

**TOWN OF ULYSSES
PLANNING BOARD
MEETING MINUTES
Tuesday, 6/7/2016
7:00 p.m.**

Approved: July 5, 2016

Present: Chair David Blake; board members Rebecca Schneider and John Wertis. Environmental Planner Darby Kiley; and Town Board Liaison Rich Goldman.

David Tyler and Sara Worden were excused.

Public in Attendance: Thomas Mayo of Renovus and Richard and Andrea Murray.

Call to Order: 7:00 p.m.

Agenda Review; Minutes Review (5/17/16)

Mr. Wertis asked if the Town received storm-water reports from Cayuga Compost, to which Ms. Kiley said the Town has. Mr. Wertis requested a summary of latest information. Ms. Kiley said, based on feedback from the DEC, Cayuga Compost has to put in a swale around the building.

Mr. Wertis MADE the MOTION to accept the May 17, 2016 meeting minutes, and Mr. Blake SECONDED the MOTION. The minutes were unanimously accepted, 3-0.

Sketch Plan: Consideration of Sketch Plan 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.

Mr. Mayo told the Planning Board Renovus plans to expand on the existing solar site, which is currently being constructed and is nearly complete. Just this evening, he is learning of a glare issue with the existing solar project. Mr. Blake said the glare is bad and an eyesore for people living near the panels. Though it has previously been stated in past meetings with Renovus that solar panels do not result in a loss of property value, Mr. Blake said he believes there is, in fact, a loss of property value at the Murray residence. Mr. Mayo continued, saying the proposed project will belong to PRI. He also said there was a last minute change in the contract for the previous solar project and financing fell apart for the Sciencenter. The solar installation is now a community solar farm, Mr. Mayo said, and Renovus now owns it. The system is still the same; only the owners have changed, he said. The proposed site has already been cleared in preparation

for the project, and the storm-water protection plan was rolled into the previous solar project's SWP.

Mr. Wertis noted the entrance way to the existing project, saying he was under the impression it would be largely hidden from view. Mr. Mayo said a tree will be planted on each side of the entrance in an effort to narrow views. Mr. Blake asked how many trees Renovus planned to plant as part of the proposed project, to which Mr. Mayo said a tree-planting plan has not been proposed. Plus, with news of a glare issue, Renovus may need to plant more trees as a screen for neighbors, he said.

Ms. Schneider said she had two issues: Renovus was preparing a second site and combining a SWPPP for a project company representatives had previously said was far from a done deal. That was a little disingenuous, she said, since Renovus must have known the second project was moving forward. Mr. Mayo cited the cost effectiveness of preparing the second site. Ms. Schneider said Renovus and the Planning Board – during deliberations regarding the first solar project – had previously discussed the best way to present information to the community regarding a second possible solar site. The Board was told by Renovus's Melissa Kemp that Renovus did not have anything official regarding a second site, Ms. Schneider said.

Ms. Kiley explained the reasoning behind a single SWPPP for both projects. She was out at the site today and all looks good in regard to storm water.

Ms. Schneider also raised questions concerning project maps, specifically precise distances from the fence line and array to a nearby pond.

Mr. Wertis said it was clear during previous deliberations that Renovus was proceeding with a second project. He said he is not entirely surprised. Citing previous discussions, Mr. Goldman said Renovus representatives had said there was a 40-percent likelihood the second project would happen. As she understood Renovus, Mrs. Murray said the company did not have finalized plans. Disingenuous is an appropriate term, she said.

Mr. Murray said everything from previous public meetings – the size and scope, the array's owners, the glare – proved inaccurate. The glare is horrendous and occurs for hours per day, he said.

Mr. Blake told Mr. Mayo he wants to see more trees at a greater height. He said he cannot and will not approve anything without contracts signed by all involved parties. He is sorely disappointed in what has transpired from the first project, considering the amount of time and attention the Planning Board gave to it.

Following a question from Mr. Wertis about glare, the Murrays circulated a photo they took of the solar glare from inside their home. Mr. Murray said the glare affects multiple rooms in the house.

Mr. Goldman asked Mr. Mayo if Renovus has begun signing up users to the first project. Mr. Mayo said the project is full. Responding to a question from Mr. Goldman, he said he was not

sure Ulysses residents were first offered the opportunity to connect to the community solar project. Mr. Mayo did say he reached out to neighbors to inform them of the change to a community solar farm after the deal with the Sciencenter fell through. Mr. Goldman called this a major problem, saying Renovus should have met with the Board as a courtesy as soon as the deal fell through. There is a moral obligation, he continued, to inquire first with potential customers in the very town the community solar farm is located. Ms. Schneider reiterated Renovus's process was disingenuous, especially how favorable the Planning Board considered the project because it was both a solar initiative and it was intended for a non-profit entity. She said the Planning Board approved the solar farm for the Ulysses community. She would be interested to see the percentage of community versus non-community solar users for the first Renovus project. It feels like a commercial enterprise that took advantage of us, she said.

Mr. Wertis MADE the MOTION to open the sketch plan, and Mr. Blake SECONDED the MOTION. The motion carried unanimously, 3-0.

Mr. Blake said he takes issue with being led to believe the Planning Board was supporting a non-profit entity for a solar farm on a non-profit's property. Ultimately, the Town gets nothing in return, he said. Ms. Kiley noted special circumstances for solar project so that they are tax exempt for 15 years.

A discussion ensued regarding the Town's requests for particular information related to Renovus's second solar project. Mr. Goldman said the Murrays' glare issue should be resolved first thing. Among the first items discussed were a landscaping plan with a specific number and height of trees as well as signed contracts, with – Mr. Blake added – redacted information if necessary. Ms. Schneider also asked if it is prudent to request information as to why the Sciencenter removed their support for the project. Mr. Mayo said something fell apart in the final negotiations.

Ms. Schneider also suggested inviting representatives of PRI and possibly the Sciencenter to a Planning Board meeting. Ms. Kiley said the Planning Board could schedule a meeting to review Renovus's first project. Mr. Wertis said he would like to personally visit the Murray residence to see the solar glare. Ms. Schneider called for a new model to evaluate glare, since Renovus's model significantly underestimated the problem. Mr. Mayo again said the problem of glare at the Murray residence is the first he is hearing of it. He said he would put together a plan to mitigate the issue.

Ms. Schneider also requested any information on the number or percentage of Town customers being served by Renovus's existing solar project on Agard Road.

Mr. Wertis said he would like to see a narrower entrance to the existing site. The plan was to plant trees close to the driveway, Mr. Mayo said, and let the trees grow in to narrow the visual impact. Mrs. Murray said she does not mind the project being there, but it was billed as an invisible neighbor. Speaking to Mr. Blake's thoughts on property values, she said the solar farm has definitely reduced their property value. A realtor told the couple their property's value would certainly diminish, she said. Billing the project as invisible was deceptive. She would also like to see an agreement in writing on whose responsibility it will be to maintain the roadside brush,

which currently acts as a roadside visual buffer. Lastly, she requested Renovus be responsible for planted trees for the first 25 years, as opposed to the first five years, as was previously stated in past meetings. Mr. Wertis said he would echo much of Mrs. Murray's suggestions, particularly the point on landscaping. He further suggested seeking guidance from the Town's outside engineering firm, which handles landscaping, to review the future landscaping plan and offer advice on aspects like tree species and fast-growing trees. Any costs associated with Site Plan Review would then be billed back to the applicant, Ms. Kiley added.

Mr. Goldman said he would like to know if Renovus is making more money through the community solar farm than from the initial Sciencenter deal. Might have Renovus been the entity that pulled out of the deal? he asked. No way, Mr. Mayo said.

Ms. Schneider told Mr. Mayo it is worth Renovus's time to clean up this situation because people are unhappy right now. It is affecting how the Planning Board feels about solar and Renovus, she said.

In regard to the Site Plan Review check list, Ms. Schneider requested better detail regarding the wetland border. She is not content with how it is presented currently and would like appropriate scaling on all maps. She additionally requested an estimate from an engineering company to conduct an independent glare study. Mr. Wertis said he would like to visit the Murray residence first, and then the Planning Board can seek guidance from an outside firm.

The Planning Board will continue the sketch plan review on July 5.

Ms. Kiley said she would follow up on a meeting to review Renovus's first solar project. Ms. Schneider reiterated that such a meeting would be helpful since the first project was like a pilot test run for larger solar projects in Town. The Planning Board came in excited, and the project backfired, she said.

Responding to Mr. Wertis's question concerning whether the Town had a clear definition of glare, Mr. Blake said the Planning Board needs to again look at its solar regulations and make recommendations. Ms. Kiley said the Town's new Sustainability and Advisory Council could review the Town's solar law and consider recommendations.

Mr. Goldman again asked Mr. Mayo why Renovus did not return to the Board once the deal fell through. Ms. Kiley said she did not tell Renovus representatives that they needed to.

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

Meeting adjourned at 8:16 p.m.

Respectfully submitted by Louis A. DiPietro II on June 15, 2016.