

**TOWN OF ULYSSES
PLANNING BOARD
MEETING MINUTES
Tuesday, 8/16/2016**

Approved: September 6, 2016

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

Public in Attendance: Dan Walker of Labella Engineers, Thom Mayo and Jon McNamara of Renovus Energy, Dakota Potenza, Nana Monaco, Dan Merwin, and Richard and Andrea Murray.

Call to Order: 7:01 p.m.

Agenda Review; Minutes Review (7/5/16)

Board members reached a consensus to discuss a liaison for the Town's Steering Committee for Zoning Updates.

Mr. Tyler MADE the MOTION to accept the amended July 5, 2016 meeting minutes, and Ms. Schneider SECONDED the MOTION. The minutes were unanimously accepted, 5-0.

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

Glare Study Review for Sketch Plan of 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.

Mr. Walker gave a brief history of his career as an engineer and mentioned he is a long-time chair of the Enfield Planning Board. He was asked to review Renovus's application materials and draft a memo, which was sent to the Board. Renovus provided a summary of the glare analysis completed with the Sandia software. Mr. Walker said the analysis was appropriate, and the software backs up Renovus's claim. At the house – the Murray residence – there is the potential for glare. During certain times of the day, there is a low enough reflection angle to be seen from the Murray house. Displaying photos from the site, Mr. Walker said the panels are slightly different angles – 20 degrees to the south.

Ms. Schneider referenced Mr. LeWalter's concern from a previous meeting that the panels are not on level ground, but follow the contours of the topography. In response, Mr. Walker said the panels are generally facing 20 degrees south. When he walked the site and surveyed glare, it was a cloudy morning. It was more reflection than glare from the panels. There is no question it can be seen, he said. Standing at the highest point in the field, he said he could see the Murray residence, even with existing screening. Mr. Wertis asked if he was suggesting the visual impact to be more reflection than glare. Mr. Walker said there is a difference between glint and glare, but what he saw has a visual impact on the Murray residence. Mr. Wertis then asked if he walked the grounds near the Murray residence. Mr. Walker said he did not go up to the house. Standing in front of the panels, he experienced more reflection than glare, but it was an overcast day. Reflection is expected for most smooth surfaces; plate glass – a windshield on a parked car, for instance – would reflect light. There is some reflection with light impact coming off the panels, he said.

A visual buffer of dense pine trees screens part of the installation, but there is no question of visibility from various points off-site, he said. If no visual screening were added as part of Renovus's second solar project, you would see panels from the Murray house and from parts of the road, he said. Renovus has proposed planting a number of conifers and white pines to serve as a visual buffer. White pines can grow 2 to 3 feet per year, he said. He agreed with the plan and, within five years, he believes the trees will have grown tall enough so that there is no visual impact from the Murray residence. He said more plantings may be necessary by the project entrance. Reflection impact on the house would be intermittent, he said, and occur more frequently later in the year, when the sun is lower.

Mr. Blake said the visual impact at the Murray's is more noticeable on their second floor. Mr. Walker said the trees should screen the second floor effectively. He estimated the second story is probably 16-18 feet off the ground.

Asked by the Murrays about white pines, Mr. Walker said they generally spread outward as they grow, creating a visual buffer within five years. Mr. Wertis asked if Mr. Walker agreed with Renovus's conclusion in regard to the number of days per year and length of time that one could experience glare at the second project site. Mr. Walker said Renovus's numbers are an accurate estimate. Later, when questioned by Mr. Blake about whether he ran his own tests or relied on Renovus's, he stated he checked the data himself. Do those estimates take into account the curvature of the panels? Mr. Blake asked. Mr. Walker said the highest panels would have the largest visual impact simply on account of height. The reflection from the more elevated panels would reach across the visual barrier, he said. He later said the software he used takes into account topography and elevation of panels.

Mr. Wertis asked Renovus representatives if they were considering leveling the land to accommodate the second solar installation. The representatives indicated no, and that leveling is a much more invasive procedure.

Based on his analysis, Mr. Walker said there would always be light reflection at the sites. He further estimated that, around the 6 p.m. hour each day, there would be 3 to 4 minutes of light

reflection from about late March to October that would be visible at the Murray house, if there were no visual buffers.

Mr. Blake asked if the panels on the second installation could be oriented in a way to further reduce glare. Mr. Walker said turning them west would likely reduce glare at the risk of panel efficiency, reducing the effectiveness of the panels by 50 to 60 percent. You have to position them due south, he said.

Asked about recommendations for the entryway, Mr. Walker suggested more plantings. His analysis showed more reflective issues via the entryway to the Murray house from April through June, minor reflection during the summer, and gradually more in the fall. An option would be to angle the road differently once construction is completed and plant vegetation on the old footprint.

Ms. Murray commented that Mr. Walker never actually came to the Murray residence to analyze possible glare. Mr. Walker said he came as far out as the Jacksonville Road roadway. Ms. Murray said the problem with glare concerns the second floor. There is no way to obscure the view, she said. Plus, the glare analysis takes into consideration a maple tree that is nearly dead. In terms of visual impact, the solar farm will always be there, she continued, commenting that the amount of reflection from a glass and steel structure in a field cannot possibly be compared to the glare of a lake; a lake is visually beautiful. She said a real estate agent said the solar installation would most definitely reduce the resale value of her home by 10 percent. What are the guarantees on plantings, Mr. Murray asked. The project has been fluid on facts. Is the financier responsible for the plantings, Renovus or the landowner? And how can they be sure the responsible party will keep their word? Mr. Blake said there would be reasonable conditions applied to the project, if approved. Mr. Murray then asked about a fracking lease once held on the property.

Mr. McNamara said fracking is highly unlikely. Plus, shale is not viable there. He said Renovus is committed to doing everything it can to mitigate the glare. His offer still stands, he said: if the Murrays want a tree to serve as a visual buffer in their front yard, Renovus would be willing to do that. He cannot guarantee the lifetime of the tree, but he wants to ensure everyone is happy.

Mr. Wertis said he could see the black line of the solar panels as he was driving on Agard Road, but vegetation blocks the view a little further up. He wondered if Grassroots could be required to both maintain existing vegetation and install plantings along Agard Road that would eventually screen the panels entirely. Mr. McNamara said it would be best if Renovus, not the property owner, assume responsibility for the planting plan. Lastly, he said the energy industry is quickly heading toward solar and to a future where one of these types of farms will be located on every circuit. Hiding every solar farm in the state is impractical, he said.

Asked by Mr. Tyler about tree recommendations, Mr. Walker said he tries to use native species with the projects he's been involved with. White pines are a native species to the area. Poplars are good candidates, too, because they grow fast, but they tend to die quickly. For the purposes of continuous cover, evergreens and white pines are best, he said. Mr. Wertis asked if Mr. Tyler

would like to get a second opinion. Mr. Tyler said Mr. Walker's recommendations are as much a guideline as the Board needs.

The Murrays left the meeting at 7:50 p.m.

Mr. Merwin asked if the Board typically requires such conditions with other industries. In response, Ms. Schneider said solar is new to the Town. Viewsheds are important. This project is a case study in hopes that future solar projects result in a win-win for the solar producers, users and the Town, she said.

Mr. LeWalter asked if a white pine would be better than spruce since spruce trees are more deer resistant. Mr. Walker said white pines are sources of food when deer are desperate. White pines are more appropriate for screening because they form a broader mass than spruce. Plus, if planting spruce, you would need a double row of trees. Asked about grading, Mr. Walker said you do not want to change the grading too much because of stormwater issues. Mr. McNamara added that the proposed method is the industry standard.

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

Mr. Blake thought the Planning Board should hold a public hearing.

Mr. Blake MADE the MOTION to schedule a public hearing on September 6, 2016 for the Renovus application, and Mr. Tyler SECONDED the MOTION. The motion passed unanimously.

Mr. McNamara said he hoped the Planning Board would be willing to make up for lost time, and that it is not uncommon for a Board to hold a hearing and vote on a project at the same meeting.

Lastly, Ms. Kiley said the location of a pole where the overhead electric line comes onto the property has yet to be finalized by NYSEG. The planting plan will be finalized once we know where NYSEG wants the pole, Mr. Mayo said.

A question was raised about maintaining existing vegetation. In every conversation with Grassroots, Mr. McNamara said they have been adamant about leaving the existing vegetation undisturbed.

Planning Board Rules and Procedures

Mr. Blake referenced paragraph 14, sub paragraph B, which states:
"When invited to speak a member of the public shall be instructed to give their full name and address."

Town Counsel has advised the Town to remove the need for a citizen to state their address, given the possible instance of an abused person not wanting to identify where they live. Instead, the Board may ask the speaker to state whether they are a Town resident, he said.

Mr. Wertis MADE the MOTION to update paragraph 14, sub paragraph B, to reflect that a citizen addressing the Planning Board shall be instructed to give their full name and state whether or not they are a Ulysses resident. Mr. Blake SECONDED the MOTION. The motion was unanimously approved.

A discussion of decorum ensued. Board members discussed better enforcement of the three-minute rule during privilege of the floor, encouraging those with more to say during the three-minute allotment to write a letter and submit it to the Board, and the role of the Chair in limiting dialogue between the audience and hired consultants. The Board also discussed the role of the Town Board liaison, including specifics like where the liaison should sit. Mr. Goldman was advised by Town Counsel to sit in the audience, so as not to unduly influence Planning Board deliberations. He said if he notices something glaring that is important to share, he would like the ability to do so. Mr. Blake agreed, and said there is no need for any formal action if something needs to be addressed.

Mr. Blake said Nancy Zahler, chair of the Steering Committee for Zoning Updates, has invited a non-voting liaison from various Town boards and committees to sit in on the Committee's meetings. Mr. LeWalter said he would like to be a liaison.

After a short discussion, Mr. Tyler MADE the MOTION to nominate Mr. LeWalter as liaison to the Steering Committee, and Mr. Blake SECONDED the MOTION. The motion was unanimously approved.

Town Board Liaison Report

Mr. Goldman said the Town Board recently held a spirited meeting on a proposed referendum to change the positions of highway supervisor and town clerk from elected to appointed posts. He encouraged Planning Board members to get involved with the debate.

Ms. Kiley said she expects to receive a Site Plan proposal for a driveway to a house near the Black Diamond Trail. The homeowner has been using the trail to access her home, but she is no longer permitted to do so. She has purchased land to the south and will use it for an unpaved driveway.

Ms. Schneider MADE the MOTION to adjourn the meeting, and Mr. Blake SECONDED the MOTION. The motion was unanimously approved.

Meeting adjourned at 8:47 p.m.

Respectfully submitted by Louis A. DiPietro II on August 19, 2016.