

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
Tuesday, 1/19/2016
7:00 p.m.**

Approved: February 2, 2016

Present: Chairman David Blake; board members Pete Angie, David Diaz, Rebecca Schneider, and David Tyler. Environmental Planner Darby Kiley; and Town Board Liaison Rich Goldman.

Excused: John Wertis

Public Present: Richard Murray, Andrea Murray, John Van Valen, Gretchen Van Valen, Eric Slocum, Ed Broshears, Nancy Zahler, Liz Thomas, Glynis Hart from the Finger Lakes Community Newspapers, and Melissa Kemp, Thom Mayo and others from Renovus Energy.

Call to Order: 7:01 p.m.

Agenda Review; Minutes Review (January 5, 2016)

Ms. Schneider MADE the MOTION to approve the January 5, 2016 meeting minutes, and Mr. Blake SECONDED the MOTION. The motion was approved, 4-0, with Mr. Tyler abstaining from the vote.

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.

Ms. Kemp, director of commercial solar at Renovus, and Mr. Mayo, a project manager at Renovus, introduced themselves to the audience and began a slideshow about the proposed solar project. Beginning with common questions associated with solar, Ms. Kemp said solar is still a new technology but has had tremendous growth in New York within recent years, and State leadership has expressed a desire to do more. She cited the Governor's recent State of the State address that touched on the mandate to have 50 percent of all electricity in New York generated by solar power by 2030. She mentioned recent local solar projects for Cornell, TC3, Cortland and Ithaca College's future project. She said a common misconception is that solar does not work as well in New York State because of harsh winters, but that is not the case. The future of renewables is to combine energy sources, like solar and wind, for instance, she said. Solar is no longer just a green choice; it makes financial sense as well, with Renovus seeing paybacks to property owners within six years of installation. There is also the larger economic factor that local solar brings, like jobs and revenue. In the last 18 months, Renovus alone has hired 65 people ranging from white-collar jobs to field labor, and Renovus's product is not mined or

imported but is homegrown American-made electricity. Many current employees are former natural gas workers and veterans, all coming together to create something positive.

On the subject of materials, Ms. Kemp said 95 percent of solar panels are made from silicon. When decommissioned, solar panels are taken apart and recycled, with no toxic materials produced. Solar is quiet, safe, and produces no pollution, she said. There is oftentimes a tiny bit of noise from the project invertors. At a 100 feet distance, the invertors produce about 20 db of peak sound. As for impact on green space, she said solar is not making a significant dent in agriculture land or green space at all. Renovus does not target prime ag land and avoids sensitive areas like lake-front areas. The array's interconnection to the grid determines the project's location. In terms of property values, solar provides a service that is worth something, she said, citing no decline of property values for neighbors near solar arrays. However, that may be a different story out on the West coast, where much larger solar projects are built.

As for specifics on the Sciencenter project, Ms. Kemp said it is to be built on Agard and Jacksonville roads and produce 360 kW of electricity on land owned by Grassroots. Comparatively, a home system generally produces about 7 kW, while the largest solar farm in the State is 6 megawatts, she said. Since the Sciencenter is a non-profit, it is unable to take advantage of the tax credits from the solar project, so they have enlisted New Energy Equity to handle the financing. New Energy Equity collects the tax credits and, in turn, gives the Sciencenter a fair price for the solar electricity, she said. The Sciencenter project includes 1,200 solar panels spread out across 1.8 acres. Only 5 percent of the site will have something physically on it, she said. The project would offset all of the Sciencenter's electricity costs, saving them about 15 to 20 percent each budget year. The land, which was once an agricultural field but has remained in non-ag use for many years, is not located in a floodplain, does not have any historical significance, and meets proper setbacks from streams and property lines, she said. There are five neighbors within 125 to 1,000 feet of the proposed project. Renovus will not be adding any concrete to the site, she said, though the company intends to add a driveway to the site. Each row of solar panels measures about 10 feet deep, 10 feet high and will be spaced 20 feet from the next row. Natural vegetation will remain beneath each row. Lighting will not be installed, with the exception of an emergency light in the event of an evening maintenance call, which is rare. For safety, a fence is required around the perimeter of the array.

Responding to a question from the audience about the access driveway to the site, Mr. Mayo said it will run 60 feet long. Another audience member asked about elevations of the parcel site, expressing concern that the 10-foot panels – when installed on an elevation of 6 feet – would measure 16-feet tall. The audience was asked to hold its questions until the conclusion of Renovus's presentation.

Ms. Kemp then touched on glare, storm water and decommissioning. Solar is meant to absorb as much sunlight as possible but nothing is a perfect absorber. Dawn and dusk are the times when they see some ground-level glare similar to the reflection off a smooth pond, fresh snow or a steel surface. Renovus does use a solar glare hazard analysis tool that measures ground-level glare for airports. Reflection with the Sciencenter project will be incredibly small, Ms. Kemp said, adding that she would be happy to share the full glare report. As for storm water, solar projects are not flagged by the State DEC as requiring a storm water management plan. Though,

Renovus will be doing a stormwater pollution plan with the DEC. Lastly, on the subject of decommissioning, Ms. Kemp said the site lease includes a legal requirement that solar panels be removed from the site within 180 days from the cession of operation. Having stipulations within Town Zoning is another way to ensure inoperable ground-mounted solar systems do not remain up unnecessarily.

Ms. Kemp and Mr. Mayo completed their presentation at 7:34 p.m.

At this time, Mr. Blake said the Planning Board had previously discussed the Sketch Plan for the Renovus project at its December 15, 2015 meeting, with additional discussion at its January 5, 2016 meeting. Appropriate notices for the evening's public hearing were mailed to neighbors and published in the local newspaper. Notices were also posted via signs installed on the property on January 7. Mr. Blake opened the public hearing.

Ms. Kiley received one emailed comment on the subject of the Renovus project. It reads:

My name is Vivien Rose. I have lived at 4128 Podunk Rd. in the Town of Ulysses since 2002. My phone # is 607-387-3481. I am unable to attend the public meeting and ask that my comments be read into the record and become part of the file for this project. Thank you.

Since I bought my home in Ulysses, I have traveled to Taughannock Falls State Park along Jacksonville Rd. The character of this road and area has not changed. It is a pleasant rural approach to the trailhead at the top of the state park and to the waterfall.

While I support the kind of project under review, the continuing degradation of the rural character of the Town along its roads is of concern. In my view the project as proposed will contribute to the degradation of the character that has neighbored the state park to date.

SEQR Part I filled in by the applicant answered YES to question #6 "Is the proposed action consistent with the predominant character of the existing built or natural environment?"

The predominant character of the site under consideration and its surroundings is fields and single family homes. No solar arrays of this size are visible from Jacksonville or from Agard Rd.

The SEQR Part II Impact Assessment filled in by Town Planner Darby Kiley answers NO or SMALL IMPACT to question #2 "Will the proposed action result in a change in the use or intensity of use of land."

This use is a change from a field used for parking or camping a few days a year to a major solar array.

Question #3 of the same section asks "Will the proposed action impair the character or quality of the existing community?" The Town Planner's assessment is NO or SMALL IMPACT.

This project is located less than a mile from the north entrance of a state park. In my view as a user of the park, the project will impair the approach to the park and will also impair the quality of the existing community.

The law allowing this kind of array is less than two months old. I urge the Planning Board to consider carefully whether this is the right site to exemplify how the law will operate.

I hope it will take note that Section 212-139.2 does not allow arrays in PR zoned areas, and that this is quite close to such land.

Should the Planning Board decide to approve this project, I hope it will give special consideration to the location of this site and use authority under Section 212-139.2 B. 1)c) to require screening from adjacent roads, whether through berming or through vegetation screens. Likewise, Section 212-139 B. 3) allows signage not to exceed 8 square feet. There is no private signage of that size on that road. I encourage the board to restrict signage visible from the road to a minimum.

Thank you for considering my input in your deliberations.

Sincerely,

Vivien Rose

Ms. Murray of 7070 Jacksonville Road asked if Renovus had any artist renderings or 3D models of the project. Ms. Kemp said they did not have any 3D models or renderings on-hand, but would be willing to share such materials from similar projects. Mr. Murray disputed Mr. Mayo's claim that the parcel elevation was only 5 feet. To his recollection, it was more like 20 feet. He requested a topographical map and also asked about glare. Ms. Kemp said Renovus has examined each neighboring home for potential glare and visibility and estimated little impact. Renovus can share the information that verifies those claims, she said. After a question from Ms. Murray about natural buffers, Mr. Mayo said natural buffers are a possibility if glare or visibility are issues, but the solar project fence is roughly 95 feet away from the Jacksonville Road roadway, and it is unlikely drivers would see the solar arrays. Ms. Murray suggested a couple more trees or shrubs so that the array is visually contained. Ms. Kemp said adding natural buffers is not a big deal, and if Renovus can mitigate views in any way, they would be happy to do it.

Mr. Murray asked about the possibility of fracking on the site, considering that Grassroots had previously leased the land for gas development. Chesapeake has since released its gas lease, though it was suggested adding a provision within the solar-project lease that the parcel not be leased out for future gas development. Mr. Murray also asked if a future buyer of the property

could expand the solar project and add more panels. Ms. Kemp said any additions to the solar project would have to return to the Planning Board for approval. Sometimes, with projects such as this, solar producers on leased land request more solar panels after plans have been finalized, and Renovus always says no, she said.

Mr. Broshears asked about any financial advantage from the solar project to the Town and whether there would be any financial implications to adjacent properties near the site. Ms. Kemp said the data in New York is neutral to those questions. In California, where solar projects are much larger, there is concern of solar projects affecting property values at nearby parcels. No tax revenue is generated from the project itself, she said.

Ms. Zahler of 3480 Agard Road asked the Planning Board about its next steps. In response, Mr. Blake said the Planning Board does not have to take action on the project this evening. Renovus has met all of the mandates of Town law, and the Board is in position to address some of the concerns shared this evening. Board members may proceed with action on the Renovus project tonight or defer to a later date.

Mr. Van Valen, who lives across the street from the proposed solar array, said he also felt the topography at the project site was higher than 5 to 6 feet. He asked about the length of solar rows and the direction in which they would be pointed, to which Ms. Kemp said the panel rows would measure roughly 230 to 250 feet long and face south. Ms. Van Valen said she did not feel they would see the panels from her home but asked about the potential for glare. Ms. Kemp said the Van Valen house was included in the glare study, which would be available for the homeowners if they wanted to review it.

Ms. Zahler said drivers tend to speed on Jacksonville Road during the early morning hours and late in the day. She asked how glare would impact driver visibility. Ms. Kemp said glare would be miniscule, but, following Mr. Blake's comment that glare is one of his biggest concerns, she added that glare – if any – would be apparent for less than 15 minutes in a single day. That time does not factor in natural visual buffers, including nearby rows of pine trees and vegetation on both the east and west sides of Jacksonville Road. For the Sciencenter project, Renovus worked with a specialist to determine possible glare, and there is not a glare problem, she said.

There were a few questions regarding one of Ms. Kemp's slides, which displayed glare data on brightness and duration. It was during this discussion that Ms. Kemp said there would be no glare to the south.

Mr. Slocum of 8187 Jacksonville Road raised concerns about traffic, glare and height. He asked if there was a plan B for the project and was told the present project is the only version being reviewed. Ms. Kemp said the project's location is reliant on the practicality of getting the solar power to the grid, and via Jacksonville Road is the best way to do that. Responding to a question from Ms. Murray concerning additional power lines, Mr. Mayo said there would be a standard telephone pole installed to the south of the project that would route a wire across Jacksonville Road.

Mr. Broshears asked if project information would be shared online. Ms. Kemp said they would make the presentation public and hold additional information sessions if necessary. There is nothing to hide, since the proposal is a clean, straightforward proposal, she said.

Mr. Blake requested that any additional questions by Town residents be emailed or mailed to Ms. Kiley, who would pass them along to the Planning Board. Ms. Kiley informed the audience that project plans and other documents are already online on the Town's website.

Mr. Murray initiated a brief discussion on a snowmobile trail that runs on the parcel and asked if it would be discontinued. Ms. Kemp said there is no formal easement for a trail, so it is up to the property owner to determine if the trail is to continue. Mr. Mayo said the trail could be rerouted between the array and the northwest stream, a span of roughly 100 feet. Mr. Murray reiterated his concerns about elevation, height of the panels and aesthetics. He would like to be assured that his concerns are taken into consideration and are well thought out. Mr. Slocum agreed with Mr. Murray and demanded the Town mitigate traffic and glare.

Mr. Tyler MADE the MOTION to continue the public hearing, and Ms. Schneider SECONDED the MOTION. The motion was unanimously approved, 5-0.

Result: Public hearing will be continued at a future meeting.

Ms. Schneider commended Renovus on a good presentation and for handling themselves in a professional manner.

Ms. Zahler informed the Planning Board that the property owners on the corner of Jacksonville and Agard roads would be back in town on February 1. The property owners, who also own a residence in Pennsylvania, received a notice of the meeting at their Pennsylvania address, Ms. Kiley said.

Discussion related to the Renovus presentation concluded at 8:11 p.m.

Ms. Schneider noted five requests from neighbors: topographical maps; details from the glare study; lateral perspectives for property owners directly across from the project site; landscaping plan, and all existing information related to the project be made available on the Town's website. Is the Planning Board comfortable with those requests, she asked, because the Board can say no?

Topographical lines can be found on materials within the project packet, Ms. Kiley said. Mr. Mayo will provide a better map where topographical lines are easier to see. Mr. Blake advised Renovus that, when including its glare specialist on future discussions with the public, information and data should be tailored for the layperson.

Ms. Schneider said that for many in the audience tonight, this was the first they had heard specifics relating to the Renovus project. Rather than the Planning Board immediately scheduling its next meeting, she suggested all project information be presented clearly on the website, including requesting community members to send in questions.

Asked about time restraints, Ms. Kiley said the Planning Board has within 62 days of the public hearing's closure to act. Ultimately, it is up to the Planning Board on how to proceed, she said. If the Board wants to schedule another hearing, it can advertise it directly to neighbors and through legal notices.

A brief discussion ensued regarding the kind of meeting to hold. Mr. Goldman offered an informal meeting with neighbors, but both Mr. Diaz and Mr. Angie felt that any meeting with Jacksonville and Agard road neighbors should be a public meeting with the Planning Board involved. Ms. Kemp then suggested Renovus hold an informal meeting with neighbors and then follow that up with a public meeting of the same content. Mr. Diaz said the presentation of the same information is key. Even an accidental omission of information could be misinterpreted as lack of transparency.

Mr. Diaz noted information offered by Ms. Kemp at the Planning Board's previous meeting that another local entity has proposed a similar solar array directly south of the Sciencenter project. Neighbors should also be made aware another possible project has been planned for that area, he said. Ms. Kemp said nothing has been finalized with the second project, and it has nothing to do with the proposed Sciencenter project currently under consideration.

Mr. Goldman recognized Mr. Diaz's concerns and added there is a political issue as well if information is withheld and a second project is proposed a month later. Ms. Schneider said the Planning Board has expressed that there are more solar projects to come, and it might be best to frame the discussion with neighbors within a broader context rather than speculate on a project that has yet to be formally proposed. In response, Mr. Goldman said the second project may not be official yet, but the Planning Board knows it is in the works.

Ms. Kemp said the Museum of the Earth has expressed an interest in having a similar solar array installed directly south of the Sciencenter's array, though the project may not happen. Even if the Planning Board expresses just that, Mr. Goldman said, they are disclosing what they know. Mr. Tyler advised keeping the focus on the current project. While recognizing the issue from a public-relations standpoint, Mr. Blake added the possible second solar project is little more than hearsay at the moment. Mr. Diaz said he was uncomfortable with not sharing this information with the public.

Ms. Kiley said there are no other solar projects under consideration at the moment.

Mr. Goldman said the second project is directly adjacent to the Sciencenter array; neighbors are concerned with a number of project aspects, like the fence around the perimeter. Now consider a re-doubling of the fence, he said. If we lived in that area, we would be upset, he said.

Mr. Angie agreed with Mr. Diaz and Mr. Goldman, saying this is the neighbors' opportunity to provide input on what they want. If they know a second project is likely, they will push to get exactly what they want and not be surprised if a second project is formally proposed. The Planning Board should provide what it knows, he said. Mr. Tyler agreed with Mr. Goldman, saying the Planning Board has to make the public aware that a second project is a possibility. However, the second project is not what the Planning Board is currently considering, he added.

Mr. Blake asked which Planning Board members were in favor of notifying the public of a second possible solar project near the Sciencenter array. The Board reached a consensus to disclose the information at the next public hearing.

Asked by Mr. Goldman what the odds were that the Museum of the Earth proceeds with their own solar project, Ms. Kemp said 40 percent.

There was further discussion on requests made by neighbors. Mr. Angie said it is difficult for him to imagine vegetation blocking view of the panels. He worried that people would expect sufficient buffer to block views, adding he did not want to give people any false hope. A landscaping plan was further discussed. Asked by Mr. Goldman on who pays for mitigation efforts, Ms. Kemp said there is typically financial pressure applied on all sides for projects such as this. Right now, Renovus does not have a landscaping budget associated with the Sciencenter project because there is so much vegetation there as it is, she said. Calling for a \$50,000 landscaping budget would kill the project, she said. Money from landscaping budget would come from Renovus' cut.

Discussion then turned to next steps. Readdressing the Renovus public hearing at the Planning Board's next meeting on February 2 was proposed, but after consideration, the Board and Renovus reached a consensus to move it to the second February meeting.

Mr. Blake MADE the MOTION to continue the Renovus public hearing on Tuesday, February 16, and Ms. Schneider SECONDED the MOTION. The motion was unanimously approved, 5-0.

Mr. Angie noted one neighbor's concern with traffic and suggested Renovus may want to address it at the next public hearing. Ms. Kemp said that, though a traffic study of the road is not necessary for the project, Renovus wants the project to be done correctly.

Old Business

Mr. Blake advised Planning Board members to review the rules and regulations circulated by Ms. Kiley and begin considering whether to continue with two meetings per month or hold just one meeting per month. He said he wants to do what is most convenient for Board members.

Mr. Tyler said having more frequent meeting is probably more preferable, but, on the other hand, holding a monthly meeting could make meetings more efficient.

In a brief Town Liaison report, Mr. Goldman only advised that the Planning Board must appoint a vice chair at some point.

Ms. Schneider MADE the MOTION to adjourn, and Mr. Diaz SECONDED the MOTION. The motion was unanimously approved, 5-0.

Meeting adjourned at 8:55 p.m.

Respectfully submitted by Louis A. DiPietro on January 26, 2016.