

Town of Canton

Planning Board Meeting Minutes

July 18, 2022

Municipal Boardroom - 60 Main Street, Canton

5:00pm

Members Present

Chairperson Debra Backus, Sigie Barr, John Casserly, Betsy Hodge
Recording Secretary Jeni Reed

Members Absent

William Myers, Eric Barr (Alternate)

Others Present

Code Enforcement Officer Michael McQuade; Applicant Eric Kenna (C&S Engineers); Applicants Michael Frateschi & Dan Frateschi (TJA Solar); Member of the Public Ian Mackellar (arrived at 5:56pm)

Public Hearing

A public hearing was conducted to discuss the request for a special use permit at 6046 US Highway 11, Canton, NY to develop a 4.45MW solar project. The public hearing was called to order at 5:02pm by Chairperson Backus. There were no comments from the public regarding the proposed project, and the public hearing was closed at 5:03pm.

Due to a miscommunication, one member of the public arrived at 5:56pm and his comments were heard:

Ian Mackellar, residing at 6166 US 11 Canton

Mr. Mackellar stated that he thinks the project should be approved as this parcel of land will never be used for farming again and will never be drained. Other attempts have been made to drain other parcels with expensive work, and they will still not allow for good crops. He noted that big farms will not want this land, nor would the town want liquid manure spread in this location. Mr. Mackellar stated that this project will add to the tax base, and he feels there is currently no good part of this field. He is supportive of this use and does not see any issues with this proposed project. He also noted that solar panels will not attract flies, rats, or other pests, and he has no concerns about the line of sight over the project as there is no other house that would be able to see it.

Call to Order

The meeting was called to order at 5:03pm by chairperson Debra Backus.

Agenda Items

1. Old Business
 - a. Discussion of proposed solar project at 6046 US Highway 11, Canton
 - A discussion of the County Planning Board's Review of this project was held.

- It was noted that there was a belief the County Planning Board was automatically denying projects located on more than 10% prime agricultural land, but it was discussed that the soil at this project location is considered “prime if drained,” and is not of good quality.
- The County has since held a discussion of the use of this land over the last 5 years & what it can produce. Based on further discussion, the County has instead recommended a conditional approval of this project:
 - The project should limit its disturbance of prime agricultural land to below 10%. The SLC Planning Board indicated this property has no prime agricultural land, is about 52% prime if drained and contains about 43% soils of statewide importance. This parcel receives ag exemption.
 - The project should meet the required setbacks for residential and commercial zones: 100 feet from residential lines; 25 feet from all other lines. Move array to meet front setback requirements of the Commercial and Residential Zones. The parcel and proposed site span both the rural and commercial zones. The SLC Planning Board requires the developers to move the array from the front of the parcel to accommodate zone(s) setback or seek an area variance. In the western edge of the site the array is 25 feet, but the fence is not.
 - Submit required documentation to satisfy the Town’s Solar Energy Facilities Law.
 - There was a question from the developers regarding the setbacks: on the Northern line of the property, the zoning district requires a larger setback than the solar law. Which law (district or solar) takes precedence in this situation? According to the board, they have maintained the requirements of the solar law in these situations to date.
 - Provide vegetative buffering around array where needed to reduce visual impact.
 - Move array to meet State wetland regulations.
 - Submit updated SEQR with NYS DEC wetland jurisdiction determination.
- The solar developers plan to clear 0.7 acres of land. The SLC Planning Board recommended additional plantings be considered to offset tree removal. Regarding the proposed vegetative buffer:
 - It was noted that the project panels will be seen through some of the tree line, but they would have to remove existing trees to replace with more vegetation and it is the preference of the Town to avoid removal of vegetation wherever possible.
 - The purpose of the proposed addition of vegetation is to offset some of the necessary clearing in the Southern area of the project.
 - There is nothing currently proposed on the Eastern side of the parcel, but the developer could add some trees or tall bushes on that side.
 - They have used sumac and/or dogwood in other projects.
 - Any planting needs to be deer resistant and zone hardy.
- The SLC Planning board requires the developers to submit evidence that the panels will minimize glare.
- It was noted by the SLC Planning Board that the developers must provide a provision to account for any ownership changes.
- A copy of the lease needs to be provided.
- The developers were asked to be sure that the Operations and Maintenance Plan is provided and compliant with the Town’s solar law.

- It was stated that the current issue with the DEC clarification must be resolved prior to anything further going forward. The developers are expecting the DEC response any time.
 - The developers indicated that all information from the DEC will be forwarded to the Board as soon as it is received. Also:
 - Operations & Maintenance plan will be updated.
 - Decommissioning plan will be updated.
 - SWPP will be updated.
- The Developers are required to work with the Town to develop a community benefit and provide the 1% initial deposit. The developers shared with the Board their hopes to lock in an incentive plan that will make the solar project possible.
 - In order to obtain the incentive, they will need the approved special use permit and a negative declaration on the SEQR.
 - New York State issues a megawatt block incentive, based on the size of the solar project, in which NYS will cover some of the necessary construction costs. This incentive can be locked in as soon as the site plan is approved.
- The SLC planning board requires the developers to identify parking on the site plans.
- The SLC Planning Board stated (2) non-binding recommendations for the solar developers to submit evidence that malware software is installed and provide PILOT determination if applicable.
- The Board indicated that the developers should also submit on the SWPP:
 - The installation of the needed bridge and replacement of the current culvert.
 - Developers indicated the access road must be considered an impervious surface per requirements of National Grid.
 - Developers indicated the access road within the array will be considered pervious for the purposes of the DEC.
- The developers noted that there is no permit required from the State Department of Transportation; access will occur from Bridge Street which is located off of US Route 11.
- The Board indicated that they would like to see some agricultural usage on the site:
 - Sheep grazing may be a potential use.
 - Bees might be a good option as well.
- It was stated that the St Lawrence Health Systems may be interested in subscription information for the solar project, and the developers will be reaching out.

2. New Business

No new business was brought before the Board.

Next Meeting

The next meeting of the Town Planning Board will be held August 16th 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 5:38pm.

Date: August 26, 2022

Jeni Reed
Recording Secretary