

SENECA COUNTY
PLANNING BOARD MINUTES
December 14, 2023 – 7 PM
Health & Human Services Building
2465 Bonadent Drive, Waterloo, NY 13165

MEMBERS PRESENT:

John Swanson, Mark Lott, William Dalrymple, Mary Kelleher, Karen Thomson, Sally Kenyon, Charles Brady, John Pigman, Michael Scaglione, Tom Scoles, Kyle Black, Jon Salmon, Sue Sauvageau (A1), Janet Lynch (A2), Frank Ruzicka (A4)

STAFF:

Harriet Haynes, Sr. Planner; Jason Rearick, Planner; Caitlin Ryan, Staff Resource Assistant of the Seneca County Department of Planning and Community Development

GUESTS:

Jack & Jennifer Persoon, applicants; Eugene Laun, applicant; Billie Nicastro; Dan Emmo, SFZB; Emily Lukasik, LaBella (applicant); David Ferguson; Erica & Jeremy Crytzer; Ryan Staychock, CCE; Wilfred Nieves, New Leaf Energy (applicant)

The meeting was called to order at 7:06 PM by William Dalrymple.

Sue Sauvageau was appointed to sit in for Kathy Lutz and Frank Ruzicka was appointed to sit in for David Wood for GML 1. When Janet Lynch arrived, she was appointed to sit in for David Wood for GMLs 2 & 3, replacing Frank Ruzicka.

The minutes of the November 9, 2023, meeting were approved by a motion of Charles Brady and John Pigman. No abstentions. Janet Lynch not yet present. Carried 14-0.

NO PUBLIC COMMENTS

GML REVIEWS:

1. TC 05-1-13.2, 18, 24.2, Area Variance, New Leaf Energy (Developer) & Jack Persoon (Owner)

This application was submitted to the Town of Covert and forwarded for County review because it is within 500 feet of Agricultural District 12, NY Route 96, County Road 150, and the municipal boundary of the Village of Interlaken. Jason Rearick presented the GML report for the Seneca County Planning Department. Mr. Rearick discussed the property size, and confirmed with the applicants that the land would be in disuse for agricultural purposes during the time of the lease. He then mentioned that agrivoltaics is a suggested method of use when leasing land for solar panel usage. Mr. Rearick mentioned that the major concern for County purposes is putting in an additional driveway for access to the property. Karen Thomson asked how agriculture would be done underneath the panels. Mr. Rearick stated it depends on what would be grown, but at this time, they are not planning on using the land for agriculture during this lease. New Leaf confirmed the clearance is approximately 10 feet, but they advised agrivoltaics is typically used for animal grazing. Charles Brady mentioned equipment usage and the design of the panels; he then asked the applicant if they were tracker or fixed panels; the applicant confirmed they are tracker panels, not fixed. John Swanson asked if they were planning to grow alfalfa, and the

applicant confirmed they were not. Mr. Rearick reiterated that they were not planning on using agrivoltaics at this time, but it was merely a suggestion by the Planning Department. A guest, Jeremy Crytzer, asked if there was an equipment facility included in the plan for this, the applicant confirmed the locations. Charles Brady requested that the Planning Department not include recommendations in the reports, as they already have a plan and cannot incorporate Agrivoltaics down the line. Harriet suggested that the discussion in the Planning Department was had to encourage the town to incorporate Agrivoltaics in future reviews. With regards to agrivoltaics without altering the design plans, the applicant confirmed that sheep or bees could be allowed once these panels are in. Ms. Thomson asked if there was community concern regarding this project; Mr. Swanson said there would be happy people and sad people. Discussion ensued to discuss where the power would go and who would benefit from it. The applicant confirmed that nearby folks are eligible to take advantage of a community solar program and see a possible reduction to their bill (8-10%) and stated this is a smaller scale project that is not sending power all over (which was a concern voiced). Mr. Rearick asked the applicant if the upgrades would help all utility users; the applicant said he can't tell based on immediate information, but the upgrades relating to this project would not alter the service to individual's homes. The applicant stated substation upgrades all will fit within the existing footprint, and that there would be upgrades to the equipment, but not expansions to the size. Michael Scaglione asked about landscaping and confirmed that it would be a 7 ft fence around the area; applicants confirmed the land would be mowed and that area for the fencing was correct and would be 20 feet from the panels. John Pigman asked how the sites are being connected; the applicant confirmed that everything is underground, but the fence shouldn't overlap with the underground, the driveway, or the stream. It was confirmed that construction of the project would start in about a year and would take 6 months to a year to complete. Mr. Swanson stated that it's baffling to not have battery storage for the excess energy, and asked where the gain is without the storage; the applicant confirmed that there are battery storage sites not on this specific site that can store said power and release as necessary. Mr. Brady suggested that peak rate could be used to sell the stored energy if the battery storage sites were utilized more. A neighbor confirmed that no additional storage is much more appealing to the local residents. Mr. Pigman asked if local fire departments have been spoken to yet; applicant stated that they haven't been spoken to yet but would be coordinated with down the line to confirm accessibility and be able to ask any questions or voice any of their concerns. Kyle Black asked what the lifespan is of the panels; the applicant confirmed they are guaranteed for 25 years. Frank Ruzicka asked about the setbacks; Mr. Rearick and the applicant confirmed the setback was 50 ft from the property line. Decommissioning costs and bonds were discussed; the owner of it would take care of the cost. It was advised that a decommissioning bond is used as a safeguard for the Town to be able to fully take care of the costs should anything bad happen, but that the Town of Covert doesn't require a decommissioning bond. Mr. Dalrymple asked why not recommend the decommissioning bond; Mr. Rearick confirmed that it could be done with a Site Plan Review of the property with the town, which would be every 3 years. The applicant stated that the subsidies are front loaded and will come in sooner than later in the project and will fund the construction of the project. Mr. Rearick reiterated that the only thing pertaining to the County is the road access. Mr. Swanson asked about why this is handled differently than other solar projects in the county; Harriet Haynes confirmed that Town of Covert does not have regulations inside their municipality that would push many of these to the County Planning Board. Charles Brady moved, and Sally Kenyon seconded the adoption of resolution 68-23, recommending that the request of New Leaf Energy, on behalf of owners Jack and Jennifer

Persoon, be granted conditional upon the applicant obtaining the proper approvals from NYSDOT for the new driveway on NY Route 86. John Swanson abstained. Janet Lynch not yet present. Carried 12-1.

2. TSF 24-1-04, Area Variance & Site Plan Review, Eugene Laun

This application was submitted to the Town of Seneca Falls and forwarded for County review because it is within 500 feet of State Route 414 (Ovid Street). Harriet Haynes presented the GML report for the Seneca County Planning Department. Ms. Haynes stated that there were concerns regarding whether this was considered pre-existing or not, as there was previously a sign in that area of this property. Sue Sauvageau stated it does not seem like it would be considered pre-existing if they are moving the location of the sign. Ms. Haynes confirmed that any county issue or concern would be that there would be billboards there, but since there were billboards previously in that location it did not seem like it would have a significant impact. John Pigman moved, and Charles Brady seconded the adoption of resolution 69-23, recommending that this request of Eugene Laun, Jr. for Site Plan Review and Area Variance be left solely to local determination. Tom Scoles abstained. Carried 13-0.

3. TSF 33-1-4.1, 6.112, 67, Site Plan Review & Area Variance, Sonbyrne Sales, Inc.

This application was submitted to the Town of Seneca Falls and forwarded for County review because it is within 500 feet of Routes 5&20 and 414. Harriet Haynes presented the GML report for the Seneca County Planning Department. Ms. Haynes stated that this was sent back to the County Planning Board for a review of different items than was previously submitted; she advised that the biggest concern was that there was still no soil stability and compaction study. With regards to the Area Variance for signage, Frank Ruzicka confirmed that there would be no signage on the canopy facing the canal. There was mention of possible screening on the side facing the canal (where residential properties exist). Janet Lynch asked about the main sign's illumination; Ms. Haynes stated it would likely be perpendicular to the residential properties, so that it would be most visible to traffic on Routes 5&20. John Pigman moved, and Charles Brady seconded the adoption of resolution 70-23, recommending that the request of Sonbyrne Sales, Inc. for a Site Plan Review be granted conditional upon evidence in the form of pre-engineering studies demonstrating that the soil stability and compaction be appropriate for the proposed development and that the request for an Area Variance for Signage be left solely to local determination. Tom Scoles abstained. Carried 13-0.

OLD BUSINESS: Notifications of trainings have been sent out, please be sure to attend to meet the requirements.

NO NEW BUSINESS

ADJOURNMENT: 8:11 PM, motioned by John Swanson

Respectfully submitted,
Caitlin Ryan,
Secretary