetation? The plan states that "vegetation along Eastern Parcel Boundry will be maintained at a height of 3' to 10' acting as a natural buffer for visual impact." This is vague and seemingly unenforceable in the future. Is there a landscape architectural plan now or is this based on the good faith that nature and the lease owner will provide a "natural Buffer".

It would seem in a decade that a single bush of 3 foot and a single tree of 10 foot would satisfy the stated project requirement.

I believe safeguards favor being proactive with a requirement for a professional landscape architects input and plan.

There should be a landscape architects oversight for an industrial project of this magnitude. Once the project is in place it is too late to depend on good faith to minimize the visual impact.

What is the arbitration process once the project is in place? Again, with this being a for profit industrial project I believe we have to consider the precedents it sets for further enterprises.

It will be important to safeguard nature and our community with Board proposed restrictions and contractual guarantees to include a completed landscape architectural plan prior to the projects initiation of construction.

I believe this would help to guarantee transparency in the process and avoid future dilemmas and debate over visual impact mitigation for this and the adjacent industrial sites it may spawn.

Financers such as New frontiers Energy ( I hope I have identified this financial entity correctly), who ultimately owns the proposed solar lease, commonly bundle and sell their business loans and leases to other financial entities in national and international markets. The future owners of the lease may not have any interest in maintaining the site except to minimize expenses and maximize profits.

This is reality and not hyperbole in our neighborhood. Just up Jacksonville road we have evidence of this with Mobile oil being an absentee landlord to a ramshackle structure and vacant lots at the location of their water contamination site.

The financier and future financial markets that may own this contract in the future may not support Renovus's verbal assertions and promises in the future without specific language in the Boards approval language.

Concern 5 is regarding impact on property values. As this project does not, I believe, generate town taxes as it is a not for profit, the town should consider whether adjacent property values may be effected. Renovous stated in a non documented fashion that property values are not influenced. This may be the case for small personal projects but the current proposal is one of an industrial scale. Industrial projects certainly diminish property residential values.

This should also be considered in the context of this being a gateway for industrialization for our community.

I thank the board for including these concerns in the projects consideration.

Regards

Richard Murray M.D.  
7070 Jacksonville Rd. Trumansburg.

We are all so lucky to live in a community that cares about renewable energy and how it is incorporated into our lives. As we build this new infrastructure it is important to be aware of how it affects the families that live and work near by, not only for the quality of our lives now but also realizing that we have the unique opportunity to shape this industry in its infancy in our town. Ulysses is known now for its natural beauty and if Renovus will be held to being the "invisible neighbor" they advertise, it will benefit the town, families near by and ultimately the industry itself as other areas can look to this project as a blueprint of successfully integrating the industry with homes and natural areas.

Suggestions for this would include adding a variety of tall and fast growing trees and shrubs along the chain link fence in a natural arrangement rather than a straight and homogeneous tree "fence" to begin to soften the appearance of the boundaries of the industry. Three feet of unmaintained vegetation is not a sufficient visual buffer for this sloped location. Using landscaping services to maintain the buffer would be necessary. Planning projects that do not slope towards homes and areas visible to the public should be a priority as these will be more difficult to camouflage. It cannot yet be ascertained if these projects will effect home values as there has not been a large long term study analyzing the impact of industrial scale solar on neighborhoods. The Town of Ulysses should impose sufficient restrictions on this project to protect resident's investments here now and for generations to come. The future of solar in Ulysses can be beautiful if done responsibly.

Thank you for the opportunity to voice my opinion.

Andrea Murray

Addressing Ms. Zahler, Mr. Potts said he used to work for Grassroots and, as Ms. Kemp mentioned, responsibility of decommissioning would fall back on Grassroots.

Addressing maintenance, Ms. Kemp said a maintenance contract is in place for a duration of 25 years. Grasses and the fence lines will be maintained using solely mechanical means and no chemical pesticides. For Cornell's large solar project, sheep were brought in as another alternative to grass management, and sheep are an option for the Sciencenter project, she said. Asked if any thought were put into additional planting around the fencing, Ms. Kemp said the Norway spruce trees would hide the fencing sufficiently.

Mr. Oswald, who spoke as an interested citizen, said Renovus has spent more time considering the community for the Sciencenter project than, say, an oil company. Secondly, he said he has two panels on his property and has not experienced any glare at all. Both he and his partner think the panels are pollution-less things of beauty. He is happy Renovus took this project on, and he hopes the Planning Board approves it.

Ms. Schneider commended Renovus for the attention and detail they put into presenting the Sciencenter project, especially since the project sets precedence for how Ulysses handles future solar initiatives. There are two issues for the Planning Board to consider in regard to solar: panels do not belong on steep slopes, and the question needs to be addressed regarding what is

considered the maximum allowable amount of solar panels Townwide. The Town could be a solar producer for Ithaca, and there are pros and cons to that. It is important to consider the impact of larger-scale solar on the Town, she said.

Addressing steep slopes, Ms. Kemp said Renovus agrees and has no interest in developing solar on steep slopes, given the concern of erosion. On impact, Ms. Kemp said Renovus's limiting factor for solar – available electric lines – would come to pass way before the Town reaches any sort of saturation. While Governor Cuomo has expressed green-energy goals, there are currently not enough distribution lines to meet those goals. Ms. Kiley said she would send along an energy roadmap from Katie Borgella of Tompkins County Planning.

Citing Mr. Murray's letter, Ms. Zahler asked what would happen if the current private owner of the facility is bought out or the land changes hands. What is the commitment, she asked? Regardless of whoever owns the facility, Ms. Kemp said, it is a revenue stream and worth keeping operational.

Mr. Blake asked if the Norway spruces were an in-house recommendation, to which Mr. Mayo said yes. Mr. Wertis noted such trees could grow to 60 feet tall. Would the trees interfere with the array, he asked? Mr. Mayo said heights of 50 to 60 feet would alter the array's solar capture.

Mr. Tyler asked for an overview of all entities involved. Ms. Kemp said net-metering is how Renovus will sell electricity back to the grid. The lease goes from Grassroots to the Sciencenter, and then passes through the financial/owner. She said the project could change hands in the future, but each of the involved entities has large balance sheets. There was further discussion of the contracts involved. Ms. Kemp said all contracts are binding to the predecessor. Dr. Smith said such contracts with multiple entities are standard methods for all non-profits, even SUNY Cortland. The language binding the successor is something New York State has examined and promoted for all schools, he said. The PPA structure is a safe, legal structure tested in the courts.

Mr. Angie asked whether the financier gets taxed on what they earn from the solar array, to which Ms. Kemp said they would pay federal and state income tax on earnings.

What if Renovus, during the course of the lease, develops newer, better performing equipment that is larger in size, Mr. Blake asked? Ms. Kemp said Renovus would have to visit the Planning Board for approval to install larger equipment at the site.

Mr. Diaz asked about landscaping – who is responsible and to what extent? Ms. Kemp said Renovus is open to that, and it is not written into the lease. Renovus could add a provision to the land lease that obligates Renovus to maintaining the trees. Mr. Diaz noted a previous gas lease on the property, and asked how gas development is to be prevented on the site in the future. Ms. Kemp said the lease has been allowed to expire, and the property does not have a gas lease weighing against it.

On the subject of decommissioning, Mr. Diaz asked about the likelihood of the Town being added to the solar-project lease as an enforcer. Ms. Kemp she believes the financier would cringe

at the prospect, saying she likes the methodology of enforcing decommissioning costs via tax or fees.

Ms. Zahler asked if there was any way to do some periodic review of the project a year or five years from now. Perhaps it is nothing more than weighing neighbors' reactions, she said. If future projects like this are in the Town's future, would the Town want to change the rules or regulations based on what the Planning Board has considered for the Sciencenter project, she asked?

Ms. Kemp noted the Town's standard and positive set of Zoning laws. As a company, Renovus is dedicated to interacting with governments. She said she believes a year or two from now, the Town may think of this project as nothing.

Mr. Slocum asked for details regarding the gas lease. Ms. Kemp said Renovus approached Chesapeake Energy and asked for the property to be released. They agreed to release the lease early, she said, but Renovus is still waiting on the formal documents. Mr. Slocum also asked about any transformers located outside of the facility fence, to which Ms. Kemp said a transformer would be located only inside the facility fence. Mr. Mayo added there is a possibility of a telephone pole on the facility site.

With no additional comments from the public, Mr. Blake MADE the MOTION to close the public hearing, and Mr. Wertis SECONDED the MOTION. The motion was unanimously approved, 5-0.

At this time, Mr. Tyler suggested the Planning Board briefly break from considerations of the solar project and move onto other business. The Board reached a consensus to consider the Brownie's project.

**Modified Site Plan:** Consider approval of a modified site plan for Brownie's Produce Market, located at 1901 Trumansburg Rd, Tax Parcel Number 25.-2-1.52, B1-Business District. The original site plan was approved on May 15, 2012, and the proposed revision includes the relocation of the 24 ft by 48 ft greenhouse from the north side of the market to the south side, which will require a retaining wall. James and Jeffrey Brown; owners/applicants.

Mr. Jeff Brown gave a brief overview of the project, saying the planned greenhouse will move to the south side of the Brownie's market because of better sunlight.

Ms. Kiley informed the Planning Board that anytime a building on a previously approved site plan is relocated more than 10 feet, plans must be modified and returned to the Planning Board for approval.

Ms. Schneider MADE the MOTION to approve the Brownie's greenhouse site plan, and Mr. Diaz SECONDED the MOTION as follows:

WHEREAS:

1. This action is consideration of a modified Site Plan approval for the greenhouse location change at Brownie's Produce Market. The project is located at 1901 Trumansburg Rd, Town of Ulysses Tax Parcel Number 25.-2-1.52, B1-Business District. The original site plan was approved on May 15, 2012, and the proposal is to place the 24 ft by 48 ft greenhouse on the south side of the market building instead of the north side. The proposed location will require fill and a retaining wall and additional driveway area. James and Jeffrey Brown, Owners/Applicants, and
2. The proposed project is a Type II action and not subject to review under SEQR; and
3. The Planning Board, at a public meeting on February 16, 2016, has reviewed and accepted as adequate the modified site plan and schematic building elevations – greenhouse, dated February 5, 2016, and other application materials submitted by the applicant;

**NOW THEREFORE BE IT RESOLVED:**

1. That the Planning Board of the Town of Ulysses hereby waives certain requirements, including the need for a public hearing, for Site Plan Approval, having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of site plan control nor the policies enunciated or implied by the Town; and
2. That the Town of Ulysses Planning Board approves the modified Site Plan for Brownie's Produce Market, located at 1901 Trumansburg Rd, as shown on the site plan, dated February 5, 2016, submitted by the applicant.

The vote was as follows:

Mr. Blake AYE  
Mr. Angie AYE  
Mr. Diaz AYE  
Ms. Schneider AYE  
Mr. Wertis AYE

**Result:** Site Plan approved

The Browns left the meeting at 8:12 p.m.

**Resolution for SEQR Determination:**

The Planning Board continued its deliberations regarding the Sciencenter project, beginning with the Short Environmental Assessment Form, Part 1.

Mr. Diaz noted No. 4, dealing with land uses near the proposed action. Only Rural and Residential were marked, though there exists a forest that borders the facility property, he said. Additionally, parkland borders the property. He suggested both forest and parkland be included. Ms. Schneider also suggested aquatic should be checked. The Planning Board reached a consensus to include all three suggestions.

Mr. Angie said he disagreed with No. 6, which claimed that the project was consistent with the natural landscape. The solar project is nothing like anything the Town currently has, and the surrounding area includes farms and residences. The project is neither of those. The Planning Board reached a consensus to state the project is not consistent with the natural landscape.

Mr. Angie MADE the MOTION to formally approve the suggested changes to Part 1, and Ms. Schneider SECONDED the MOTION. The motion was unanimously approved, 5-0.

In regard to Part 2 (Impact Assessment) of the Short Environmental Assessment Form, Ms. Schneider called the Board's attention to No. 2 "Will the proposed action result in a change in the use or intensity of use of land?" She argued yes, since technically a use is being added to the land. Board members also recognized No. 3 as being a "yes" statement.

A brief discussion ensued regarding No. 9, "Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?", with no changes or actions taken.

On Part 3, Mr. Diaz noted No. 9, "There are wetlands and a stream in close proximity to the project and the required setback will be met." He requested adding further language: "Nesting birds and other fauna and flora may be displaced, but this type of habitat is common in the Town of Ulysses."

Mr. Angie commented on No. 8, "There is concern for aesthetic resources associated with glare. The project plan includes a report on potential impacts on glare that discusses mitigation at the project site." He said there has not been any discussion of mitigating glare, only a report that says glare will be negligible. Mr. Blake, citing a previous comment from either Ms. Kemp or Mr. Mayo, said Renovus would mitigate glare. Dr. Smith said the project's summary document discusses mitigation and tree heights. There are natural mitigating factors, he said.

Mr. Wertis MADE the MOTION to approve the SEQR Determination, and Mr. Diaz SECONDED the MOTION as follows:

WHEREAS:

1. The proposed project, subject to site plan approval, is an approximately 360 kW photovoltaic system on the northwest corner of Jacksonville and Agard Roads, Tax Parcel Number 20.-1-6.1; R1-Rural Residence District. The Sciencenter, located in Ithaca, NY, will be leasing approximately 1.81 acres of land from the Finger Lakes Grassroots Festival in order to install an offsite solar collector facility. Finger Lakes Grassroots Festival Inc., Owner; Renovus, Agent for the owner; and
2. This is an Unlisted Action for which the Town of Ulysses Planning Board is acting as lead agency in this uncoordinated environmental review with respect to site plan approval; and
3. The Planning Board, on February 16, 2016, has reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicant, and

4. The Planning Board, on February 16, 2016, reviewed and accepted Part 2 and 3 prepared by Town staff; and

5. The Town Zoning Officer has recommended a negative determination of environmental significance with respect to the proposed Subdivision Approval;

**NOW THEREFORE BE IT RESOLVED:**

That the Town of Ulysses Planning Board hereby makes a negative determination of environmental significance for the reasons set forth in the Environmental Assessment Form Parts 2 and 3 referenced above, in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed, and, therefore, an Environmental Impact Statement will not be required.

The vote was as follows:

Mr. Blake AYE  
Mr. Angie AYE  
Mr. Diaz AYE  
Ms. Schneider AYE  
Mr. Wertis AYE

Result: SEQR approved

**Resolution for Site Plan Approval**

Ms. Schneider requested adding language to the resolution stating the Planning Board paid special attention in reviewing the Sciencenter project, but the project has raised concerns to be addressed in the Town law, particularly in response to build-out in the Town and appropriate areas. Perhaps an e-mail should be drafted to the Town Board stating that the Planning Board may want to review scale of solar, locations and possibly consider legislation on decommissioning. The Planning Board put together a solar ordinance without having dealt too much in the details. Ms. Kiley suggested the Planning Board draft up a letter by its next meeting and consider voting to send it along to the Town Board. Ms. Schneider liked the idea.

Ms. Kiley referenced wording in past Town resolutions that included a condition requiring the replanting of similar trees if original trees die within five years of planting. Similar language was added to the resolution.

Mr. Tyler asked what was to prevent someone from clear-cutting the road edges where the trees are to be planted. Ms. Kemp said it would be easy to add a provision to the lease stipulating Renovus is responsible for the trees. If the Town would like an agreement from Grassroots that they will not clear cut the road edges, it could be done, she said.

At this time, Mr. McNamara said he is a general manager at Renovus who previously worked for Grassroots. He said a verbal agreement exists that Grassroots is not to clear cut the road edges. It

is a non-issue, he said. Ms. Kemp said Renovus could check with its legal team to explore if a written agreement could be included in the lease. Renovus has an easement and right-of-way to maintain vegetation around the leased parcel, Ms. Kemp added in response to a question from Ms. Schneider. Also, NYSEG has a 15-foot easement, and the trees are to be planted just beyond it, Ms. Kemp said.

Mr. Diaz reiterated his question concerning the Town and its ability to enforce decommissioning costs via tax bills. Mr. Blake said the Town's ordinance says it would appear on the tax bill. He said he is not sure the Town has much more control other than the ordinance. Mr. Diaz withdrew his line of questioning.

A brief conversation ensued in order to finalize language in the resolution.

Ms. Schneider MADE the MOTION to grant site plan approval, and Mr. Wertis SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Site Plan Approval for an approximately 360 kW photovoltaic system on the northwest corner of Jacksonville and Agard Roads, Tax Parcel Number 20.-1-6.1; R1-Rural Residence District. The Sciencenter, located in Ithaca, NY, will be leasing approximately 1.81 acres of land from the Finger Lakes Grassroots Festival in order to install an offsite solar collector facility. Finger Lakes Grassroots Festival Inc., Owner; Renovus, Agent for the owner; and
2. The Town of Ulysses adopted Local Law #3 of 2015, which allows for major solar collection systems with Site Plan Approval by the Planning Board; and
3. The Planning Board reviewed the sketch plat at a public meeting held on December 15, 2015; and
4. The Tompkins County Planning Department reviewed the proposed project, pursuant to NYS General Municipal Law §239-1, -m, and -n, and in a letter dated 1/8/16 determined that the project has no negative inter-community or county-wide impacts; and
5. The Planning Board, on February 16, 2016, has reviewed and accepted as adequate, application materials including the following: application for site plan review, authorization from the land owner, proposed solar project description and narrative, agricultural data statement, an updated report on potential impacts of glare, O&M plan, decommissioning plan, documentation from utility company acknowledging the major solar collection system will be connected to the utility grid, and plans for project including cover page (CP-1), site overview (SO-1), natural features (NF-1), site plan (SP-1), mechanical plan (MP-1), illustration reference map (IRM-1) and illustrations, landscape proposal map (LMP-1) and landscaping proposal narrative, and other application materials; and
6. The Stormwater Pollution Prevention Plan (SWPPP) was reviewed and approved by the Town on January 5, 2016; and

7. This is an Unlisted Action for which the Town of Ulysses Planning Board, on February 16, 2016, has made a negative determination of environmental significance with respect to this project, after having reviewed and accepted as adequate a Short Environmental Assessment Form

Parts 1, 2 and 3; and

8. The Planning Board held a public hearing on January 19, 2016 and continued on February 16, 2016 to hear comments on the proposed project;

THEREFORE IT IS HEREBY RESOLVED,

1. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval, having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of site plan control nor the policies enunciated or implied by the Town; and

2. That the Planning Board of the Town of Ulysses hereby grants Site Plan Approval for the proposed approximately 360 kW photovoltaic system on the northwest corner of Jacksonville and Agard Roads, Tax Parcel Number 20.-1-6.1, as shown in the permitting packet, which includes application for site plan review, authorization from the land owner, proposed solar project description and narrative, agricultural data statement, an updated report on potential impacts of glare, O&M plan, decommissioning plan, documentation from utility company acknowledging the major solar collection system will be connected to the utility grid, and plans for project including cover page (CP-1) , site overview (SO-1), natural features (NF-1), site plan (SP-1), mechanical plan (MP-1), illustration reference map (IRM-1) and illustrations, landscape proposal map (LMP-1) and landscaping proposal narrative, and other application materials, submitted by Renovus Solar, subject to the following conditions,

- a. if any trees, as shown on the landscaping plan, LMP-1, die in the first five years, the tree(s) will be replaced with tree(s) of a similar species and dimensions as the dead tree;
- b. trees shall remain for their natural lifespan, except where health and safety are threatened; and
- c. vegetated buffer across from neighboring homes and between the leased land and Jacksonville Rd shall be maintained in a natural state and the vegetation will not be clear-cut.

The vote was as follows:

Mr. Blake AYE  
Mr. Angie AYE  
Mr. Diaz AYE  
Ms. Schneider AYE  
Mr. Wertis AYE

**Result:** Site Plan Approval granted

**Town Board Liaison Report**

Ms. Zahler informed the Planning Board that the Town's Steering Committee on Zoning, along with its consultants, Randall + West, will hold their community kick-off meeting from 9:30 a.m. to 12:30 p.m. Saturday, February 27 at the Trumansburg Fire Hall. Tasked with leading Town Zoning updates, the consultants will give a presentation, hold interactive planning activities with the public and offer opportunities for engagement and feedback. She encouraged Board members to attend.

Also, the Town is putting together a work plan for 2016 and thought has been given to creating a sustainability committee exploring other kinds of alternative energy. Elsewhere, as communicated through the Town newsletter, the Town Board is considering converting the elected Highway Supervisor and Town Clerk positions to appointed posts. Work is continuing on the matter, she said.

Commended by Mr. Diaz for her suggestion for the Town to follow up on the solar project in the future, Ms. Zahler referenced the Town's efforts with Lakeshore zoning, saying there was talk about how residents there would bump up against the new zoning. One item not addressed, from Mr. Murray's letter, is what impact, if any, would the solar panels have on property values. It is worth tracking that, she said. She asked if anyone had contacted those residents who had submitted written comments. Mr. Blake said he responded to both Mr. and Mrs. Murray and Ms. Thomas, saying he received their letters.

At this time, Ms. Worden was introduced as a pending alternate Planning Board member. She said she has lived in Trumansburg for four years and coordinates the Full Plate Collective and teaches yoga at Lakshmi Institute. She said she studied urban planning in college.

Mr. Blake said the board shake-up is the result of Mr. Angie leaving the Board. On behalf of the Board, Mr. Blake thanked him for his time and said they were sorry to be losing him.

As for items at the Board's upcoming meeting, Ms. Kiley said the Town is expecting updated plans for the Garrison-Crannell residence, and, just today, she received an application for another single family home in the Town's Conservation Zone. Both of these items will be presented at the March 1 meeting, she said.

Mr. Diaz thanked the Board for implementing a one-meeting-per-month schedule, saying he appreciates it.

Mr. Angie MADE the MOTION to adjourn the meeting, and Mr. Blake SECONDED the MOTION. The motion was unanimously approved, 5-0.

Meeting adjourned at 9:01 p.m.

Respectfully submitted by Louis A. DiPietro II on February 21, 2016.