

**TOWN OF ULYSSES  
PLANNING BOARD  
MEETING MINUTES  
Tuesday, 9/6/2016**

**Approved: October 4, 2016**

**Present:** Chair David Blake, board members Rebecca Schneider, David Tyler, John Wertis, Sara Worden, and board alternate Benjamin LeWalter; Environmental Planner Darby Kiley.

**Public in Attendance:** Thomas Mayo of Renovus Energy, Jim Boyer, Katie Marks, Ted Marks, Bob Sprole, and Dan Thaete.

**Agenda Review; Minutes Review (8/16/16)**

Mr. Tyler MADE the MOTION to accept the August 16, 2016 meeting minutes, and Mr. Wertis SECONDED the MOTION. The minutes were unanimously accepted, 5-0.

**Privilege of the Floor:** No one from the public addressed the Board at this time.

**SEQR and Public Hearing** for the consideration of Site Plan Approval for a 484.34 kW photovoltaic system at 7107 Jacksonville Rd, Tax Parcel Number 20.-1-6.1; R1-Rural Residence District. The Paleontological Research Institution, located in Ithaca, NY, will be leasing approximately 2.25 acres of land from the Finger Lakes Grassroots Festival in order to install an offsite solar collector facility. The panels will be in seven rows ranging from 370 to 400 feet in length for a total area of approximately 29,500 square feet. The project will be located directly south of a previously approved 360 kW system on 1.81 acres. Finger Lakes Grassroots Festival Inc., Owner; Renovus, Agent for the owner.

Ms. Schneider MADE the MOTION to open the public hearing, and Mr. Wertis SECONDED the MOTION. The motion was unanimously carried.

In regard to the Renovus project, Mr. Blake read the following:

“The project sketch plan was discussed at public meetings on June 7, July 5, and August 16, at which time the sketch plan conference was closed. The date of this public hearing was set by resolution of the Planning Board on Tuesday, August 16, 2016 and a notice of this hearing was published in the *Ithaca Journal* on August 27, 2016.

“The purpose of this public hearing is to afford the general public an opportunity to make statements and comments about the proposed project for the official record. The hearing will remain open until all members of the public who are present at the hearing have been given an opportunity to make statements or comments on the proposed project. A public hearing is a time for the board to listen to comments from the public, not to ask or answer questions, or engage in a dialog on the subject.

“If you want to make a comment for the record, please raise your hand and I will call on you. Each person who wants to speak will have one opportunity to do so. Speakers will each have 3 minutes and may not cede any of their time to other speakers.

“Comments presented at this hearing will be taken into consideration by the Planning Board when it considers action on the proposed project. The Planning Board may take action on this proposed project tonight.

“I request that each speaker state your name and the municipality in which you live. You may, but do not need to say your address. If you are appearing as a representative of an organization or governmental entity, please identify the organization or entity and state its address.”

Mr. Mayo said Renovus has updated its planting plan to reflect changes due to the position of a utility pole recently installed by NYSEG. The pole is located to the north of the driveway, requiring a reconfiguration of where planted trees would be located. Renovus has also applied to have the project driveway narrowed down to 20 feet once the solar array is completed.

Mr. Boyer said he lives on the corner of Agard and Jacksonville roads. The life of the solar field has a life expectancy of 10 to 15 years, he said. What happens after those 10 to 15 years? he asked: Will the panels be removed; who is responsible for removal, and will the field be restored? Additionally, he asked, have there been any studies to determine what effect solar fields have on neighboring property values? When he bought his home, Mr. Boyer knew it was in a rural location and zoned for farming, not for a solar farm.

No one else offered comment during the public hearing. Mr. Tyler reminded those in attendance that they may submit a written statement in regard to the Renovus project.

Mr. Wertis MADE the MOTION to close the public hearing, and Ms. Worden SECONDED the MOTION. The motion was unanimously carried.

The public hearing was closed at 7:11 p.m.

In response to Mr. Boyer’s concerns, Mr. Mayo said the life expectancy of the solar array is 25 years minimum, and typically the lease leaves the option for a 10-year extension. At 35 years, it is very likely the solar panels would be updated. If the solar panels are removed, the materials are extracted and recycled, he said. As for property values, Mr. Mayo said he cannot point to any study that suggests neighboring property values go up or down based on nearby solar farms. There are not enough systems that have been around long enough to determine one way or the other. Across the nation, however, the effect on property values is neutral, he said.

Mr. Wertis said his focus will be in requiring as much buffering as possible so that over the next 5 to 15 years, the solar field will, in effect, disappear behind plantings of native trees and natural growth along Agard and Jacksonville roads.

Mr. Blake requested the planting of pine trees of at least 20 feet in height, rather than waiting 5 to 6 years for saplings to grow. He said he would also like to see plantings along Agard Road. He

requested additional information regarding a written agreement between Renovus and Grassroots on the maintenance of plantings and existing vegetation. Mr. LeWalter asked for clarification: is the current planting plan in addition to the previous planting plan? He said the previous plan had more bushes or smaller dwelling trees. Mr. Mayo said Renovus's current planting proposal is for pine trees only.

At this time, Mr. Wertis proposed Renovus be required to plant a double row of white spruce trees located at least 25 feet from the north side of Agard road. The row would be located between hedge rows west of 3040 Agard Road, with the purpose of filling in viewsheds of the solar array. The row, Mr. Wertis added, would consist of young spruce seedlings to grow over time. Asked why spruce trees instead of pines, Mr. LeWalter said spruces are more deer resistant. Mr. Mayo asked if Renovus would be expected to guarantee the life of the trees. Mr. Wertis said that would not be necessary.

The Planning Board proceeded with the SEQR.

In Part III of the SEQR, Mr. Wertis questioned number 2 "Will the proposed action result in a change in the use or intensity of use of land?", marked "no", and number 3, "Will the proposed action impair the character or quality of the existing community?", marked "moderate to large impact may occur." In regard to number 2, Mr. Wertis thought the solar farm is present 24 hours per day, seven days a week. In regard to number 3, he questioned why the proposed action is considered moderate to large impact. Ms. Kiley noted the impact on the adjacent neighbor, but said she would be happy to check number 3 as "no".

Mr. Wertis MADE the MOTION to approve the SEQR documents with the changes, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried.

**Resolution for SEQR**

Mr. Wertis MADE the MOTION to approve the SEQR resolution, and Ms. Schneider SECONDED the MOTION as follows:

WHEREAS:

1. The proposed project, subject to site plan approval, is an approximately 484.34 kW photovoltaic system at 7107 Jacksonville Road, Tax Parcel Number 20.-1-6.1; R1-Rural Residence District. The Paleontological Research Institution, located in Ithaca, NY, will be leasing approximately 2.25 acres of land from the Finger Lakes Grassroots Festival in order to install an offsite solar collector facility. The panels will be in seven rows ranging from 370 to 400 feet in length for a total area of approximately 29,500 square feet. The project will be located directly south of a previously approved 360 kW system on 1.81 acres. 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 September 6, 2016, has reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicant and Part 2 and 3 prepared by Town staff;

4. The Town Zoning Officer has recommended a negative determination of environmental significance with respect to the proposed Site Plan 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  
Ms. Schneider AYE  
Mr. Tyler     AYE  
Mr. Wertis    AYE  
Ms. Worden    AYE

**Result: SEQR Resolution approved.**

**Resolution for Site Plan Approval:**

Mr. Blake requested the planting plan be amended to reflect that pine trees be a least 20 feet high. Additionally, he proposed Renovus get a performance bond of \$10,000 or a letter of credit from a bank to cover any potential costs for maintaining and replacing trees installed as part of the planting plan. Security of which would be subject to approval from the Town Attorney. Ms. Kiley asked for clarification regarding process and timing. Mr. Wertis suggested having the bond or letter of credit in place prior to the second project coming online, which Mr. Mayo said could be in roughly four months. Asked about tree size and location as outlined in the planting plan, Mr. Mayo said 10-foot trees would be planted north of the driveway on Jacksonville Road, and 20-foot trees would be installed at locations to minimize glare at the Murray residence. Plantings would be done this fall, he added.

Mr. LeWalter said he would prefer smaller trees and more of them. What has been proposed is fine but not enough. Much of the discussion of visual buffers depends on what is ultimately removed to accommodate the trees. He liked the first planting plan because it had native shrubs and larger trees. What has been proposed is sufficient, but he would recommend combining the current proposal with the previous plan. If not, he would like to see a double line of spruces along Jacksonville Road. Mr. Mayo said Renovus would consider alterations. In regard to Mr. Wertis's proposal for a double row of saplings north of Agard Road, Mr. LeWalter said he was uncomfortable with having no set plan or maintenance agreement. Mr. Wertis recognized the survival of saplings is quite low. He suggested devising a number of saplings to be planted, and

asked who would be responsible for maintaining them. Ms. Kiley suggested the Planning Board act on the site plan tonight, with a condition of approval being a finalized planting plan for both the Agard Road spruce rows and additional shrubs on Jacksonville Road. Mr. Mayo suggested the Jacksonville Road and Agard Road planting plans be broken into separate plans as opposed to a single one.

Responding to a question regarding any removal of existing honeysuckle, Mr. Mayo said Renovus would only remove enough brush to accommodate the tree plantings. He also said Renovus could have planting plans to the Planning Board in time for its regular October meeting.

Ms. Schneider noted particulars of the evening's discussion – planting buffers and bonds – should be included in any future changes to the Town's solar ordinance.

Mr. Wertis MADE the MOTION to approve the revised Site Plan resolution, and Ms. Schneider SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Site Plan Approval for an approximately 484.34 kW photovoltaic system at 7107 Jacksonville Road, Tax Parcel Number 20.-1-6.1; R1-Rural Residence District. The Paleontological Research Institution, located in Ithaca, NY, will be leasing approximately 2.25 acres of land from the Finger Lakes Grassroots Festival in order to install an offsite solar collector facility. The panels will be in seven rows ranging from 370 to 400 feet in length for a total area of approximately 29,500 square feet. The project will be located directly south of a previously approved 360 kW system on 1.81 acres. 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 opened the sketch plan conference on June 7, continued the review on July 5, and closed the sketch plan conference on August 16, 2016; 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 June 1, 2016 determined that the project has positive and beneficial inter-community or county-wide impacts, and recommended the project's approval because of its contribution to the County's renewable energy goals; and
5. The Planning Board, on September 6, 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, stormwater management plan, a 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), planting plan (PP-1), 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 September 6, 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 September 6, 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 484.34 kW photovoltaic system at 7107 Jacksonville Road, 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, stormwater management plan, a 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), planting plan (PP-1), and other application materials, submitted by Renovus Solar, subject to the following conditions,

- a. PP-1 shall be revised and approved by the planning board to show what vegetation will be removed in order to plant the white pines or to include additional deer-resistant shrubs to fill in any gaps made by tree planting;
- b. if any trees, as shown on the planting plan, PP-1, die during the duration of the lease, the tree(s) will be replaced with tree(s) of a similar species and dimensions as the dead tree;
- c. trees shall remain for their natural lifespan, except where health and safety are threatened;
- d. vegetated buffer located between the leased land and Jacksonville Rd shall be maintained in a natural state and the vegetation will not removed, except as needed to establish trees shown on the planting plan;
- e. Submission of a separate planting plan for Planning Board approval for an alternating double row of seedling white spruce trees to be located a minimum of 25 feet back from the right of way on the north side of Agard Rd located between the hedgerows west of house number 3040 Agard Rd;

f. A performance bond or letter of credit of at least \$10,000 for any needed replanting of the white pines. Security of which is subject to the approval of the attorney for the town.

The vote was as follows:

Mr. Blake AYE  
Ms. Schneider AYE  
Mr. Tyler AYE  
Mr. Wertis AYE  
Ms. Worden AYE

**Result: Site Plan Resolution approved.**

Mr. Mayo left the meeting at 7:55 p.m.

**Consideration of Sketch Plan and Site Plan Approval for a driveway to an existing single family residence at 1290 Taughannock Blvd.** The project includes the construction of a 995 foot by 12 foot gravel driveway that utilizes an existing driveway cut at 1286 Taughannock Blvd. The project is a Unique Natural Area and Slope Overlay Area in the Town's Conservation District. Location 1286 and 1290 Taughannock Blvd; Tax Parcel Numbers 27.-4-5 and 27.-4-4; David & Mary Bruder and Edward & Katie Marks, owners; Daniel Thaete, agent/engineer.

Mr. Thaete told the Planning Board that, due to the Black Diamond Trail being in its final stages, the state has notified Ms. Marks that she may no longer use the Trail as a driveway, the only vehicle access to her property. She needs an alternate route. Unfortunately, when Ms. Marks purchased her home, it wasn't disclosed that she lacked a sufficient driveway. A narrow, nearby lot was considered for a driveway with access to Taughannock Boulevard, but the driveway would be treacherous since there are ravines. She is currently in the process of purchasing a nearby property – referred to as the Bruder property during discussions – to install a driveway to her property. The plan, Mr. Thaete continued, is to put in a driveway via the Bruder property while using an existing curb cut. The proposed driveway is configured to avoid a low spot on the Bruder property, and plans call for a 30-inch culvert pipe to feed a nearby stream. Trees will have to be removed, several of which are fairly dead. An erosion and sediment control plan is included in the proposal, including strategic swales. Ms. Marks did approach neighbors on Garrett Road about an easement for a driveway to her home, but the neighbors declined. As outlined in the proposal narrative, Ms. Marks does not intend to develop the Bruder property beyond the driveway. The driveway design includes 6-inch of grade-run gravel and then 4-inch crushed limestone on top to stabilize, Mr. Thaete said. Mr. Marks said a purchase offer is in for the Bruder property, and the sale is contingent on Planning Board approval.

Mr. Wertis asked if the home's propane heat source would have to change, since it is more difficult for a propane truck to access the property. Ms. Marks said she may have to convert to a different heat source unless a propane truck can use the Black Diamond Trail. She said she does not feel comfortable having a propane truck cross the proposed small bridge to get to her home.

Having driven to the Bruder property, Mr. Blake said exiting the drive felt dangerous. He asked if that were the best sight line? Mr. Thaete said, from his perspective, the driveway has good sight angles on both sides.

Ms. Schneider said she is happy with the proposal. She requested for future Planning Board consideration to use Tompkins County topographic maps with 2-ft lines and to revisit the streamside ordinance given steep slopes in the Town.

Mr. Blake MADE the MOTION to open the sketch plan review, and Mr. Wertis SECONDED the MOTION. The motion was unanimously carried.

Mr. LeWalter noted that in the event emergencies, oftentimes home insurance will not cover damage if emergency vehicles cannot access a property. In talks with emergency responders, Ms. Marks said personnel would come down the Black Diamond Trail.

Mr. Wertis MADE the MOTION to close the sketch plan review, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried.

Asked of her project's timeline, Ms. Marks said work could begin in as soon as two weeks.

Mr. Wertis noted the Planning Board does not have a satisfactory way to get a second opinion from another engineering firm without the applicant incurring the costs. That bothers him, he said. Ms. Kiley said the Planning Board does have the option to waive that requirement and pay for a second opinion. However, the Planning Board would need to ask the Town Board for approval to spend allocated money.

After reviewing the Site Plan checklist, Mr. Wertis proposed the Planning Board not ask for any additional information and accept the checklist as written.

Mr. Wertis MADE the MOTION to accept the site plan review checklist, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried.

#### Resolution for Site Plan Approval

Mr. Blake MADE the MOTION to approve the Site Plan resolution, and Mr. Tyler SECONDED the MOTION as follows:

#### WHEREAS:

1. This is consideration of Site Plan Approval for a driveway to an existing single-family residence in a Slope Overlay Area and a Unique Natural Area located in the CD-Conservation District. The driveway will be located mostly on 1286 Taughannock Blvd, Tax Parcel Number 27.-4-5 and will access 1290 Taughannock Blvd, Tax Parcel Number 27.-4-4; David and Mary Bruder and Edward and Katie Marks, owners, Daniel Thaete, engineer /agent; and
2. The Planning Board, on September 6, 2016, has reviewed and accepted as adequate, application materials including the following: Proposed driveway site/grading & erosion control

plan (C-1), Proposed driveway details (C-2 and C-3), dated 08/25/16 by Daniel C Thaete, P.E., and other application materials; and

3. The construction of driveway to a single-family residence is a Type II action which does not require the preparation of a determination of significance;

THEREFORE IT IS HEREBY RESOLVED,

1. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval, including a public hearing, 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 driveway, as shown on the following: Proposed driveway site/grading & erosion control plan (C-1), Proposed driveway details (C-2 and C-3), dated 08/25/16 by Daniel C Thaete, P.E.

The vote was as follows:

Mr. Blake     AYE  
Ms. Schneider AYE  
Mr. Tyler     AYE  
Mr. Wertis    AYE  
Ms. Worden    AYE

Result: Site Plan resolution approved.

Ms. Marks and Mr. Thaete left the meeting at 8:21 p.m.

**Consideration of Sketch Plan and Site Plan Approval for a single family residence at 1517 Taughannock Blvd, Tax Parcel Numbers 18.-1-19.4 and 18.-1-19.22; LS-Lakeshore District.** The project includes the removal of the existing house and construction of a five-bedroom residence. The project is in the Slope Overlay Area and a portion is in a Unique Natural Area in the Town's Lakeshore District. Shari Kearl and Robert R Sprole III, owners/applicants; John Snyder Architects, agent/architect.

Mr. Snyder said he is the architect and is present to answer any of the Board's questions. Mr. Blake said he generally walks properties that come before the Board, but has yet to visit the site.

Mr. Wertis MADE the MOTION to open the sketch plan, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried.

Mr. Wertis asked about turnarounds for emergency vehicles and if the future house's driveway would have ample space for a firetruck to enter and exit. Mr. Snyder said he believes there is enough space to accommodate emergency response vehicles, but he would need to look at requirements. Mr. Wertis requested such information to be included in the plan.

Ms. Schneider noted the future house has a much larger footprint than the existing house and asked what the plans were for managing water runoff. Mr. Snyder said trench drains are planned for the area near the garage. In that area, catch basins will collect runoff and divert toward the lake. Ms. Schneider expressed concerns given the larger surface area and the proposed construction on a steep slope directly by the lake. She would like to see catch basins in the proposal.

Mr. Wertis said the maps show the proposed house site, but the applicant owns additional acreage near the site. He said he would be interested to see the full map of acreage. Ms. Schneider agreed, requesting a full map of the property and plans for a catch basin. Mr. Sprole said his spouse has owned the existing house since 2000 and just closed on the neighboring property in the beginning of the month. They are currently meeting with their lawyer to file paperwork for a single tax number.

In regard to septic, Mr. Snyder said the absorption field would remain in place, but the septic system would be upsized to meet Health Department requirements. Will you be excavating into the bank? Mr. Wertis asked. We will be building into the bank side, Mr. Snyder said, with drainage at the top and bottom of the retaining wall. Mr. Sprole believes the existing septic system was installed in the 1960s. Mr. Snyder said the septic system has not yet been approved by the Health Department but is in-process.

Asked about drinking water, Mr. Sprole said the property has a beach well located adjacent to the dock. It is roughly 30 to 40 feet down. Ms. Schneider noted the leachate plume heads toward the lake. Have you considered the plume being in close proximity to the water well? She asked. Mr. Snyder said he would have to check with a civil engineer. Ms. Schneider requested the water well's location be included on the map.

In review, the Planning Board requested the location of catch basins, a map of the entire property, water well location and specifics regarding distances between the septic and water well. Board members reached a consensus to leave the site plan review open. Mr. Blake said he intends to walk the property, which Mr. Sprole said now totals 8.86 acres after purchase of the nearby property.

Mr. Wertis MADE the MOTION to continue the sketch plan at the Planning Board's next meeting on October 4, 2016, and Mr. Blake SECONDED the MOTION. The motion was unanimously carried.

Mr. Sprole and Mr. Snyder left the meeting at 8:41 p.m.

Returning to the Renovus project, Mr. LeWalter suggested the Planning Board reach out to three different realtors to assess if the solar farm would increase or decrease neighboring property values. Ms. Schneider liked the idea but said the timing would be controversial. She proposed completing the review of the current Renovus project, and then getting clear documentation to inform future discussions. Mr. Boyer said the solar panels are clearly visible when navigating Agard Road. A larger installation will only make the site more visible. He expressed doubts that spruce saplings would grow sufficiently enough in the next five years to adequately screen the

solar farm. Twenty-foot trees would probably screen the area. He said he supports sustainable energy but also is concerned with the rural character around Jacksonville and Agard roads.

Mr. Tyler MADE the MOTION to adjourn the meeting, and Mr. Blake SECONDED the MOTION. The motion was unanimously carried.

Meeting adjourned at 8:49 p.m.

Respectfully submitted by Louis A. DiPietro II on September 13, 2016.