

Town of Canton

Planning Board Meeting Minutes

September 6, 2022

Municipal Boardroom - 60 Main Street, Canton

6:00pm

Members Present

Chairperson Debra Backus, Sigie Barr (via Zoom), John Casserly, Betsy Hodge, William Myers, Eric Barr (alternate), Ian Mackellar (alternate)

Recording Secretary Jeni Reed

Members Absent

None

Others Present

Code Enforcement Officer Michael McQuade; Applicant Tony Yonnone

Call to Order

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

Approval of Minutes

The approval of the meeting minutes from August 30, 2022 was tabled to the next meeting.

Agenda Items

1. Old Business

a. Discussion of proposed solar project at 95 Judson Street Road, Canton

i. SEQR Parts II & III

- Chairperson Backus began with a summary of the project timeline to date:
 - Project review meeting - June 28, 2022
 - Public Hearing - August 16, 2022
 - End of 30 days SEQR coordinated review - August 18, 2022 (no objections; Town Planning Board is lead agency on this project)
- The following items were reviewed:
 - Barton & Loguidice (B&L - Solar Engineers) recommendations
 - SEQR Part I
 - NYS Department of Environmental Conservation Full EAF (Part II) & Full Environmental Assessment Form Workbook
- Chairperson Backus led the Board in a full review of the SEQR Part II for this project:
NOTE: All subject areas within the SEQR were determined to have no impact, with the exception of those listed below.
 - Section 1 - Impact on Land

- Section 8 - Impact on Agricultural Resources
 - Item b - “The proposed action may sever, cross, or otherwise limit access to agricultural land.”
 - It was noted that the parcel is part of an agricultural district (although it is not receiving an agricultural exemption) and requires a correction in the narrative submitted by B&L.
 - The board determined that the use of 25.4 acres for this solar project does not prevent access to agricultural land, nor does it prevent an active agricultural land management system, and therefore should be changed to having “No, or small impact.”
 - Item d - “The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.”
 - The board determined that the project is designed and will be constructed in accordance with all requirements, which prevents permanent conversion of agricultural land to non-agricultural uses.
 - Based on the above, it was the decision of the board to change all items in section 8 to “No, or small impact.”
 - The board agreed with the supporting narrative submitted by B&L for the remainder of section 8, and the conclusion of small impact for question 8e.
 - The board determined that for section 8, the Impact on Agricultural Resources would be of minimal magnitude, short-term duration, likelihood probable.
- Section 9 - Impact on Aesthetic Resources
 - The section was identified as there would be an impact; however all items indicated that this impact would be “No, or small impact.”
 - The supporting narrative was referenced for all small impact items to ensure agreement.
 - The board determined that for section 9, the Impact on Aesthetic Resources would be of minimal magnitude, medium-term duration, likelihood probable.
- Section 15 - Impact on Noise, Odor, and Light
 - The section was identified as there would be an impact; however all items indicated that this impact would be “No, or small impact.”
 - The supporting narrative was referenced for all small impact items to ensure agreement.
 - The board determined that for section 15, the Impact on Noise, Odor, and Light would be of minimal magnitude, short-term duration, likelihood probable.
- Section 16 - Impact on Human Health
 - It was noted that the majority of items indicate a “No, or small impact.”
 - Item a - the project will be located approximately 1,100 feet from Canton Central School, but will not have any direct impact on the school; this item should be changed to “no impact.”

- Item j - the project will be located approximately 1,900 feet from a former gas station; however no disposal is/was located on site; this time should be changed to “no impact.”
 - Based on the above, the board determined that section 16 should be changed to showing “No” impact on human health.
 - Section 18 - Consistency with Community Character
 - The section was identified as there would be an impact; however all items indicated that this impact would be “No, or small impact.”
 - The supporting narrative was referenced for all small impact items to ensure agreement.
 - The board determined that for section 18, the Consistency with Community Character would be of minimal magnitude, medium-term duration, likelihood probable.
 - Based on the full review of the SEQR Part II and discussion of the above points, it was determined by the board that for all sections the proposed project would create no or small impact to the environment.

A motion was made by William Myers to approve the SEQR Part II with changes as discussed; the motion was seconded by Sigie Barr. All in favor; motion carries.

- Chairperson Backus led the Board in a review of the SEQR Part III for this project:
 - In order to evaluate the environmental significance of the project, there are three possible declarations:
 - Negative Declaration - the project will result in no significant adverse impact on the environment, and therefore an environmental impact statement need not be prepared.
 - Conditional Negative Declaration - the project could have a significant adverse impact on the environment, but that impact will be avoided or substantially mitigated by conditions placed on the applicant.
 - Positive Declaration - the project may result in one or more significant adverse impacts on the environment and an environmental impact statement must be prepared.

A motion was made by Sigie Barr to approve a Negative Declaration of environmental impact for this project; the motion was seconded by Betsy Hodge. All in favor; motion carries.

- ii. A resolution was read by Chairperson Debra Backus, to approve a SEQR Negative Declaration of Environmental Impact (see attached).

A roll call vote of the Town Planning Board was taken, to accept the resolution as read. Results were as follows:

Yea - 5
Nay - 0

The resolution was passed by unanimous vote.

2. New Business

a. Full Project Review

- i. Chairperson Debra Backus led the Planning Board in a final review of the proposed solar project. It was noted that all documents have been reviewed and the majority of concerns have been addressed. Below are items that still required addressing as of the June 28, 2022 minutes:
 - Operations & Maintenance Plan

- Appendix F - a note has been added that annual reporting on the project will be required and a checklist will be completed. The Town will be able to request a copy of this information.
- Decommissioning Plan
 - Ownership change requirements have been added to the decommissioning plan.
 - Salvage values are intentionally not included in the plan.
 - The Planning Board is requesting the solar developers obtain a letter on official letterhead from the Development Authority of the North Country regarding their intended acceptance of hazardous waste (as of today's date).
 - It was noted that the source of information for prevailing labor costs (which are included in disposal costs) should be added as a reference.
 - The solar developers are to submit the revised Decommissioning Plan to the code enforcement officer.
- SWPPP
 - During construction, environmental monitoring will be required to maintain the soils, and a weekly SWPPP inspection will also be required.
 - Any final changes will be updated on the final notice of intent.
 - The solar developers are to submit a revised SWPPP with this required language as a condition of final approval.
- The Town Planning Board requested that the final maintenance agreement be submitted when available as a condition of approval.
- At this time, a letter has not yet been received from the local fire department indicating their agreement with the project; this will be required as a condition of approval.
- A construction permit from the Town will need to be issued prior to installation of the planned access road.
- The following have been satisfactorily addressed or are in process:
 - No DEC permits will be required.
 - The PILOT payment analysis has been completed and a PILOT agreement will be entered into at the appropriate time.
 - The Community Benefit requirement is in the process of negotiation and will be entered into at the appropriate time.
 - All required permits are currently in process.
 - The project is in the process of applying for NYSERDA funding.
 - It was noted that a copy of the new lease for the land has been received.
- ii. At this time the Planning Board completed their final site plan review as part of the special use permit application.

Motion was made by William Myers to approve the proposed solar project, contingent on receiving the aforementioned items; the motion was seconded by John Casserly. All in favor; motion carries.

- b. A written resolution to approve the proposed solar project at 95 Judson Street was read by Chairperson Debra Backus (see attached).

A roll call vote of the Town Planning Board was taken, to accept the resolution as read. Results were as follows:

Yea - 5

Nay - 0

The resolution was passed by unanimous vote.

The proposed solar project at 95 Judson Street was approved for a special use permit by the Town Planning Board.

- c. A motion was made by John Casserly that Town of Canton solar lawyer Bill Buchan be included in all Town Planning Board correspondence related to solar projects; the motion was seconded by William Myers.

Discussion was held among the board members regarding the proposed motion; it was noted that Mr. Buchan is kept apprised on the projects and there is concern that sending too much information could be overwhelming (and potentially costly). It was also indicated that all members of the Planning Board have access to Mr. Buchan as needed for any legal questions regarding solar projects.

John Casserly chose to maintain his motion as stated. Voting results were one (1) in favor, four (4) opposed, one (1) abstained; motion fails.

Next Meetings

Upcoming meetings of the Town Planning Board are tentatively scheduled as follows:

- September 15, 2022 at 6pm (US Route 11 solar project)
- October 3, 2022 at 6pm (Meade Road solar project)
- October 17, 2022 at 6pm (Old Dekalb Road solar project)

All meetings will be held 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 Debra Backus and carried. The meeting was adjourned at 8:34 pm.

Date: November 2, 2022

Jeni Reed
Recording Secretary