

# Town of Canton

## Planning Board Meeting Minutes

July 11, 2022

Municipal Boardroom - 60 Main Street, Canton

6:00pm

### Members Present

Chairperson Debra Backus, William Myers, John Casserly, Sigie Barr, Betsy Hodge, Eric Barr (Alternate)  
Recording Secretary Jeni Reed

### Members Absent

None

### Others Present

Code Enforcement Officer Michael McQuade; Solar Attorney Doug Warden (Snyder & Snyder) - Outside counsel for Cypress Creek; Applicant Jim Geddis (Cypress Creek - via Zoom); Barton & Loguidice Representatives Kayla Kibling and John Condino (via Zoom); Members of the Public Marin Syvertsen, Vicki McLain

### Call to Order

The meeting was called to order at 6:00 pm by chairperson Debra Backus.

### Approval of Minutes

Approval of the minutes from June 28, 2022 was deferred to when the minutes are available.

### Agenda Items

#### 1. Old Business

- a. Prior to any agenda item discussion, chairperson Backus discussed some concerns regarding the number of solar projects coming to the Planning Board and the capacity to handle them. Ms. Backus noted that on July 11, 2022 she sent the following email to Town Supervisor Mary Ann Ashley regarding the situation, who is looking to the Town Board to discuss the matter:

“I am concerned with the number of applications the town planning board is receiving for major solar systems. At this juncture, I do not know how the town planning board would be able to deny a permit, given the applicant abides by our law, without our decision being viewed as arbitrary or capricious. Therefore, I am requesting the town board revise the local law entitled "Town of Canton Local Law to Regulate Solar Energy Facilities in the Town of Canton" to specifically state where major solar facilities will be allowed in the township of Canton.

The town planning board is in a difficult situation when our local law permits major solar systems through the issuance of a special permit in commercial and rural zoning districts, but the SLC Planning Board does not. The SLC Planning Board has disapproved major solar systems permits when the project is on prime, or prime if drained agricultural land. Moreover, our solar attorney believes ".. the landowner has

the penultimate right to determine how his/her land is used, subject only to prohibitions set forth in law, not mere policy."

Therefore, I am requesting your immediate attention to my request to revise our local solar law. Given our solar law as written, the town of Canton's future is looking very solar and very little agriculture. I am looking forward to your guidance on this issue of utmost importance. Thank you. Debra Backus"

## 2. New Business

### a. Discussion of Proposed Solar Project at 6578 County Route 27, Canton

- It was indicated that the property in question is currently owned by Viking Knoll Trust, and the project will utilize approximately 22 acres of a 112 acre parcel. The parcel is zoned rural, and located within the agricultural district, where it is currently used for haying.
- Per page 7031 of the Town of Canton Zoning Code, the proposal requires a site plan review and a building permit. The town board has directed the town planning board to be lead agency for SEQR projects pertaining to solar projects in the town. This is a type 1 SEQR action because it involves more than 25 acres, and, therefore, requires a full SEQR and coordinated review with involved and interested parties. The project is in an agricultural district and is currently used for agricultural purposes, specifically hay production.
- Per Zoning Law 70-24, page 7019, the proposed project is in a rural zone and a major solar system is permitted in this area with a site plan review and a special permit.
- This is a pre-application conference for this project.
- On 4/1/2022 the project was reviewed by the County Planning Board due to its location within 500 feet of a right of way of a county highway and its use as a farm operation in an agricultural district. The County denied the proposal and returned it to the Town Planning Board for further review. This denial can be overturned by a majority plus one vote of the Town Planning Board.
  - During his presentation, Solar Attorney Doug Warden (outside counsel for developers Cypress Creek) addressed this denial.
    - It was noted that the denial was based on the County's preference to not utilize more than 10% of prime agricultural land in a parcel for such a project.
      - Mr. Warden indicated that 13-29% of current solar projects in the County do not meet that standard.
    - Mr. Warden also stated that the decommissioning plan confirms that the parcel will be returned to its original state, which is guaranteed by the bond put in place.
- A presentation of the project was provided by Solar Attorney Doug Warden, outside counsel for Cypress Creek, the developer of the proposed project.
  - Mr. Warden indicated that the proposed project will utilize 22 acres of a 117 acre parcel.
  - The project is a small, community solar project of 4 MW.
  - Regarding potential wetlands on the project site, the developer is completing their coordination with the DEC.
    - A site visit has been completed and site plans have been updated at this time.
    - The developers are incorporating DEC recommendations regarding construction vehicles.
  - The State Historic Preservation Office (SHPO) has confirmed there are no adverse impacts for this project.
  - Fish & Wildlife has indicated that no regulated endangered species are located on the parcel, with the possible exception of the Blandings Turtle.
    - In respect to the Blandings Turtle, a few mitigation recommendations have been made which have been incorporated into their project design but not yet the site plan.

- The developers are looking to install a 6' wildlife fence.
- It was noted that the views of the property for the potential project are well screened.
  - The developers also plan to add a screening of Norway Spruce which will be 6-8 feet at planting.
    - The developer will need to confirm the expected ultimate height of the planned trees.
  - A barn is also located on the property which provides some visual screening.
- The solar arrays are mounted on pile driven steel that also has salvage value.
- Mr. Warden also noted that the developers are committed to following all Agriculture & Markets guidelines.
- The site plan was reviewed by the Planning Board with discussion from Mr. Warden and Cypress Creek representative Jim Geddis, Project Developer.
  - It was noted that the setbacks all meet the 100' requirement with the exception of a small area in the Northern section of the project where the panels and racking will meet the requirements but the fencing will encroach on the required setback.
    - The fence will be located within the 100' setback, and the racking and panels will encroach on the setback. The code does not specify anything regarding this situation.
    - It was later confirmed that this plan is in keeping with the spirit and intent of the code and will be permitted.
  - Regarding proposed fencing:
    - The updated site plan will include the removal of the original barbed wire plan for the fencing.
    - It was noted that the project is investigating the possibility of sheep grazing on the land - however a 6" gap at the bottom of the fencing would allow for coyote access to the property. A gap is likely to be required due to the presence of the Blandings Turtle, so the developer will need to investigate these issues to see if a compromise exists.
      - It was indicated that any potential grazing would not affect the pollinators planted at the site.
      - The issue of water for sheep was briefly discussed, and the developers indicated that water may need to be brought in as there are no current wells or other sources available on site. This would all be coordinated with any shepherd they contract with. The Planning Board would require a copy of the grazing agreement when available.
    - It was requested that the self-locking gate be identified on the site plan, and that the height of the fence be added to site plan #9, sheet 5 of 7.
  - The primary project access road will be constructed at grade and of impervious materials - this needs to be clarified on the site plan.
    - It was noted that there will be two access roads on the property:
      - One primary project access road (as indicated above).
      - One secondary access road that will provide the property owners a way to reach the unutilized portion of the property - this will be just a simple grass access road installed by the developers for the benefit of the property owners.
      - The Board requested the width of the access road to be no more than 16 feet wide. The Developer indicated that the access road is 20' within the utility poles, and the road with turnaround is 16', which was deemed acceptable to the Board.



- The Planning Board would like to see letters from the St Lawrence County Emergency Medical Services, the Morley Fire Department, and the Canton Fire Department just indicating that the plans have been reviewed and their safety needs have been met.
- The project will utilize some herbicides, but no pesticides.
  - The herbicides will be EPA certified and allow for the planting and maintenance of pollinator species on the property.
  - Herbicides may be utilized to manage and target any invasive species that could interfere with the pollinator species.
- The Planning Board asked about the location of the gas line and where the referenced 60' wide easement granted to Iroquois Gas Transmission System, LP was located on the survey; the Developers assured the Board that it is located far outside the project area, in the field near the Grasse River.
- Operations and Maintenance Plan
  - The proposed project should be described in the plan - this should be specific to this project.
- The Planning Board requested a copy of the maintenance agreement.
  - The developer noted this would not be in hand and requested that it be made a condition of the Certificate of Occupancy instead of for the special use permit.
- The Planning Board requested a glare analysis due to the project's proximity to County Route 27.
  - The developers indicated that they would like to work with the Town to identify viewpoints from which to perform a sight line analysis.
  - The Planning Board requested a viewshed analysis map and photo simulations from sensitive receptor locations with a line of sight profile for each location, including viewpoints from scenic byways as needed. A list of sensitive receptor locations can be obtained from Code Officer Michael McQuade.
- The Planning Board requested a noise analysis of the inverters at the nearest property line.
  - The developers noted that the inverters have a noise value of 65db on site, which at 30 feet would be no louder than a conversation, at 150 feet would be basically inaudible, and would be nonexistent at 175 feet.
  - The engineers from Barton & Loguidice recommended that the developers still provide an official noise analysis for their own protection and that of the town.
- The developers indicated that the site would have no lighting.
- SWPPP
  - It was requested that the developer remove the note regarding guidance from the State of Maryland.
  - It was determined that some grading will be performed, and the developers are working to highlight where on the site plan they are proposing anything more than 10%.
  - It was noted that the developers need to make sure revision dates are updated.
  - The developers indicated that a soil boring will not be needed and the updated SWPPP will exclude this.
  - The Planning Board requested that on the water quality calculations, the infiltration trench depth be verified; the infiltration trench worksheets indicate a trench depth of 2', however the infiltration trench detail on C5.01 shows a trench depth of 1.5'.
  - It was noted that the hydrocad modeling needs to be updated:



- Make sure to label all slopes appropriately and identify sheet flow.
- Add the location of the proposed project sign to the site plans.
- A complete and approved PILOT agreement with the Town will be required as a condition of the approval for the special use permit.
- The Request for a Special Permit still needs to be completed, including the signs section and the information regarding state and local permits.
- It was asked if a site visit should be performed by any of the Board members, to get an idea of the actual conditions of the site. It was noted that 80% of the prime agricultural land will not be disturbed by the project.
- The site plan was reviewed and the following requests made by the board:
  - Sheet C0.01
    - Provide a note that the removal of any prime agricultural soil from the subject parcel is prohibited.
    - Provide a zoning data table that compares the provided zoning requirements and actual proposed dimensions.
  - Sheets C1.00 through C1.02
    - Show and label all existing easements (Iroquois Gas Transmission System).
    - Label onsite slopes > 10%. Note flow spreaders may be needed in areas where slopes are >10% to dissipate energy & maintain sheet flow.
  - Sheets C2.00 through C2.02
    - Revise to eliminate the need for a fence within the setback along the northern property line
    - Revise details to reflect the town code, roadways w/in the site shall have a maximum width of 16 feet
    - Clarify the purpose of the grassed access way located to the north of the fenced in solar arrays.
    - Clarify the dimensions of the PV Tracker system detail (Sheet C5.01) states 7.5' wide whereas the detail on 6.56' wide. Note each row of panels must be spaced such that vegetative area receiving runoff is equal to or greater in length than the disconnected surface (i.e. the width of the row of solar arrays)
  - Details Sheet C5.01
    - Please revise fencing detail – no barbed wire
    - State the proposed size & location of the contact sign
  - Erosion and Sediment Pollution Control Notes & Plans (C6.00 through C6.02)
    - Indicate the location for the layout/staging area
    - Add & note construction fencing at buffer limits around all wetlands adjacent to the limits of disturbance to ensure that no work is performed in those areas.
  - Erosion and Sediment Pollution Control Notes & Plans (C6.03 through C6.04)
    - Revise grading note #5 to clarify that removal of prime agricultural land from the site is prohibited.
  - Landscape Plan (Sheet C7.00)
    - Recommended & revise additional landscape buffering along the northwestern side of the site (adjacent to the dilapidated barn) to provide visual screening for the adjacent residential property.

- SEQR Part I - This was not reviewed at this meeting, as there is still a need for revisions and the closeout of the coordination with the DEC regarding a decrease in acreage and MW for the project.
- It was determined that no further action can be taken by the Planning Board at this time. Once all updates have been made and a revised SEQR Part I has been submitted, the Planning Board will then schedule an additional meeting to review the SEQR Part I and the process to declare their Intent to Declare Lead Agency. This was tentatively scheduled for August 30, 2022 at 6:00pm.

### Next Meeting

The next meeting of the Town Planning Board will be held July 18th at 6pm, in the boardroom of the municipal building at 60 Main Street, Canton. The option to “view-only” will be made possible by way of Zoom Virtual Meeting.

### Adjournment

A motion was made to adjourn the meeting by John Casserly; the motion was seconded by Sigie Barr and carried. The meeting was adjourned at 7:49pm.

Date: August 1, 2022

Jeni Reed  
Recording Secretary