

Town of Canton Planning Board

Meeting Minutes

March 6, 2023

Municipal Boardroom - 60 Main Street, Canton

6:00pm

Members Present

Chairperson Ian MacKellar, John Casserly, Betsy Hodge, William Myers, Eric Barr, Dakota Casserly (alternate)

Members Absent

Sigie Barr (alternate)

Others Present

Paul Mitchell (North Country This Week), Richard Cassara, Thomas Archeluta, Joel Howie, John T. Hayes, Peggy J. Hayes, Matt Scafidi-McGuire, Anna Sorensen (Village Trustee), Cindy Randi, Joe Hens (Ingalls), Barbara Lee, Holly Crabill (Nautilus Solar), Randy Brown (Town Councilman)

Call to Order

The meeting was called to order at 6:01pm by chairperson Ian MacKellar.

Agenda Items

1. Old Business

a. Discussion of proposed solar project at 295 State Highway 310, Canton

Chairperson Ian MacKellar clarified for those gathered for the meeting that the public hearing regarding this solar project has already been held, and confirmed that the public informational meeting regarding the Rich Road solar project will be held next Thursday.

i. SEQR Parts II & III

- Chairperson MacKellar led the board in a full review of the SEQR Part II for this project. See attached copies of the completed SEQR documents for details.
- Chairperson MacKellar led the Board in a review of the SEQR Part III for this project. See attached copies of the completed SEQR documents for details.
 - 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 resolution was read by Chairperson Ian MacKellar, 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. See attached copy of the approved resolution for details.

ii. Discussion & potential action on special use permit request

Bill Myers made a motion to allow for public comment on the proposed project prior to any final action; the motion was seconded by John Casserly and carried. The following public comments were offered:

- Several individuals noted that the land has previously been utilized for significant agricultural activity.
- It was also noted that the public felt that United Helpers has not indicated official support of the project.
- Joel Howie, Resident - stated that he feels there are a lot of more appropriate locations for solar panels, and that we are making a mistake in covering our farmland with solar panels. He also noted that they create an aesthetic issue, and he is particularly concerned about wildlife impacts and stormwater issues. However he also stated that SolAmerica has been very upfront and honest with him in their communications.
- The public noted that they felt there would be more wildlife impact at this location than what was reported.
- Anna Sorensen, Village Trustee - stated that the Village has concerns about the project being located directly adjacent to the public infrastructure, and this location would be prime in an effort to build resiliency. This project would have an impact on opportunities to expand the local tax base, and she noted that the Canton Comprehensive Plan seems to suggest that future expansion could occur in this location out toward Route 310.
- The theoretical question was posed that the possible uses of this specific land are limited, and how realistic are any other potential uses? Additional comments were made that the Village should focus on the downtown core rather than looking to expand to the outskirts.
- It was during the public comment that it was mentioned that SolAmerica is the developer of the project, but will then be turning the project over to Nautilus who will be the long term owners with no plans to sell the project.
 - It is anticipated that the construction of the project will take 150-170 days once it begins.
 - The current plan is to begin construction in May 2023. Concerns involved traffic issues near the school and United Helpers, but the developers indicated that flaggers would be utilized and there would be no impediment. Greenspark Solar (an EPC contractor) will be doing the actual construction of the project.
 - Nautilus intends to work with the neighbors of the project site as needed to discuss issues and concerns.
 - It was asked where the power will be distributed and the response indicated it would be sent into the local grid. Nautilus will be working in the community to subscribe households to the project.
- Thomas Archeluta, resident - he has lived in Canton for 40 years, and holds concerns that the solar panels will create an undesirable “urban” look.

- Counsel Bill Buchan noted that there is a limit to how much solar energy the grid can support; however this project has been approved by National Grid and should be the last project under current capacity.
- It was also noted that the State of New York has made these projects more economical to pursue.
- Questions were posed about the PILOT agreement; it was noted that this is handled by the County IDA, and any questions or concerns could be addressed to the Town Board for further information. NYSERDA requires the implementation of a PILOT and a Community Benefit Agreement for every Community Solar Project.

Bill Myers made a motion to close the public comment period; the motion was seconded by John Casserly and carried.

A written resolution to approve the proposed solar project at 295 State Highway 310 was read by John Casserly (see attached). Please note that an additional item (#21) was added to the resolution during this meeting, and that as a condition of approval, the applicant will meet with surrounding property owners and develop and provide to the Town of Canton Planning Board an updated landscaping plan and visual impact assessment.

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

Yea - 4

Nay - 1 (John Casserly: John noted that although all requirements have been addressed, he strongly feels that this location is not the right one for this project and would defer to the comments made by the Village and the County Planning Board.)

The resolution was passed by a majority plus one vote.

The proposed solar project at 295 State Highway 310 was approved for a special use permit by the Town Planning Board.

2. New Business

a. Other

- An informational meeting regarding the proposed Rich Road solar project will be held on March 16 at 6:00pm.
- No business is currently of concern for the regularly scheduled April meeting of the Town Planning Board - it is unlikely that there will be a need for the meeting.
- Dakota Casserly offered a comment that the Town Planning Board should discuss the possibility of making a recommendation to the Town Board to reconsider the current Solar Law and add potential buffers for the Village.
 - The Town is currently addressing the new Zoning Code, so now would probably be the best time to look at this.

Next Meetings

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

- May 1, 2023 at 6:00pm

This meeting will be held in the boardroom of the municipal building at 60 Main Street, Canton. The option to participate remotely 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 Bill Myers and carried. The meeting was adjourned at 8:50pm.

Date: July 9, 2023

Jeni Reed
Recording Secretary

RESOLUTION NO. #5 of 2023

Proposed Action: North Woods Solar Facility

RESOLUTION DETERMINING THAT THE PROPOSED NORTH WOODS SOLAR FACILITY IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, St. Lawrence County NY S2, LLC (Applicant) is proposing the North Woods Solar Facility (Project), located in the Town of Canton, St. Lawrence County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Town of Canton Planning Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially "Interested Agencies" and "Involved Agencies" (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Town Planning Board's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Town of Canton Planning Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of Canton Planning Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT

RESOLVED that, the Town of Canton Planning Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town's knowledge of the area surrounding the Project, the Town of Canton Planning Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Town of Canton Planning Board, as Lead Agency, hereby directs the Town of Canton Planning Board Chair to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

<u>Abstain/Absent</u>	<u>Signature</u>	<u>Yes</u>	<u>No</u>
Ian MacKellar, Chairperson	<u>Yes</u>	<u> </u>	<u> </u> <u>Ian MacKellar</u>
Eric Barr	<u>Yes</u>	<u>X</u>	<u> </u> <u>Eric C. Barr</u>
William Myers	<u>Yes</u>	<u> </u>	<u> </u> <u>William Myers</u>
Betsy Hodge	<u>Yes</u>	<u> </u>	<u> </u> <u>Betsy F. Hodge</u>
John Casserly	<u>Yes</u>	<u> </u>	<u> </u> <u>John Casserly</u>
Sigie Barr (Alternate)	<u>Yes</u>	<u>X</u>	<u> </u>
Dakota Casserly (Alternate)	<u>Yes</u>	<u>X</u>	<u> </u> <u>Dakota Casserly</u>

The foregoing resolution was thereupon declared duly adopted.

Dated: 3/6/23

I hereby certify that this resolution was adopted on 3/6/23 and is recorded in the Meeting Minutes of the Town of Canton Planning Board.

Ian MacKellar
Planning Board Chair

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

An evaluation of the magnitude and importance of project impacts was completed and details are available under separate cover in a Part 3 Supporting Information document.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
See Part 3 Supporting Information under separate cover.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Canton Planning Board _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: North Woods Solar Facility

Name of Lead Agency: Town of Canton Planning Board

Name of Responsible Officer in Lead Agency: Ian MacKellar

Title of Responsible Officer: Planning Board Chair

Signature of Responsible Officer in Lead Agency: *Ian MacKellar*

Date: 3/6/23

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Ian MacKellar, Planning Board Chair

Address: 60 Main Street, Canton, NY 13617

Telephone Number: (315) 386-3735

E-mail: townplanning@cantonny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

TOWN OF CANTON, NY PLANNING BOARD

Resolution # 6 of 2023

Resolution Approving Site Plan for North Woods Solar Facility

Dated: March 6, 2023

WHEREAS, St. Lawrence County NY S2, LLC (dba SolAmerica Energy, LLC) ("Applicant") proposes to construct a 5.0 megawatt solar power generation facility ("Facility") on 44 acres of a 70.67-acre lot owned by North Woods Properties, Inc. ("Owner") located at 295 State Highway 310, Canton, New York (Tax ID: 74.004-7-71) ("Property"); and

WHEREAS, the proposed Facility will be operated by St. Lawrence County NY S2, LLC ("Operator") who will enter into lease with the Owner for use of the Property as a solar facility;

WHEREAS, pursuant to the Town of Canton Zoning Law ("Zoning Law") the proposed Facility is considered a Major Solar Collection System and is permitted through the issuance of a special use permit in Commercial and Rural zoning districts subject to site plan review and approval by the Town of Canton Planning Board ("Planning Board"); and

WHEREAS, in August 2022, the Applicant submitted an application to the Planning Board seeking site plan approval for the Facility; and

WHEREAS, the documents submitted by the Applicant as part of its initial application submission and numerous subsequent submissions consisted of, among other things, (1) an application; (2) a Full Environmental Assessment Form ("EAF"); (3) site plans; (4) the requisite filing fee and escrow amount for the application; and (5) a variety of additional documents (collectively, the "Application"); and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Application materials; and

WHEREAS, on December 5th, 2022, the Planning Board held a public hearing on the Facility to gather comments and consider the verbal and written comments submitted by the public; and

WHEREAS, pursuant to the Town of Canton Zoning Law, the Planning Board has taken into consideration the location, arrangement, size, design, and general compatibility of the Facility to surrounding uses; the potential glare and noise impacts; the adequacy of stormwater and drainage facilities; the adequacy of landscaping affecting visual and noise buffers; and the overall impact on the neighborhood; and

WHEREAS, the Application is considered a Type I action under the New York State Environmental Quality Review Act ("SEQRA");

WHEREAS, the Planning Board declared its intent to be lead agency and conducted a coordinated review of its establishment of lead agency and of the Application pursuant to SEQRA, and circulated said intent to all involved and interested agencies;

WHEREAS, all involved and interested agencies either consented to the Planning Board being lead agency or allowed the thirty (30) day period to lapse, and the Planning Board as lead agency conducted a thorough review of Project carefully examining all of the potential impacts of the proposed project;

WHEREAS, the Planning Board has thoroughly reviewed Part 2 and Part 3 of the EAF and has been assisted in the review of the SEQRA documents and the application by its consulting engineers Barton and Loguidice, D.P.C.(B&L);

WHEREAS, the application was referred to the St. Lawrence County Planning Agency and the Planning Agency denied the Project on September 8th, 2022, and referred back to the Town Planning Board for consideration. The Planning Board has ultimate decision power in this case and can overrule the County Planning Agency's referral with a majority plus one vote;

WHEREAS, on March 6, 2023, the Planning Board approved Parts 2 and 3 of the EAF and issued a SEQRA Negative Declaration for the Project as set forth on the EAF Part 3 as a written, well-reasoned statement which concludes that the Facility will not create any significant adverse environmental impacts and that a Draft Environmental Impact Statement ("DEIS") will not be prepared;

NOW, THEREFORE BE IT RESOLVED, in accordance with the Town of Canton Zoning Law, the Planning Board hereby grants the Site Plan Approval requested by the Applicant subject to the following conditions which must be satisfied (unless otherwise stated) prior to the stamping and signing of the site plans by the Planning Board Chairperson:

- (1) The Applicant shall enter into the Decommissioning Agreement which shall be approved by the Town of Canton Board ("Town Board") and the Town Attorney and signed by the Town Supervisor, by the Applicant, and by the property owner;
- (2) The Applicant shall issue a performance bond or other equivalent financial security for the decommissioning of the Facility, which shall be approved by the Town Board and the Town Attorney;
- (3) B&L has proposed to the Town Board to provide engineering services in the amount of \$15,000 and the Town Board shall enter into an engineering escrow agreement with the Applicant in which the Applicant will agree to fund the escrow amount of \$15,000 to compensate the Town of Canton for having B&L inspect and advise the Town and Planning Boards on the compliance of the construction with the approved drawings. The engineering escrow agreement must be approved by the Town Board and Town Attorney and signed by the Town Supervisor and by the Applicant;
- (4) The engineering escrow fund referenced above in section (3) will also be used to compensate B&L staff for the labor and expenses incurred in performing semi-annual site inspections of the Facility during the Spring (on or about April 15th) and Fall (on or about October 15th). After construction is complete and the above-referenced construction inspection is complete. B&L shall thereafter do semi-annual site inspections of the condition of the perimeter landscaping and site access road, and the overall condition of the site. On a yearly basis, the Applicant shall place \$2,500 in the Town's escrow account to cover the cost of the semi-annual site inspections. Following each semi-annual site inspection, B&L will provide a written update to the Town and Planning Boards. The semi-annual site inspections will be performed each year that the Facility is in operation;
- (5) The Applicant shall post a bond or other equivalent security for the operation and maintenance of the Facility, including the maintenance of the perimeter landscaping and the site access road at the sole expense of the Applicant. The bond or other equivalent security must be approved by the Town Board and the Town Attorney;

- (6) The Applicant shall have the landscaping inspected at its expense once a year for the first five (5) years of operation by a Registered Landscape Architect or Arborist, and the Applicant must submit a written report to the Town and Planning Boards identifying any areas of landscaping that have died or not thrived and will be replaced by the Applicant;
- (7) The Applicant shall provide the Town and Planning Boards with copies of a written agreement with the Owner of the Property demonstrating that the Applicant has the authority to construct the Facility on the Property;
- (8) The Applicant shall provide the Town and Planning Boards with a signed Notice of Intent ("NOI") and acknowledgment of receipt by the New York State Department of Environmental Conservation ("NYSDEC") of the NOI and the final Stormwater Pollution Prevention Plan ("SWPPP");
- (9) The Applicant shall provide the Town and Planning Boards and B&L with a written proposed schedule for construction of the Facility;
- (10) Prior to commencing the operation of the Facility, the Applicant must meet with emergency responders at the site to discuss the procedures to be followed in the event of fire and other emergencies. Within five (5) days of the meeting, the Applicant must provide the Town Supervisor and Town and Planning Boards with hard copies of the meeting minutes. The meeting minutes must indicate the name and contact information for each of the attendees and provide a detailed description of the procedures that will be followed by the emergency responders in the event of a fire or other emergency.
- (11) The Applicant shall provide payment for all outstanding fees, including any invoices by Planning Board and/or Town Board consultants and attorneys;
- (12) The Applicant shall provide the Town and Planning Boards with copies of all other approvals issued for the Facility, including all Local and State Permits, as required, and sign offs by all Interested Parties and Involved Agencies;
- (13) The Applicant has agreed that no additional expansion of the Facility will be proposed;
- (14) The Applicant will notify in writing by US Postal Service, the Town and Planning Boards 30 days prior to the sale, assignment or transfer of the Facility to another entity. The new owner of the Facility must provide the Town and Planning Boards with their contact information, including mailing address, telephone number and email address, moreover, no sale, transfer or assignment may take place unless the new owner agrees in writing to comply with the conditions of approval;
- (15) In the event that the Town of Canton receives complaints regarding glare impacts from the Facility onto affected landowner properties and/or public roadways surrounding the project, the Applicant must identify the source of the glare impacts and implement immediate mitigation measures and notify the Town in writing of the mitigation measures undertaken;
- (16) In the event that the Town of Canton receives complaints regarding light and/or noise impacts from the Facility onto affected landowner properties, the Applicant must immediately identify the source of the light and/or noise impacts and implement

appropriate mitigation measures and notify the Town in writing of the mitigation measures undertaken;

- (17) After completion of the Facility and prior to the commencement of operation, the Applicant shall retain the services of a New York State licensed professional engineer to provide post-construction certification that the Facility complies with applicable codes and industry practices, and has been constructed according to the approved design plans. The Applicant shall also provide certification from National Grid that the interconnection from the solar facility to the electric transmission line has been inspected and approved;
- (18) The Applicant, and any successor or assign must maintain commercially reasonable general liability insurance in an amount no less than 1 million dollars each occurrence and 2 million dollars general aggregate, and must name the Town of Canton as an additional insured on the policy;
- (19) The Applicant shall enter into the Payment in Lieu of Taxes (PILOT) Agreement which shall be approved by the Town of Canton Board ("Town Board") and the Town Attorney and signed by the Town Supervisor and the Applicant.
- (20) The Applicant shall enter into a Host Community Benefit Agreement with the Town as required by paragraph F(7) of the Zoning Law.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plans upon the Applicant's satisfaction of all applicable conditions set forth above; and

BE IT FURTHER RESOLVED, that this Site Plan Approval shall be valid for a period of one (1) year from the date it is issued, unless the Applicant applies in writing to the Planning Board for a one-year extension at least thirty (30) days prior to the initial expiration period; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the office of the Town of Canton Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

21) The applicant will meet with ^{surrounding} ~~property~~ ~~owners~~ ~~to the Canton Planning Board~~ owners and develop and provide, an updated landscaping plan and visual impact assessment,

The foregoing resolution was voted upon with members of the Town of Canton Planning Board voting and signing as follows:

<u>Abstain/Absent</u>	<u>Signature</u>	<u>Yes</u>	<u>No</u>
Ian MacKellar, Chairperson	<u>Yes</u>	<u>1</u>	<u>Ian MacKellar</u>
Eric Barr	<u>yes</u>	<u>1</u>	<u>Eric C. Barr</u>
William Myers	<u>yes</u>	<u>1</u>	<u>William Myers</u>
Betsy Hodge	<u>Yes</u>	<u>1</u>	<u>Betsy F. Hodge</u>
John Casserley	<u>No</u>	<u>1</u>	<u>John Casserley</u>
Sigie Barr (Alternate)	<u> </u>	<u>1</u>	<u> </u>
Dakota Casserley (Alternate)	<u>Yes</u>	<u>1</u>	<u>Dakota Casserley</u>

Dated: 3/6/23

Town of Canton, New York

Ian MacKellar
Ian MacKellar, Chairperson
Town of Canton Planning Board