

# Town of Canton

## Planning Board Meeting Minutes

June 24, 2021

Municipal Building Board Room

60 Main St., Canton

Live Stream Via Zoom

6:30pm

### Members Present

Chairperson Michael Morgan; Debra Backus; Sigie Barr-Sapp; John Casserly; Betsy Hodge; William Myers (1st Alternate); Nicki Hayes (2nd Alternate)

Recording Secretary Jeni Reed

### Members Absent

None

### Others Present

Wayne Stripp, Pam Rose, Michael Frateschi, Eric Kenna, Ellie Stripp, Eric Gustafson, Miranda Corbine

### Call to Order

The meeting of the Town Planning Board was called to order at 6:38 pm by Chairperson Michael Morgan.

### Approval of Minutes

A motion was made by Debra Backus to approve the minutes from the [January 19, 2021](#) Town Planning Board Meeting. The motion was seconded by Sigie Barr-Sapp and carried.

### Agenda Items

#### 1. Review of Home Occupancy Application for 472 Judson St. Rd., Canton

- Kacie Brabaw is applying for a “home occupation by special permit” to provide private softball lessons from her home at 472 Judson St. Rd.
  - Lessons would be offered to local girls interested in improving softball pitching.
  - Lessons would be held outdoors in the yard, or inside an existing pole barn on her property in the case of inclement weather.
  - She would not be installing a sign, and the business would consist of 1 employee (herself), meeting with 1 client at a time for approximately 1 hour at a time, and only 1 client per day.
  - Ms. Brabaw’s home and property is zoned rural.
  - Ms. Brabaw was asked if the pole barn has two exits in the case of a fire, and was requested to provide drawings of the barn for the board.
- Per brief discussion with legal counsel Eric Gustafson, this matter requires a public hearing, which will be scheduled at the end of the current meeting.

## 2. Preliminary view of proposed Solar Project at 5779 US Route 11, Canton

- Proposed location for the Solar Project will abut the nearby cemetery and extend back from there.
- Eric Kenna from C&S (Engineering Firm) presented the preliminary discussion of the project:
  - Michael Frateschi from TJA Clean Energy (developers) - based out of New Bedford, MA; but Mr. Frateschi works for their Syracuse, NY office handling all NY projects.
    - Primarily solar farm developers
    - Proposing development of a community solar farm - create a facility to inject power into the grid, meter the amount of power, and offer those credits back to subscribers at a discounted rate.
    - Subscribers start locally and work outward through the utility load zone of the project.
  - US Route 11 - site will be Northeast of the cemetery and away from the road.
  - The array has been laid out to avoid certain wetlands on the property, as well as an existing stream and culvert.
  - Proposing a 16' gravel access road along the edge of the property and then into the field to access and turn around at two equipment pads where the inverters and some of the equipment will be housed. Provides access for emergency vehicles as well as maintenance.
  - 5MW AC facility - the pole line will be at the entrance to the gravel road, consisting of National Grid equipment to a certain point where it becomes customer equipment at one of the poles (to be determined).
  - Red areas included on map (provided to Board) indicate screened wetlands identified as Army Corps wetlands only (NOT DEC regulated).
    - Army Corps wetlands in open, unwooded fields, does not consider pile-driven installations such as this to be a "disturbance" of the wetlands.
  - Trying to keep the array on flatter, open ground and make best use of the land.
  - The array will run North-South and is a "tracking rack" system - the panels are designed to tilt with the sun and will move as the sun moves across the sky.
  - The majority of the land on the property is considered "prime if drained" farmland.
  - Details showing the racking systems, concrete pads, and gravel road have been provided to the board.
  - The company has supplied an EAF, an AG Data statement, and maps showing districts and neighbors within 500'.
  - Based on their research, there are no species of state- or federally-listed concern, endangered or otherwise, located in the proposed project area.
  - Will obtain documentation from the Army Corps indicating that they have no jurisdiction over the project, will file with SHPO, and will prepare a water-pollution prevention plan to be submitted to DEC due to disturbance of 1+ acres of land.
  - Parcel is rural-commercial and requires a site plan review and special use permit from the planning board as a major facility - as such would assume the Planning Board to be lead agency for SEQR review process.
  - Fenced area of the project takes up approximately 24 acres of land.
- Questions from the board:
  - Mike Morgan - issues with glare given the tilt of the panels?
    - Can provide a glare analysis, and will review glare from perspective of neighbors, main roads, etc., but as the panels lie flat during the day any glare would be directed back up. Also when tilted, any glare would tend to direct back into the ground. Panels are also coated with anti-glare and are dark colored, with the intent to collect as much energy as possible and lose as little as possible to glare. These panels are 'bi-facial' and collect energy from any angle of the sun. Can also reflect off the snow when needed and then panels will collect glare off the snow as well to increase production.

- Mike Morgan - All documents will be required (as discussed previously in the meeting) prior to sending the project to the consultant. Once the engineering and legal consultants have reviewed the project, the Planning Board will begin the application process in earnest.
- Reminder of the 1% (of projected construction value) fee requirement for escrow was given to the project managers.
  - Would cover costs associated with site plan approval, special use permitting, SEQR review, and code inspection during construction.
  - Do not anticipate spending the full amount of the escrow on consultant, attorney, and code officer's fees, so any remainder would be returned.
  - All movement on the project is contingent upon the Town Clerk receiving this fee.
- All additional documentation as needed should be available within the One Drive folder prepared by the developers for the consultant to review.
  - Should be able to look at it fairly soon.
- Developers requested a copy of "Request for Payment" so they can make an arrangement to provide the escrow payment.
  - Eric Gustafson indicated that they could work on a direct arrangement with the Supervisor for payment, as the escrow requirement is laid out in the Town's current Solar Law.
- Developers also will be filing a short form notice of intent with Ag & Markets very soon so they will be notified of the project.
- Debra Backus - asked if developers have our local law?
  - Need to make sure they provide all specifications for their decommissioning plan as indicated in the Town's local Solar Law pages 8-9.
  - Note that there are a couple of different methods for decommissioning in the town code, and at least one must be met.
- Debra Backus - Do we need approval from the division of cemeteries due to the project's contiguous location to an archival cemetery? The access road will be coming from Bridge St. and the property line is adjacent to the cemetery, although the actual installation is some ways away from the cemetery itself. The State Historic Preservation Office (SHPO) should take this into consideration during their review.
  - Requested Eric Kenna to draft a letter to the state division of cemeteries regarding this situation. May indicate that the Town owns the cemetery.
- Sigie Barr-Sapp - Have the developers considered livestock grazing vs. traditional mowing? It was shared that this decision will come down to the long-term owner/operator and financier of the project, but is considered on all their projects.
- Maintenance Frequency: slow-growth local pollinator which will be mowed 2-3 times per season, and snow plowing will only be done in case of emergency. Six poles will be owned by National Grid which will require snow removal. Operations Maintenance plan will be updated to include frequency.
  - The project will have "remote reclosers" which will be shut down by National Grid at any time a fire is identified.
  - Internally - any fires are generally self-contained and do not spread easily within the project.
- All power is directed to the grid - there is no battery storage.
- Not much need for buffer screening or any other type of screening around the project due to location and neighboring properties
- Would it be possible for the developers to provide their needed documentation within 1 month? They will provide whatever possible to the One Drive folder before that time.
  - Communication will flow directly between consultants and developers during the evaluation period to keep things moving appropriately.
- Board/Town would begin the SEQR process after the consultant reviews the SEQR and signs off.
- Developers are welcome to attend the next meeting or not, depending on what they will have ready.
- Mike Morgan will be in contact with the consultants and developers to prepare them to move forward.

- The board does not currently have any suggested changes to the layout of the project on the first glance.
- Debra Backus - Interconnect cables are above or below ground?
  - Connection to National Grid will be 6 above-ground poles, and then once it transitions to “customer-owned” the cables will run underground for the remainder of the project.
- Debra Backus - NY State Ag & Markets guidelines indicates that above-ground cables can create long-term interference with farm equipment, as such should be buried in agricultural fields wherever practical.
  - Ag & Markets will have direct review of this project and will provide comments as appropriate.
- Will also have to present a full-review to the County Planning Board due to the proximity to US Route 11.

### 3. Final review of Town Energy Storage Law (56:45)

- Timeline:
  - started with the Town assigning the law to the Planning Board
  - Planning Board met with the County Planning Board
  - Law reviewed by Eric Gustafson
  - Returned to Planning Board
  - Final version of the law to be on the July Town Board meeting
- Noted that no storage is currently required for any projects in the works, but anticipate this will be part of a project in the future.
- There is currently a Town moratorium on projects until the law is in place.
  - The Town is looking for blessing from the Planning Board of this law for their July Meeting.
- County planning board changes recommended - wanted to change definition between smaller and larger projects and which projects require Planning Review.
- Motion made by Debra Backus to approve the Battery Energy Storage System Law with all revisions suggested by the County Planning Board, May 14, 2021; 2nd by Sigie Barr-Sapp.
  - Noted that if all changes are incorporated, the statute will have to be amended and then a Public Hearing set.
- Discussion
  - Eric Gustafson - is the board comfortable with the different types of projects that require full planning board approval?
  - Tier I & Tier II - home mounted systems are still left out, correct?
    - Per Eric Gustafson - instead of taking it on size they are saying the Full Planning board should look at even small systems that are self contained.
    - This may force even modest projects to come for full approval just because it's in a self-contained building, instead of being handled by Code Enforcement.
  - Language to avoid these review requirements would be to remove all County Planning Board comments.
  - Given the building code requires fire suppression system, it may be best to allow the motion to die on the floor.
- Motion to approve the Battery Energy Storage System Law remained on the floor; based on discussion, all opposed. Motion denied.
- Reminder: Recommendations from the County Planning Board have to pass by supermajority
- Motion by Sigie Barr-Sapp to reject county planning board recommendation; 2nd from Betsy Hodge. Vote: 4 for; 1 opposed; motion carries.

## Other Items

- Solar consultant/attorney Bill Buchan will be voted on by the Town Board next week to approve contracting.
  - This will be only for solar project consultations
  - It is anticipated this will help a lot
  - 1% escrow will pay for this
  - Miranda's time will also be charged against the 1% escrow
- Meade Road Solar Project
  - No updates
  - Currently waiting on developer
  - Access road right of way never fully determined
    - Developers is in negotiations with neighboring landowner - everything is pretty much in place but still waiting on access to the land
  - SEQR will come back to board
- Miranda Corbine - everything is in full swing for building season, despite the high cost of materials
- A note from the Town Supervisor was shared, thanking all Planning Board members for their service

## Adjournment

A motion to adjourn was made by John Casserly, seconded by Sigie Barr-Sapp, and carried. The meeting was adjourned at 8:21 pm.

## Next Meeting

The next meeting of the Town Planning Board will be held on July 27, 2021, in the Municipal Boardroom of 60 Main Street, Canton, at 6:30pm beginning with a Public Hearing to address the matter of the Home Occupancy Application for 472 Judson St. Rd., Canton.

Date: July 10, 2021

Jeni Reed  
Recording Secretary