

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 Loop Road
Monday, September 11, 2023 at 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Monday, September 11, 2023 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Hugh Kimball; Steve Darcangelo; Doug Beachel and Matt Hunt

OTHERS PRESENT: Marc Kenward, Erdman Anthony; Kacey Rose, Erdman Anthony; Sheila Collins; Michael Gilbert; Caitlin Gilbert; Kevin Sciarrino; Andrew Ramsgard; Julian Clark, Plumley Engineering; Sandra Richards; Paul Richards; Tony Fusco; Robert Shanahan and Karen Rice, Clerk

The meeting was called to order at 7:00 p.m.

I. PUBLIC HEARING -- (Continuation from August 14, 2023 to be held after SEQR)

SEQR Review: 3354 Cold Springs Solar: 3400 Cold Springs Road

John Corey, Chairman, stated that the Planning Board Attorney prepared a SEQR Resolution for the Board to consider this evening:

RESOLUTION #2023—001 of September -- Motion by Corey, Second by Beachel

Determination of Environmental Significance

The **TOWN PLANNING BOARD OF THE TOWN OF LYSANDER**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 11th day of September, 2023, at 7:00 p.m. The meeting was called to order by John B. Corey, as Chairman, and the following were present, namely:

John B. Corey	Chairman
Hubert D. Kimball	Member
Steve Darcangelo	Member
Doug Beachel	Member
Matthew Hunt	Member

Absent: None

WHEREAS, 3354 Cold Spring Solar, LLC (the “Applicant”) is proposing the construction of a ground mounted photovoltaic solar energy generating facility generating 5 MW AC, with approximately 11,928 panels located at 3400 Cold Springs Road, Baldwinsville, New York (tax ID: 064-03-02.1) (the “Project”). The Project is situated on a 47-acre parcel and the

solar panels will take up approximately 25.13 acres of the parcel (the “Property” or “Project Site”).

WHEREAS, the Applicant, through its engineers Erdman Anthony, has submitted a site plan package (the “Site Plan Package”) entitled Site Use Permit Set, for a 5 MWAC Rated Solar, which consists of the following Sheets: Title Sheet – T1; Existing Conditions C-1; Tree Clearance and Demolition Plan C-2; Layout and Material Plan C-3; Grading and Erosion Control Plan C-4; Grading and Erosion Control Plan Blowup C-4.1; Civil Details 5.0; Civil Details 5.1; Landscaping Plan 6.1; Project No. 22-0469, dated April 27, 2023 and last revision June 29, 2023, and a Stormwater Pollution and Prevention Plan (SWPPP), dated July 11, 2023 and a ForgeSolar Glare Analysis, created May 30, 2023 and updated May 31, 2023, consisting of 7 pages, (all said document hereinafter referred to as the Site Plan Package);

WHEREAS, the Planning Board and its engineer have reviewed the Site Plan Package and have considered it in relation to the SEQRA review and findings set forth herein;

WHEREAS, the existing zoning for the Project Site is AR-40 (incentive overlay district) which allows the Project as set forth in the Application;

WHEREAS, land uses in the adjacent surrounding area are primarily agricultural, open land and some single family homes, however, the parcel has been recently subdivided and the Property is between two vacant which will buffer the Project to the east, the west, with a road bordering the north and vacant farmland to the south;

WHEREAS, because more than 10 acres of the Property will be disturbed for the Project, it qualifies the Action as a Type I action under Article 8 of the New York State Environment Law and 6 NYCRR (“SEQRA”);

WHEREAS, on May 11, 2023, pursuant to NYCRR Part 617.6(b), the Lysander Planning Board (the “Planning Board”) declared itself the Lead Agency and issued to all involved agencies a Notice of Intent that classified the Project as a Type I action and further stated that it intended to be the Lead Agency for the Action;

WHEREAS, no involved agency responded in objection to the Notice of Intent for Lead Agency;

WHEREAS, by letter(s) dated June 7, 2023, July 13, 2023 and August 25, 2023 (the “Engineering Review Letters”) the Engineer for the Town has reviewed the Site Plan Package and based on his review has determined that the Site Plan Package meet the engineering and State/Town standards for a solar voltaic system in the Town of Lysander but raised several questions to the Applicant (See Engineer’s Review Letters);

WHEREAS, on June 29, 2023 the Applicant responded to the questions and concerns raised by the Engineer’s Review Letter of June 7, 2023;

WHEREAS, in a letter, dated July 13, 2023, the Engineer for the Town indicated that he has reviewed the Stormwater Pollution and Prevention Plan, dated June 8, 2023, revised June 29, 2023, he raised several questions to the Applicant;

WHEREAS, in a letter, dated September 11, 2023, the Engineer for the Town indicated that he is satisfied with the responses from the Applicant to the concerns he has raised and offers several conditions and mitigation measures that must be met (the “Final Engineering Letter”);

WHEREAS, by resolution dated June 7, 2023 the Onondaga Planning Agency determined that the Project would not have an inter-county wide impact and offered several comments, comments are agreed to by the Planning Board;

WHEREAS, on August 14, 2023, at its monthly meeting, the Planning Board reviewed, discussed and asked questions to the Applicant regarding Part 2 of the Full Environmental Assessment Form (the “EAF”) and answered the 18 questions set forth therein based on the Project;

WHEREAS, for the reasons set forth in the minutes of the August 14, 2023 meeting, the presentation made by the Applicant, the natural slope of the land, the vacant lots recently subdivided that buffer the Property to the east and west of the site, the minimal impact of pole mounts and ground screws for the solar panels, the information on Part 1 of the EAF, the notes set forth on Part 2 of the EAF and the personal knowledge of the Planning Board members of the Project site, the Planning Board determined that there would be no environmental impact on Geological Features, Surface Water, Groundwater, Flooding, Air, Plants and Animals (there is no evidence of nesting/roosting of bald eagles and the Applicant will have to follow DEC laws related to Indiana bat), Open Space and Recreation, Aesthetic Resources, Critical Environmental Areas, Transportation, Energy, Noise/Oder/Light, Human Health, and Consistency with Community Plans;

WHEREAS, the Planning Board did discuss potential environmental impacts as follows: (i) Impact on Land; (ii) Impacts on Agriculture; (iii) Impacts on Historical and Archaeological Resources;

WHEREAS, of the potential environmental impact set forth in the previous paragraph, the Planning Board determined that the standards set forth in the EAF sub-questions indicated “no, or small impact may occur”, for the following reasons: (i) as to Impacts on Historic and Archeological Resources, the Applicant has provided a letter from the Office of Parks, Recreation and Historic Preservation indicating that there is no impact on archaeological concerns; and (ii) while high quality and productive farmland will be used by the Applicant, the amount of land (47 acres) is immaterial in the context of productive farmland available in the Town and the fenced in 26 acres will not be “irreversibly converted” away from farmland given the nature of a solar farm’s life expectancy of 25-30 years;

WHEREAS, the State of New York has adopted the 2015 New York State Energy Plan, which sets forth various renewable energy goals for the State;

WHEREAS, on July 18, 2019, the Climate Leadership and Community Protection Act (Climate Act) was signed into law which was among the most ambitious climate laws in the world and requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels. <https://climate.ny.gov/>

WHEREAS, the Planning Board agrees with the goals set forth in these and all the State policies on renewable energy and encourages the production of renewable energy in the Town of Lysander;

WHEREAS, based on the review of the Site Plan Package, Part 1 and Part 2 of the EAF, the Planning Board’s familiarity of the Project Site, the Town’s Comprehensive Plan, the zoning designation of the Property as Agricultural, the comments received by the public, and all of the Recitals stated above, the Planning Board hereby makes the following **FINDINGS and DETERMINATIONS**, which will be added as a supplement to the EAF Part 2 and 3:

1. **FINDING and DETERMINATIONS:** The above recital paragraphs serve as the basis for the FINDINGS and DETERMINATIONS set forth herein and are made part of these FINDINGS and DETERMINATIONS.
2. **FINDING and DETERMINATION:** The Project is consistent with the State policy goals to develop renewable energy opportunities and reduce the use of fossil fuels and will be a benefit to the Town, County and State.
3. **FINDING and DETERMINATION:** The SWPPP presented to the Planning Board and reviewed by the Town Engineer addresses the concerns raised by members of the Planning Board related to erosion, especially during the construction phase of the Project for the Town, and the conditions and mitigation measures set forth in the Final Engineering Letter shall be met.
4. **FINDING and DETERMINATION:** The impacts on the land will be minimal because of the nature of constructing of the screw driven panel mounts that would be placed on the Property thus reducing the impact on the surface area of the land.
5. **FINDING and DETERMINATION:** Based on the Application and Site Plan Package, the amount of land that will be disturbed (approximately 26 acres) is minimal in the context of the size of the Property (47 acres) and because the Project will be situated, to the greatest extent possible, away from residential homes and be buffered to the east, west and south by relatively large vacant parcels and the north by North Hayes and Cold Springs Road.
6. **FINDING and DETERMINATION:** Based on the placement of the solar farm on the Property and the Glare Analysis prepared by ForgeSolar on behalf of the Applicant the 12,000 +/- solar modules will be buffered from most public right of ways and residential homes and will have very little visual impact.
7. **FINDING and DETERMINATION:** The Applicant will stockpile soils on the site to mitigate the impacts on Agricultural land.
8. **FINDING and DETERMINATION:** The wetland delineation report October 2020, for the site does not show any impacts on potential federal wetlands thus alleviating any environmental concerns as it relates to impact on surface water.
9. **FINDING and DETERMINATION:** The letter from Applicant, dated September 11, 2023, addressing the concerns raised by the Engineer for the Town have been sufficiently addressed to make the SEQRA determination set forth in this Resolution.
10. **FINDING and DETERMINATION:** The Final Engineering Letter from the Engineer from the Town satisfies the requirements of SEQRA, as long as the conditions and mitigation measures set forth therein are met by the Applicant.
11. **FINDING and DETERMINATION:** The Applicant, during the Site Plan approval process will be required to place any interconnect wires on ground mounted facilities that will be screened, or underground, as allowed by National Grid and to the satisfaction of the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, that having reviewed the EAF and relating it to the criteria set forth in Section 617.8(c) of the SEQRA regulations, having held the public hearing and making the Findings and Determinations contained in this Resolution, the

Planning Board hereby issues a Negative Declaration under Article 8 of the Environmental Conservation Law;

BE IT FURTHER RESOLVED, that the Lead Agency is the Planning Board of the Town of Lysander, with a mailing address of 8220 Loop Road, Baldwinsville, Town of Lysander, New York;

BE IT FURTHER RESOLVED, that the Project is a Type I Action under SEQRA;

BE IT FURTHER RESOLVED, that the proposed Action is located at 3400 Cold Springs Road, Lysander New York;

BE IT FURTHER RESOLVED, that this Resolution be appended to the EAF Part 2 and Part 3 and made a part thereof;

BE IT FURTHER RESOLVED, that Secretary to the Planning Board is hereby directed to file this Negative Declaration with the appropriate entities as set forth under 6 NYCRR Part 617.

5 Ayes -- 0 Noes

PUBLIC HEARING -- 7:00 p.m.

- | | |
|------------------------|-------------------------|
| 1. Controlled Site Use | 3354 Cold Springs Solar |
| Case No. 2023—005 | 3400 Cold Springs Road |

The Public Hearing opened at 7:07 p.m.

There being nothing additional from the applicant's representatives and/or the public, the Public Hearing closed at 7:07 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the July 13, 2023 and August 14, 2023 Planning Board meeting.

RESOLUTION #2 -- Motion by Corey, Second by Kimball

RESOLVED, that the Minutes of the July 13, 2023 regular Planning Board meeting be approved as submitted.

5 Ayes -- 0 Noes

III. OLD BUSINESS

- | | |
|------------------------|-------------------------|
| 1. Controlled Site Use | 3354 Cold Springs Solar |
| Case No. 2023—005 | 3400 Cold Springs Road |

Marc Kenward, Erdman Anthony, stated that they have not made any updates to the Cold Springs Solar Site Plan since the last meeting nor have we received any review comments.

Karen Rice, Clerk, stated that we received an email today from Al Yager, Town Engineer, however it was addressed to the Planning Board and not the applicant with a copy to Terrance Nolan, New Leaf Energy..

A copy was provided to the applicant's representatives.

There is a letter on file prepared by Al Yager, Town Engineer, dated September 11, 2023, that will be made part of the public record, in part:

I have completed my review of the revised Site Plan with a revision date of June 29, 2023, Stormwater Pollution Plan (SWPPP) dated June 8, 2023, Landscaping Plan dated July 12, 2023 and view shed analysis for the above referenced project. I have no further engineering related comments at this time. I would recommend that the Board consider requiring the applicant to provide galvanized chain link fencing for the project as the proposed wire mesh fence with yellow pine posts will deteriorate very quickly.

Any remaining engineering comments with regard to the required SWPPP revisions will need to be made by the applicant prior to the Town Supervisor signing the MS4 SWPPP Acceptance Form.

I have no other comments at this time and would not be opposed to the Planning Board approving the Site Plan with any contingencies the Board deems appropriate.

John Corey, Chairman, stated that the idea of the galvanized fencing vs post and wire...you used galvanized fencing for West Genesee

Mr. Kenward stated that that was so we could inter-twine the HedgeLink screening. We are not proposing any of that screening at the Cold Springs Site. The woven wire fence with the pine posts at the West Genesee site has a more rural look to it, like livestock fencing as opposed to the chain link that has a more commercial look to it. In reviewing the specifications it does not indicate whether it's treated or not treated, we just call out 'Southern Yellow Pine Posts'. We are using a metal post for the gate posts. I would suspect for it to be long-lasting it would have to be pressure treated.

Steve Darcangelo stated that he appreciates Al's comments, but I've seen both, it's just a personal preference...the farm fence is preferred to me, however it's truth though, the pine posts will probably not last the life of the array. You would be obligated to maintain the fence, even if they are pressure treated, and I hope they would be, because if you put in yellow pine posts they would only last 5 to 7 years, but if it is pressure treated posts you should get a fairly good life out of it, but I would not expect it to last 25 years and you'd be obligated to replace it. Chain linked fencing does really give it a commercial look...but that's just one person.

Mr. Corey concurred stating that was our concern, durability of material.

Mr. Kenward stated that they can make sure its pressure treated. I would recommend pressure treated for ground contact.

Mr. Corey concurred.

Terrance Nolan, New Leaf, stated that the request for pressure treated and the obligation to maintain makes sense to us.

There being nothing further, Mr. Corey read the proposed Resolution into the record:

RESOLUTION #2023--003 of September Motion by Corey, Second by Kimball

The **TOWN PLANNING BOARD OF THE TOWN OF LYSANDER**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 11th day of September, 2023, at 7:00 p.m. The meeting was called to order by John B. Corey, as Chairman, and the following were present, namely:

John B. Corey	Chairman
Hubert D. Kimball	Member
Steve Darcangelo	Member
Doug Beachel	Member
Matthew Hunt	Member

Absent: None

WHEREAS, 3354 Cold Spring Solar, LLC (the “Applicant”) is proposing the construction of a ground mounted photovoltaic solar energy generating facility generating 5 MW AC, with approximately 11,928 panels located at 3400 Cold Springs Road, Baldwinsville, New York (tax ID: 064-03-02.1) (the “Project”). The Project is situated on a 47-acre parcel and the solar panels will take up approximately 25.13 acres of the parcel (the “Property” or “Project Site”).

WHEREAS, the Applicant, through its engineers Erdman Anthony, has submitted a site plan package (the “Site Plan Package”) entitled Site Use Permit Set, for a 5 MWAC Rated Solar, which consists of the following Sheets: Title Sheet – T1; Existing Conditions C-1; Tree Clearance and Demolition Plan C-2; Layout and Material Plan C-3; Grading and Erosion Control Plan C-4; Grading and Erosion Control Plan Blowup C-4.1; Civil Details 5.0; Civil Details 5.1; Landscaping Plan 6.1; Project No. 22-0469, dated April 27, 2023 and last revision June 29, 2023, and a Stormwater Pollution and Prevention Plan (SWPPP), dated July 11, 2023 and a ForgeSolar Glare Analysis, created May 30, 2023 and updated May 31, 2023, consisting of 7 pages, (all said document hereinafter referred to as the Site Plan Package);

WHEREAS, the Planning Board and its engineer have reviewed the Site Plan Package and have considered it in relation to the SEQRA review and findings set forth herein;

WHEREAS, on September 11, 2023, the Planning Board determined that the Project would not have a significant environmental impact and issued a Negative Declaration under SEQRA pursuant to the Resolution attached hereto;

WHEREAS, on September 11, 2023, the Planning Board re-opened its public hearing, which was continued from its August 14, 2023 meeting, and received public comment for and against the Project;

WHEREAS, based on the Engineering Letters from the Town Engineer, dated the 11th day of September, 2023 (the “Engineering Letters”), the Planning Board believes that the Project meets all of the requirements of the Town Code;

NOW, THEREFORE BE IT RESOLVED that the Planning Board hereby approves the Site Plan Package with the following conditions, and no building permit can be issued until these conditions are met:

1. All the conditions and mitigation measures set forth in the Engineering Letters shall be met.

2. Applicant shall work with National Grid and the Engineer for the Town to reduce the number of telephone poles for the Interconnect site to one and the rest of the lines shall be ground mounted (and screened) or underground, to the extent National Grid allows. In the event National Grid requires more than one pole, all the poles shall be screened to the satisfaction of the Engineer for the Town.

3. No chemicals will be used to clean the panels.

4. All soils shall be stockpiled on site to be resettled on the property once the project is de-commissioned.

5. An escrow account shall be established in an amount to be determined by the Engineer for the Town for the purpose of ensuring that the Landscape Plan approved as part of the Site Plan Package is followed; as well as the perimeter fencing and any applied screening are maintained. The Town Engineer shall notify the owner of any plantings or fencing issues that need to be addressed or maintained within 30 days of completing the annual inspection. The Owner shall have 6 months to replace any plantings or fencing identified in the Town Engineers letter or the site plan approval for the project will be considered void and the Owner will need to decommission the site.

6. All comments of the Onondaga County Planning Agency in its letter, dated the 7th day of June 7, 2023.

DISCUSSION:

Mr. Nolan stated that the clarity on what National Grid will permit with respect to the poles is one that we will be correspondence with the Town Engineer on. That’s the condition on the ground-mounted versus the above-ground poles. I understand the issue there, just highlighting that we will have some kind of correspondence with National Grid on and share that with the Town so that you understand what their position is on that.

5 Ayes -- 0 Noes

New Leafe Representatives thanked the Board for their time.

2. Controlled Site Use	West Genesee Road Solar 1, LLC
Case No. 2023—004	1235 West Genesee Road

Kacey Rose, Erdman Anthony, stated that the only modification on the Site Plan is that the battery storage has been removed.

There was some discussion as to whether battery storage can be added at a later date.

It was determined that if battery storage is ever proposed it would have to come back before the Planning Board.

John Corey, Chairman stated that the Town Board is in the process of putting in place a moratorium on battery storage because we have laws on the books in regard to battery storage, not just for Solar Farms but battery storage for other applications. We know the State has a working group that is currently looking at this issue because of the recent fires.

Steve Darcangelo stated that apparently it has been determined that it's economically feasible without battery storage and questioned if one would be added down the road.

Terrence Nolan, New Leaf, stated no, we do not.

Marc Kenward stated that it would be much more difficult because we didn't just eliminate the batteries, we eliminated the equipment pad areas.

John Corey, concurred stating that there's a letter on file prepared by Al Yager, Town Engineer, dated September 11, 2023, that will be read into the public record, in part:

I have completed my review of the revised Site Plan with a last revision date of August 28, 2023, Stormwater Pollution Prevention Plan 9SWPPP), dated August 2, 2023 and view shed analysis for the West Genesee Road Solar I project.

The applicant has also provided structural analysis for the proposed chain link fence with 'hedgeline' screening that indicates a 30" diameter concrete foundation will be required for each fence post. A foundation detail showing the 30" diameter concrete foundation will need to be included in the building permit plans. I would recommend that the Board consider requiring additional screening on the northern property line of the residential parcel surrounded by the project and to consider requiring an additional row of evergreen trees outside the fence along the northern and eastern project limits in addition to the "hedgeline" screening.

A remaining engineering comments related to the required SWPPP revisions will need to be made by the applicant prior to the Town Supervisor signing the MS4 SWPPP Acceptance Form.

I have no other comments at this time and would not be opposed to the Planning Board approving the Site Plan with any contingencies the Board deems appropriate.

Mr. Kenward asked for clarification with regard to: *additional screening on the northern property line of the residential parcel surrounded by the project and consider requiring an additional row of evergreen trees outside the fence along the northern and eastern project limits in addition to the 'hedgeline' screening.* Did he mean the western project limits because the 'hedgeline' is on the northern and western side, not the northern and eastern?

Mr. Corey stated that he would assume he means where you have the 'hedgeline'.

Mr. Kenward stated that he made that comment before and our response to him has been, adding a row of trees between the fence and hedgerow will eventually impede on the 10' of clearing that you need between the fence and the 'drip line' of trees. There needs to be a 10' space maintained to drive around. I'm concerned if we try to successfully plant trees between the 'hedgeline' (unclear) which is 95% ok because the sunlight doesn't pass through it; the northern side is never

going to see any sunlight so it's going to be hard to get them going and it would adversely affect the clear zone that we have between the existing hedgerow and the fence.

Mr. Corey stated that he believes the concern was the idea that the primary screening on that side, besides what you're putting up with the fence, is insidious trees that in the wintertime provide no screening, during the summer some screening, but even in the Summer there's not full screening. Maybe he's looking for selective plantings to form a year round type screening.

Mr. Darcangelo stated that the adjacent property shows a two-story house.

Mr. Kenward concurred stating that he has asked for screening there before and our response has been that that is the landowner's house, they still own it but they have a tenant. If he ever sells that property off the person who buys it is aware that there is a solar array around him. There's quite a bit of vegetative screening there now at the rear of the residential property plus we have some topsoil storage there that will be four or five feet in height.

Mr. Darcangelo stated that he's not talking about the parcel along Route 370/West Genesee Road; I'm looking at the parcel that has a two-story framed house on Fenner Road.

Mr. Nolan stated that he believes Mr. Yager was talking about the parcel that will be surrounded by the solar array, the tenant house.

Mr. Corey stated that he thinks he's referring to is the northeast corner, there's a gap after the tree plantings you show, we're trying to provide full screening from that house I think he's referring to that gap right there. If you could put some additional...

Mr. Kenward stated that they can push the trees up to the hedge row and put the bushes/shrubs on the south side to fill in the gaps to help fill in the gaps.

Mr. Corey concurred, stating that that would work and perhaps moving some arrays to the south, closer to the tenant house.

Anthony Fusco, Fenner Road, questioned if the suggested changes will be reviewed again before approval.

Mr. Corey stated that in all likelihood we're going to approve it tonight that cover these things that we've discussed so that no maps, site plans can signed, no permits can be issued, etc... until all of these things are in place and agreed to.

Mr. Nolan stated that one of the changes is we're talking about pulling four rows of arrays away from your property line and filling that gap in.

Mr. Kenward added...moving the fence line down and adding more vegetative screening.

Mr., Fusco questioned the landscaping on Fenner Road, as to how high the trees are that you're proposing to put in there.

Mr. Kenward stated that he believes we had to go to 7 to 8 foot trees for the initial planting, 7 to 8 is what is shown on the current plan, going in front of an 8' size fence; plus shrubs to fill in any gaps. The visual simulations are based on that; which also includes anticipated growth in 2, 5 and 10 years.

Mr. Fusco asked for clarification on the screening of the poles; more particularly, are the poles for the connection point like the normal poles we see on the street right now.

Mr. Kenward concurred adding that the poles will be on West Genesee Road, not Fenner Road.

Mr. Fusco questioned if you were pursuing with Niagara Mohawk/National Grid the same kinds of things as with the other Solar Farm, above ground...

Mr. Corey stated that the Board will be requiring that.

Mr. Nolan stated that there is 'screening' language as was done with the other project which will require review and discussion with the Town.

Mr. Corey read the proposed Resolution into the record:

RESOLUTION #2023--004 of September Motion by Corey, Second by Kimball

The **TOWN PLANNING BOARD OF THE TOWN OF LYSANDER**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 11th day of September, 2023, at 7:00 p.m. The meeting was called to order by John B. Corey, as Chairman, and the following were present, namely:

John B. Corey	Chairman
Hubert D. Kimball	Member
Steve Darcangelo	Member
Doug Beachel	Member
Matthew Hunt	Member

Absent: None

WHEREAS, West Genesee Road Solar 1, LLC (the "Applicant") is proposing the construction of a ground mounted photovoltaic solar energy generating facility generating 5 (or 2.9 per Site Use Permit Set) MW AC, with approximately 8,400 panels and a coupled battery storage system (the battery units will be mounted to concrete pads) located at 1235 West Genesee Road, Baldwinsville, New York (tax ID: 033-02-03.2) (the "Project"). The Project is situated on a 31.7-acre parcel and the solar panels will take up approximately 17.11 acres of the 31.7 parcel (the "Property" or "Project Site").

WHEREAS, the Applicant, through its engineers ERDMAN ANTHONY has submitted a site plan package (the "Site Plan Package") entitled SITE USE PERMIT SET 1235 West Genesee Road, Lysander, NY, 2.90 MWAC Rated Solar + Storage Electric System, which consists of the following Sheets: Title Sheet T-1; Existing Conditions C-1; Tree Clearance and Demolition Plan C-2; Layout and Material Plan C-3; Delivery Truck Access Plans C-3.1, Grading and Erosion Control Plan C-4; Grading and Erosion Control Plan C-4.1; Civil Details C-5; Civil

Details C-5.1; Driveway Permit Details C-5.2; Driveway Permit Details C-5.3; Driveway Permit Detail C-5.4; Landscaping Plan C-6, Project No. 220469, dated April 27, 2023 and last updated August 28, 2023;

WHEREAS, the Planning Board and its engineer have reviewed the Site Plan Package and have considered it in relation to the SEQRA review and findings set forth herein;

WHEREAS, on August 14, 2023, the Planning Board determined that the Project would not have a significant environmental impact and issued a Negative Declaration under SEQRA pursuant to the Resolution attached hereto;

WHEREAS, on August 14, 2023, the Planning Board re-opened its public hearing, which was continued from its July 13, 2023 meeting, and received public comment for and against the Project;

WHEREAS, based on the Engineering Letters from the Town Engineer, dated April 6, 2023, June 7, 2023, July 13, 2023 and August 14, 2023 (the "Engineering Letters"), the Planning Board believes that the Project meets all of the requirements of the Town Code;

NOW, THEREFORE BE IT RESOLVED that the Planning Board hereby approves the Site Plan Package with the following conditions, and no building permit can be issued until these conditions are met:

1. All the conditions and mitigation measures set forth in the Engineering Letters shall be met.
2. Applicant shall work with National Grid and the Engineer for the Town to reduce the number of telephone poles for the Interconnect site to one and the rest of the lines shall be ground mounted (and screened) or underground, to the extent National Grid allows. In the event National Grid requires more than one pole, all the poles shall be screened to the satisfaction of the Engineer for the Town.
3. No chemicals will be used to clean the panels.
4. All soils shall be stockpiled on site to be resettled on the property once the project is de-commissioned.
5. An escrow account shall be established in an amount to be determined by the Engineer for the Town for the purpose of ensuring that the Landscape Plan approved as part of the Site Plan Package is followed and such escrow account shall have sufficient funds to pay for the cost of an annual inspection to ensure that plantings set forth in the Landscape Plan as well as fencing and any applied screening are maintained. The Town Engineer shall notify the owner of any plantings or fencing issues that need to be replaced or maintained within 30 days of completing the annual inspection. The Owner shall have six months to replace any planning identified in the Town Engineers letter or the sit plan approval for the project will be considered void and the Owner will need to decommission the site.
6. Office of Parks, Recreation and Historic Preservation letter shall be supplied to the Engineer for the Town before a building permit can be issued.

7. All comments of the Onondaga County Planning Agency in its letter, dated April 26, 2023, shall be met.

8. The four (4) eastern most rows of panels be moved south approximately 60 to 80 feet to the satisfaction of the Town Engineer.

9. Adjust the fence line in the northeast corner accordingly to allow for additional vegetative screening.

5 Ayes -- 0 Noes

Mr. Fusco questioned where the water comes from to take care of the panels and how often do they have to be cleaned.

Mr. Nolan stated that typically the soiling that takes place is taken care of by rain water. There isn't a substantial effort to bring water in off site to do that. If they're soiled over time I guess you could bring in a water truck and clean it that way.

New Leaf Representatives thanked the Board for their time.

IV. OTHER BUSINESS

1. Major Subdivision—Final Plat Highland Meadows
Lots 26, 55 & 56 Giddings Trail

In an email dated September 11, 2023 was received from Al Yager, Town Engineer, stating that he has no concerns with the Highland Meadows Final Plat as presented.

RESOLUTION #5 -- Motion by Corey, Second by Kimball

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the three (3) lot subdivision application of Highland Meadows Development, LLC, for property located at Highland Meadows, Phase 3I, Lots 26, 55 & 56 Giddings Trail, Part of Farm Lots No. 78 & 79, Part of Tax Map Number 049.2-03-06.4 and finding that all modifications and conditions have been met; and that the Final Plat is consistent with the approved Preliminary Plat; and that any differences found are not significant; the Board authorizes the Chairperson to waive the Final Plat Public Hearing and sign the Final Plat.

5 Ayes -- 0 Noes

2. Site Plan Approval—Apartments Shanahan, Robert/Greentree Capital
Case No. 2023—008 Longview Apartments
River Road

Julian Clark, Plumley Engineering, stated that they'd like to update the Board since their last visit before the Planning Board to changing the subdivision lay-out from single family residential building lots to apartments. We are proposing seventeen (17), ten (10) unit apartments, six (6) garages on the first floor with two apartments and two (2) levels of four (4) apartments. Phase I of the subdivision has nineteen (19) lots and a couple hundred feet of road, Longview Terrace. The plan is to connect to River Road, loop into the property and connect into Longview Terrace,

which was just constructed. Some of the topics that were brought up at the last meeting were traffic; we had a Traffic Study completed and that Traffic Study has been provided to the Town Engineer and County. We have not received any feed back from either. There are wetlands on the site, Federal Wetlands, we have a permit to disturb the wetlands and we're actually going to have less disturbance with this lay-out than we had with the original. We are working with the Town Engineer on our SWPPP and Contract Drawings.

John Corey, Chairman, questioned if this has been run by Radisson.

Mr. Clark stated that they have, they're not opposed.

Mr. Corey stated that the Board will need a letter from Radisson in affect saying that they're not opposed. We know apartments are allowed there, that's an allowed use, but we won't proceed with anything until Radisson has singed off on the perspective of allowing it, architectural standards, visual, etc...

Mr. Plumley stated that that's a whole separate process they have to go through. They already have some Architectural Controls set up with the residential portion of the project.

Hugh Kimball questioned how many places does the road connect to River Road.
Mr. Clark stated that there will be one additional connection.

Matt Hunt questioned if it will connect to the Boat Launch area.

Mr. Clark stated that there will be a path.

Mr. Clark was hoping to get the process going, send the application to County, start the SEQR process or would you rather have the letter from Radisson first?

Mr. Corey stated that he was under the impression that this was for information only as a formal application has not been submitted.

Mr. Clark stated that they made application back in April.

Karen Rice, Clerk, stated that they have completed the application, we are waiting for the Long EAF and fees have to be assessed. We can get it going and I can get it to County once the EAF is received.

Mr. Clark stated that they're comfortable in proceeding. There is one thing we'd like to bring up; we have provided 269 spaces for parking. If you figure 1.5 spaces per apartment that would be 255, so we have excess there. If you count the spaces in front of the garages we'll have over 300 which would be more than 2 per unit; we just want to make sure you're comfortable with that.

Steve Darcangelo questioned what the Code says.

Karen stated that Radisson has their own rules and regulations, so we'll have to look into that.

Mr. Clark concurred stating that when we did the Silverwood Apartments we did 1.5 spaces per apartment, but those apartments were considered 'elderly', so I'm not sure you would hold that same thought.

Mr. Darcangelo reiterated that there's a possibility of 200 plus cars there and the Traffic Study didn't have any problem with that.

Mr. Clark concurred stating that it was based on the Seventeen (17) units. It's just the parking requirement that I want to make sure we're on the same page for.

Doug Beachel stated that it's whatever our standard is, whatever we approved for NYS Route 31 and Drakes Landing, that would be a good benchmark.

Hugh Kimball stated that you might want the Fire Department to take a look at it in terms of turn-arounds and so forth.

Mr. Clark concurred asking if the Board sends it to them..

Karen stated that we don't have any hard copies, only a pdf. If you could provide some paper copies that would be great.

Mr. Clark thanked the Board for their time.

3. Info Only	Gilbert, Michael & Caitlin
Former Case No. 2022—005	Abbott Hicks Road Subdivision

Mike Gilbert stated that he and his wife Caitlin are in the process of purchasing Lot 1 of the Abbott, Hicks Road, Minor Subdivision.

Mr. Gilbert provided a letter to the Clerk, that that was forwarded to the Board members giving a history of the Minor Subdivision application and what they're trying to achieve before finalizing the purchase.

Mr. Gilbert stated that the map that they were given when they put in their purchase offer was not the map that was ultimately filed with the Onondaga County Clerk's Office. The map that was filed shows a 60' access easement between the two lots with a notation that it must be a shared access. We'd like the Board to consider moving that 60' access easement to remnant piece somewhere else on that 25 acres that's remaining. They want all of the traffic to that 25 acres, plus Lots 1 & 2 to share that access. We've talked representatives from the County (Onondaga County Department of Transportation) who are familiar with the area. There's no turns or bends and there's adequate sight. We would like the Board to consider that as well.

There was some confusion as to what was actually approved as there were several different lay-outs proposed.

Mr. Gilbert provided a copy of the filed tract map as the Town hasn't received their copy back yet from the County.

Mr. Gilbert continued stating that they have offered to buy that 60' access easement so that the two lots abut each other.

Steve Darcangelo stated that he recalls that that 60' strip was intended to be a possible Town road.

Karen Rice, Clerk, concurred stating that the Gilberts want it moved to the south closer to the intersection.

Mr. Gilbert reiterated that Mr. Abbott has agreed to sell that portion to us. The County sees no reason with the sight lines, the elevations, no bends in the road...they actually said they could possibly get three driveways in that distance; but without me providing a building plan they can't put it in writing that they're going to give me a driveway.

John Corey, Chairman, questioned what the intention would be if the lots abut...you'd each have your own individual driveway with the potential for three additional curb cuts.

Mr. Gilbert concurred.

Mr. Kimball reiterated that you're not interested in sharing a driveway with Lot 2.

Mr. Darcangelo stated that the intention wasn't to necessarily share a driveway, the intention is for that to be a road.

Karen: Right, but they did want them to also use that for their driveway.

Mr. Darcangelo: Correct, their driveway would come off of that road. You're not sharing a driveway, you're sharing an access road.

Mr. Gilbert stated that he was under the impression that when he purchased 2 ½ acres I'd get a driveway on my property. From talking to the County there's really no reason not to move that road down. Mr. Abbott has no plans...

Mr. Darcangelo recalled that we talked about a road and that's where he showed it.

Karen: He just agreed to it, he didn't care where it was as long as there was access to the remnant piece.

Mr. Darcangelo stated that he doesn't care either, as long as there is one left.

Mr. Gilbert stated that originally he had four lots proposed, two behind the road front lots.

Mr. Corey questioned what the Gilbert's want from the Board; the idea that we would consider moving that road for you, then you'd come in and we'd have to do an amendment to the subdivision?

Karen: We could amend it or do a Division of Land because you're just moving a lot line, you're not creating a new lot. It wouldn't have to come back before the Board. We'd do it administratively. I don't think you should close until that's done thought.

Sheila Collins, Robert Jokl, Esq, stated that the reason we are here tonight is because Mr. Abbott is pushing that we close immediately. Obviously we have been pushing him off because of the uncertainty of this access easement. I spoke to him personally and he claimed that he didn't want the easement; that the Town put it there and he didn't know why. He also stated that he has no intention of maintaining it or doing anything to it. He knew we were coming before the Board to speak to you about this. Basically before we close we just wanted a little bit, maybe certainty, that if Mike and Caitlin purchase the additional 60' and increase their lot we

could move the easement. Initially it was going to be a shared driveway, but at some point that easement becomes a road to whatever the remnant parcel is. If they both start developing within the next couple of years it will be a shared driveway for them until it becomes a road, but who knows when that will be. So, before they close they just wanted to make sure that the easement would get moved and that they could have their driveway and not share. Because we're afraid that if they close tomorrow on that and made an application to the Town and you guys said, no...

Mr. Darcangelo stated that the applicant mentioned that he'd like to develop this entire parcel back here (indicating on plan). In doing so there was some discussion that said you would need to provide access to that and that is when he came back...

Ms. Collins stated that she believes the recommendation was made by Al Yager. The application that Mr. Abbott submitted did not have an easement. It was Mr. Yager that said you need access to the remnant parcel and that's why he stuck it there. They're just asking if the Board would agree to just moving the access down farther so that the main road into the 25 acres isn't between the two lots.

Mr. Darcangelo stated that he wouldn't have a problem with that but then the buyer of Lot 3 may come in and say I don't want that...

Karen: We have both buyers here tonight.

Kevin Sciarrino stated that he doesn't care if he has a road adjacent to his property as long as he has his own driveway.

Mr. Darcangelo stated that this is why subdivisions should come to us with some sort of build-out, rather than just throw in two lots.

Mr. Gilbert stated that he'd like to build a very nice house there and not knowing what's going to run up the side?? My setbacks...I don't know, I just want you guys to consider...I believe he's on board to sell me that.

Karen concurred, stating that we have an email from him saying the 60' future road easement shown on the remainder portion of the lot is ok with him if the buyer is willing to go through the Town's process. He doesn't mind you moving it. He just needs access because not only does he own that remnant piece he has property on Doyle Road that's going to be developed and you're not going to get a road off of Doyle that close to the intersection.

Mr. Kimball stated that it's a little confusing as to how he wrote it because he says, he suspects the Town to require one curb cut to both lots.

Karen concurred stating that you know how the Town likes shared driveways, but if the County is going to give them each their own driveway cut...

Doug Beachel stated that he believes this location was chosen so that it was as far away from the intersection as possible.

Karen concurred, but do you remember Warren coming back with there's plenty of sight distance right there...they did talk that back and forth.

Mr. Beachel stated that Warren's not the DOT...

Mr. Gilbert stated that the DOT is saying that there's nothing here screaming that there couldn't be three curb cuts.

Mr. Kimball stated that we can't just automatically move an easement on Warren's property either.

Mr. Gilbert stated that he is willing to sell me the property, we're just looking for input as to how the Board feels about that.

Mr. Darcangelo asked who the easement is granted to, the Town?

Karen: No, it's just an access to his remnant piece and the 45 acres behind that that has frontage on Doyle. No easement language has been filed. In talking to Warren he indicated that he doesn't have an objection to it. He was under the impression that AI would push for the shared driveway, but you have to get County DOT to approve your driveway. Basically, these two couples want to close on the property and come back administratively and move that lot line over; but the map is going to have to show the 60' easement moved to the south.

Mr. Kimball stated that Warren was not available this evening as he is teaching a class with Mr. Darcangelo stating that he believes the current property owner should be the one coming back before the Board.

Karen stated that he indicated that he won't do that. I told him he was going to have the same situation with the next buyer.

Mr. Darcangelo concurred.

Mr. Gilbert stated that the property was put up for sale in 2022. The plan that was on the realtor's page didn't show that easement.

Mr. Corey stated that he doesn't think the Board has a concern about Warren Abbott moving that easement to the south of those lots; that's what he has to do, but he has to come back here for us to do it. If you go ahead and close you better make sure Warren is willing to sell you that land.

Mr. Gilbert stated that he's sure his attorney will lock that up beforehand.

Karen stated that when Warren comes back to develop the remnant piece the Board is going to require that 60' access easement.

Mr. Corey stated that once you conduct your transaction then there will be no access to the remnant piece.

Karen stated that the access will be the 600' he has remaining along Hicks Road.

Ms. Collins asked for clarification...the easement is basically for access between Lots 1 and 2 so people can cross over, Warren can cross over to his remnant piece, these two couples would use it to get on to their lot. Warren owns that easement right now. My question is, so that this is

done correctly, how does Mr. Abbott remove that easement when the Town put it there when they approved his final subdivision.

Mr. Darcangelo stated that that would be a question for our Planning Board attorney. I don't know the mechanism to do that. This property was subdivided in a manner that had an intention to it. Without knowing a full-site development he expressed that he wanted to develop this back parcel. At the same time he talked about selling the front parcels and the conversation came up that you would need to maintain access. We came to this location. If it were to be located somewhere else I wouldn't have a problem with it if it's done in a manner that protects these individuals who are interested in doing it and the easiest way to do it would be for the property owner to come in with a plan for developing the remaining property and then we would be able to see it. I guess he's not at that point.

Mr. Kimball stated that he can come in and show us a plan that shows the easement in another location and sell you this (indicating on plan) unencumbered.

Ms. Collins asked if Mr. Abbott is ok with moving the easement would you guys be agreeable to that.

Karen: If County DOT gives him a driveway cut for that easement yes, because it's intended to be a proposed road.

Mr. Kimball concurred stating that you will need three cuts instead of one. If County goes along with it we're fine with it.

Mr. Darcangelo concurred stating that personally he doesn't care where it is.

Mr. Corey stated that we're not the issue.

Mr. Gilbert questioned if Al Yager would be able to over-turn that.

Karen stated that Al doesn't vote, but he's a representative for the Board. His feeling is its good planning to not have multiple curb cuts along a stretch of road.

Mr. Corey stated that Hicks Road is a Collector road. Our Town Code requires us to take action that minimizes curb cuts on to Collector roads. He just makes recommendations to this Board, he doesn't necessarily tell the Board what to do, he makes recommendations. But, to get back to your question...would this Board be willing to consider an easement south, yes, if the County does, but the issue is the existing easement right there and how you protect yourself; and you're going to have to rely on Mr. Abbott to take care of that. Is there a filed easement?

Karen: No, not that I have found. Have the attorney's found one?

Ms. Collins: No

Mr. Darcangelo stated that if one hasn't been filed it doesn't mean anything, all that means is what was supposed to be filed.

Mr. Corey continued...until it's filed it's not there.

Karen stated that your new deeds may reflect it when the property changes hands.

Mr. Darcangelo suggested calling the surveyor as well to see if he filed a separate easement.

Doug Beachel stated that the filed tract map states that there will be only one curb cut for the two lots within the 60' access easement...technically if they refer to this map, they may say no to individual driveways.

Ms. Collins stated that Mr. Abbott should come back before the Board with a new map, assuming that there's an easement filed somewhere, that shows that easement moved and you would approve that?

Mr. Darcangelo stated that he could come back with a Lot Line Adjustment between those two lots. That lot line would be adjusted and a new easement would have to be shown elsewhere providing access. Truthfully, he owns this. He doesn't need easements to get to his property. He has road frontage. It's the fact that he told us his intention is to develop behind lots that he plans on developing the road frontage. He doesn't need an easement. He has access to his parcel.

Ms. Collings: But, based on what he told you at the time.

Mr. Darcangelo concurred stating that per that discussion we said we would approved it based on this understanding he would ultimately need an easement to get to those parcels.

The Board was thanked for their time.

V. ADJOURN

RESOLUTION #6 -- Motion by Darcangelo, Second by Corey

REOLVED, that the September 11,1 2023 regular Planning Board meeting adjourn at 8:30 p.m..

Respectfully submitted,

Karen Rice, Clerk