

MEETING MINUTES (Virtual-Google Meet)

JEFFERSON COUNTY PLANNING BOARD

February 23, 2021

MEMBERS PRESENT: David Prosser, Chairman, Art Baderman, Lisa L’Huillier, Clif Schneider, George Yarnall, Jon Storms, Deb McAtee, Randy Lake, Charlene Mannigan

STAFF PRESENT: Andy Nevin, Senior Planner
Sara Freda, Community Development Coordinator
Erin Ermine, Assistant Planner
Michael Bourcy, Director

PUBLIC PRESENT: Abigail Buttacavoli, Channel 7 News
John Reagan, RIC Development, LLC
Ivaylo Tomchev, RIC Development, LLC
Unimuke Agada, RIC Development, LLC

CALL TO ORDER AND ESTABLISHMENT OF QUORUM: Chairman Prosser opened the meeting at 4:00 p.m. and stated that a quorum was present.

APPROVAL OF THE JANUARY 26, 2021 MEETING MINUTES: Chairman Prosser asked members if they had any comments or changes to the January 26, 2021 meeting minutes. A motion to accept the meeting minutes was made by Chairman Prosser, seconded by Lisa L’Huillier, and carried unanimously.

COMMUNICATIONS: Chairman Prosser asked if there were any outside communications. There were none.

PUBLIC COMMENTS (OTHER THAN AGENDA ITEMS): Chairman Prosser asked if there were any public comments (other than on agenda items). There were none.

STAFF COMMENTS: Michael Bourcy introduced Charlene Mannigan from Dexter as the newest County Planning Board member.

NEW BUSINESS:

A. **General Municipal Law, Section 239m Referrals:**

1. **Town of Wilna, Special Use Permit, RIC Development, LLC, JCDP File # T Wi 1 – 21.** Erin Ermine presented this project to the Board stating that the applicant proposes a three-megawatt solar farm. The Board is reviewing this due to its proximity to County Route 41.

Erin showed the project location on County Route 41 using an aerial photo, and pointed out the approximate area on the parcel where the solar farm is proposed. She indicated where the nearest residential houses were in comparison. She briefly reviewed the access road, temporary construction road, proposed gate and fencing, and the wetland locations.

In regards to County/State issues, Erin stated:

A Jefferson County Driveway Permit will be required.

The applicant should contact the Fort Drum Plans, Analysis & Integration Office notifying them of the project location, panel design and project scope to ensure military training activities and flights within the region will not be impacted. This would include sharing the results of the Glare Hazard Analysis to ensure potential glint and glare will not impact pilot aircraft during landing and training maneuvers.

With an acre or more of soil disturbance, a storm water pollution prevention plan will need to be completed.

Due to the presence of Federal Wetlands, the local board should require the applicant to contact the US Army Corps of Engineers, Buffalo Office, to determine if any formal approval is required for the solar panel and temporary road installation.

The only local comment was there appears to be a natural vegetation buffer between the subject parcel and the adjacent residential parcel, as well as along County Road 41. The applicant should retain this vegetation as a natural visual buffer pursuant to the Town of Wilna Zoning Law that states "...reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation."

Chairman Prosser asked if the Town has current solar regulations and if this project included battery storage. Erin stated the Town does have regulations and they were reviewed. No battery storage was proposed.

John Reagan, a representative for the project, spoke and addressed some of the staff comments. He stated their application to the Town already included a storm water pollution prevention plan and that the entire application was submitted to both Watertown airport and Fort Drum. Watertown Airport did not have any concerns and they are still waiting to hear back from Fort Drum. He also stated they are planning to apply for a nationwide permit for the small impact to the wetlands.

Clif Schneider asked about the panels themselves and if they would be domestic or imported and Mr. Reagan stated they would likely be imported.

Chairman Prosser asked if there were any concerns from the Town and Jon Storms indicated they would be holding a public hearing next week.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of local concern only, with the comments as stated above.

Motion: To accept staff recommendation to pass a motion of local concern only was made by Chairman Prosser, seconded by Clif Schneider, and unanimously carried.

- 2-3. Town of Clayton, Site Plan Review & Area Variance, River Roc Storage LLC, JCDP File # T CI 1/1a - 21. Sara Freda presented this project to the Board stating the applicant proposes to erect a 10,200 square foot boat storage building with a 20 foot by 120 foot overhang. The applicant is also requesting an area variance from the required 25 foot side yard setback to 10 foot. The Board is reviewing this due to its proximity to County Road 3.

Sara showed the project location on an aerial photo based map as 15934 County Road 3. She indicated the site was zoned Agricultural Residential and surrounded by storage buildings, rural residential and agricultural land uses. She stated the Board reviewed a site plan for a self-storage building here in June 2017, which has since been constructed.

She reviewed the site plan details for another storage building that will be used for boat storage and stated an area variance is also being requested as they have proposed a 10 foot side yard setback while the regulations state 25 feet is required.

The only County/State comment was for the area variance and that is the local board should consider the benefit to the applicant as weighed against the detriment to health, safety and welfare of the community using the five factors for an area variance as stated in NYS Town Law.

Local issues Sara identified were:

Proposed lighting should be shielded to limit potential impact to neighboring properties and the public highway.

Proposed signage shall meet the requirements of the Town of Clayton Zoning Ordinance.

4. Town of Clayton, Special Use Permit, OYA Great Lakes Seaway, LLC, JCDP File # T Cl 2 - 21. Sara also presented this project to the Board stating the applicant proposes to amend an approved special use permit for a solar farm to add battery storage. The Board is reviewing this due to the parcel's proximity to NYS Route 12.

Sara showed this property location on Blanchard Road, just west of the Town of Clayton and Town of Orleans boundary. The site is zoned Agricultural & Rural Residential, which allows Public Utility Facilities with a special use permit. The Board reviewed the special use permit application for the solar array in November of 2018, along with its sister project in the Town of Orleans for a total project of 20 megawatts. The applicant is now proposing to add a battery storage system, which is a rechargeable battery system that stores energy from the arrays and later provides that energy to the consumer via the grid. This is done by charging the system during the day, optimizes that energy using an algorithm to determine when the stored energy is best used and discharging the energy during times of high usage.

This project consists of two Battery Energy Storage Systems. They are each 44 feet by 11 feet and about 9.5 feet in height and will be located on a concrete pad. Sara reviewed the detailed fire protection features they each have in insure safety.

No County/State issues were identified.

The local board should ensure the applicant meets with the local fire department to address the project's fire protection and control methodology. These procedures should be put in writing and filed with the local fire department.

Chairman Prosser asked if these battery storage systems were going to serve both the Clayton and Orleans arrays and if so, how would that connection look. Sara stated she was not sure.

Clif Schneider asked about the capacity of the battery storage and the longevity of the system. Sara stated the application did not indicate.

Randy Lake and George Yarnall both made comments about environmental concerns regarding leakage and air quality should a fire occur. Sara stated, again, that the application did not address this topic. Being a new concept for our area, she believes they would have to be regulated for those concerns and any Board review should include a comment to be reviewed by that regulating agency.

Randy Lake asked if there was plans in place for identifying components within the system, specifically in the event of a fire, and what happens if ownership changes during the span of the project. Who then assumes the decommissioning of the project? Art Baderman stated he believes it would be similar to solar and wind projects and the liability transfers to the new owner. Sara stated that disposal methods and all fire safety plans should be in writing and shared with local fire officials and should again be included within the decommission plan. A staff comment would be included back to the local board.

Andy reminded the Board that some of these concerns were not necessarily handled through the zoning/land use process and should be addressed by NYS DEC or other state agencies and codes such as the electrical code.

5. Town of Hounsfield, Site Plan Review, Thomas & Julie Vickery, JCDP File # T Ho 1 - 21. Erin presented this project to the Board stating the applicants propose to remove an old barn and construct a new building for check-in and to store rafting equipment. The Board is reviewing this due to its proximity to NYS Route 12F.

Erin showed the project location on NYS Route 12F near the Watertown International Airport. She stated the applicants business is White Water Challenges and they would be constructing a new building near the entrance of the site for check-in and equipment storage, and a new driveway that would extend all the way back to the water with a turn-around for buses when they pick up the rafts.

Erin identified the following County/State concerns:

A NYS DOT Highway Work Permit will be required. A Jefferson County Building Permit will be required. The applicant should contact NYSDEC/Army Corps of Engineers to determine if the proposed dock will require a permit.

Locally, Erin commented:

The site plan does not indicate signage or lighting. The local board should ensure that proposed signage and lighting meets the standards of the Town of Hounsfield Zoning Law.

The Town's zoning law specifies examples of desired tree species for landscaping activities. The board should consider confirming proposed tree species with the applicant to ensure they are in keeping with the intent of the zoning law.

6. Town of LeRay, Site Plan Review, Burnman, LLC, JCDP File # T Le 1 - 21. Andy Nevin presented this last project to the Board stating the applicant proposes to re-use an existing building for mixed-use purposes. The Board is reviewing this due to its proximity to NYS Route 3.

The project location was shown on NYS Route 3 with an aerial photo. The applicant is proposes to reopen a vacant store/gas station with an attached bar-b-que restaurant. In 2017 and 2019 use variances were issued for both these uses. Andy reviewed the photometric map showing the lightning and the site plan highlighting the building location, signage, entrance/exit, parking, snow storage, and landscaping.

Andy reviewed the following County/State issues:

The applicant should contact NYS DOT to determine whether a Highway Work Permit will be required. NYS DEC has been contacted for permission to reuse the existing gasoline storage tanks.

The only local comment was that the local board should ensure the existing and proposed landscaping meets the Town's intent regarding adjacent residences and community character.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of local concern only, with the comments as stated above.

Motion: To accept staff recommendation to pass a motion of local concern only for projects # 2-6 was made by Chairman Prosser, seconded by Deb McAtee, and unanimously carried.

B. Other Business

Andy Nevin asked if there were any comments on the newsletter before it was distributed to the local municipalities. There were none.

Adjournment

Lisa L'Huillier made a motion to adjourn the meeting at 5:06 p.m. and it was unanimously carried.