

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**DRAFT Minutes of Regular Meeting - Tuesday, 3 December 2019 – 7:30 PM**  
**Town Hall Board Room – 3577 Terrace Road – Cortland, NY**

**Board Members** (\*absent)  
Christopher Newell, Chairman  
Nicholas Renzi  
Nasrin Parvizi  
Laird Updyke  
Ann Hotchkin

**Others Present**  
Bruce Weber, Town Planning/Zoning Officer  
John A. DeVecchio, Town Attorney  
Joan E. Fitch, Board Secretary

**Applicants & Public Present**

Daniel King & Brian Bouchard, PE, for UKC Three, LLC, Applicant; Janet Ward for DG New York CS, LLC, Applicant; Gregory Leach, Applicant; Jeffrey Taw & J. David Heiser (did not sign Attendance Sheet) for Christopher Community, Applicant; Elie Schecter, Mark Sweeney & Paul Woodward for McLean Solar 1, LLC, Applicant; Barbara & Sarah Leach, Andrea Rankin, Tom & Judy Cain, Roland R. Ryan, Pam Jenkins, Bob Martin.

**PUBLIC HEARING**

**McLean Solar 1 LLC, Applicant/Form East LLC, Reputed Owner – 415 McLean Road – TM #86.17-01-11.100 – Aquifer & Conditional Permits – Proposed Solar Array**

Chairman Chris Newell opened the Public Hearing at 7:30 p.m. Notice of the Public Hearing was duly published in the *Cortland Standard* on 30 October 2019; proof of publication has been placed on file for the record. Reference is also made to the Minutes of the 29 October 2019 meeting for additional details.

Chairman Newell advised those present that comments were to be confined only to SEQRA/environmental issues. He then asked for public comments which were received as follows:

Andrea Rankin – 437 McLean Road – Ms. Rankin spoke against the location of the proposed solar array; a copy of her comments have been attached hereto as **Attachment A**.

Judy Cain - 3517 Deerfield Heights – Ms. Cain spoke against the location of the proposed solar array; a copy of her comments have been attached hereto as **Attachment B**.

Roland Ryan – 506 McLean Road = Next door neighbors to proposed project. Described area of homes, nature center, farm, and church...a nice residential/agricultural area. Crops always raised on subject property. Proposed solar array on this site would have a negative impact on neighborhood environment and value of his property. Proposed panels and associated “underpinnings” would “stick out like the proverbial sore thumb in our neighborhood.” Believes in solar power, but with placement in more appropriate locations, where there’s more open land and lower population density.

Pam Jenkins – 4023 Collegeview Drive – Ms. Jenkins spoke against the location of the proposed solar array; a copy of her comments have been attached hereto as **Attachment C**.

Bob Martin – 4023 Collegeview Drive – Regarding the applicant’s FEAF, he outlined many errors given by the applicant on the form, page by page, reiterating many of the comments given by Pam Jenkins. He also read from the requirements which, he felt, was contrary to what was done. Mr. Martin stated that address on application is not correct, this should be a Type 1 action, and a Positive Declaration should be given.

Andrea Rankin – 437 McLean Road – So many answers on the FEAF are wrong. Should consider that “this is not a company that does due diligence.”

**With everyone being heard who wished to be heard, Chairman Newell  
closed the Public Hearing at 7:55 p.m.**

<b>REGULAR MEETING</b>
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The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:55 p.m. by Chairman Chris Newell.

**APPROVAL OF MINUTES – 27 August, 24 September, 8 October & 29 October 2019**

A motion was made by Member Ann Hotchkin to approve the 27 August, 24 September, 8 October, and 29 October 2019 meeting Minutes, as submitted. The motion was seconded by Member Nasrin Parvizi, with the vote recorded as follows:

<b>Ayes:</b>	<b>Chairman Newell</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Renzi</b>		
	<b>Member Parvizi</b>		
	<b>Member Updyke</b>		
	<b>Member Hotchkin</b>		

Motion carried.

**This becomes Action #68 of 2019.**

**OLD BUSINESS**

**Gregory Leach, Applicant/Leach Properties, LLC, Reputed Owner – 1834 NYS Route 13 – TM #77.00-13-11.000 – Conditional Permit – Addition to Existing Building**

Town Attorney John DelVecchio reported that the Town's Zoning Board of Appeals upheld the determination by PZO Bruce Weber that this was a permissible use of this site. The Conditional Permit is now before the Planning Board. He stated he had received a 27 November 2019 letter from Mr. Leach's attorney, a copy of which was provided to all Board members. He recommended to the Board members that they make a referral to the Cortland County Planning Department for their review/recommendations.

With no further discussion, a motion was made by Member Nick Renzi to send the application for a Conditional Permit to the Cortland County Planning Department for their review. The motion was seconded by Member Hotchkin, with the vote recorded as follows:

<b>Ayes:</b>	<b>Chairman Newell</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Renzi</b>		
	<b>Member Parvizi</b>		
	<b>Member Updyke</b>		
	<b>Member Hotchkin</b>		

Motion carried.

**This becomes Action #69 of 2019.**

**UCK Three, LLC, Applicant/Reputed Owner – 3861 NYS Route 281 – TM #86.17-01-11.100 – Conditional Permit – Proposed Site Modifications**

Chair Newell recognized Brian Brouhard and Dan King, representing the applicant who was seeking approval of site modifications for this business, Used Car King. Mr. Brouhard reported that a variance had been granted by the ZBA as requested, so they were back for a Conditional Permit. Reference is made to the ZBA Minutes of this date.

Mr. Brouhard, as requested by Member Renzi at the last Planning Board meeting, supplied a memo in response to Member Renzi's questions, a copy of which has been placed on file for the record. Chairman

Newell asked if they had read the County's recommendations contained in their Resolution No. 19-16 of 16 October 2019; they had, and had no problem with them.

Member Ann Hotchkin commented that she would like to see trees planted on the green space, and Mr. Brouchard responded this was not really conducive to retail display of vehicles. Full height trees would take away from the visible nature of the property; however 8± feet of green space has been added.

At the conclusion of this discussion, **a motion was made by Member Parvizi to approve the Conditional Permit for proposed exterior modifications, incorporating Items 1 thru 6 of the Cortland County Planning Board's Resolution No. 19-16 dated 16 October 2019. The motion was seconded by Member Laird Updike, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Newell</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Renzi</b>		
	<b>Member Parvizi</b>		
	<b>Member Updyke</b>		
	<b>Member Hotchkin</b>		

**Motion carried.**

**This becomes Action #70 of 2019.**

**UCK Three, LLC, Applicant/Reputed Owner – 3845 NYS Route 281 – TM #86.17-02-03.000 – Bulk Variance & Conditional Permit – Proposed Site Modifications**

It is noted that Mr. Brouchard, in answer to the Board's question, stated that the subject light poles would be spread out evenly and will be the same type as exist on the adjacent property.

As there are two separate adjacent properties involved, **a motion was then made by Member Parvizi to approve the Conditional Permit for the proposed exterior modifications on this parcel, incorporating Items 1 thru 8 of the Cortland County Planning Board's Resolution No. 19-17 dated 16 October 2019. The motion was seconded by Member Renzi, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Newell</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Renzi</b>		
	<b>Member Parvizi</b>		
	<b>Member Updyke</b>		
	<b>Member Hotchkin</b>		

**Motion carried.**

**This becomes Action #71 of 2019.**

**McLean Solar 1 LLC, Applicant/Form East LLC, Reputed Owner – 415 McLean Road – TM #86.17-01-11.100 – Aquifer & Conditional Permits – Proposed Solar Array**

Reference is made to the 29 October 2019 Minutes of this Board for additional information.

Chair Newell recognized Attorney Mark Sweeney, Elie Schechter, and Paul Woodward, representing the applicant who was seeking approval to construct a solar array on an R-1 zoned property on 12± acres of this 84±-acre parcel.

Attorney Sweeney explained that they had submitted a Full Environmental Assessment Form. He stated they had no objection to a Type 1 Action. The project, he stated, is within a "growth area. Only a small portion will be used for the proposed solar array, leaving a larger portion for agricultural use. There are no large trees because of the present use. Also, they had reviewed the proposed project with the Lime Hollow Nature Center reps who agreed that this facility would not have an impact on their location.

After a few remarks by Elie Schecter, Attorney Sweeney said they plan to construct a gravel driveway on the site. There will be piles driven into the ground, but no concrete, which will limit disturbance to the ground. Native grasses will remain in place and will handle any drip that will come off the panels.

Chairman Newell recognized Paul Woodward who added that the entire site will be seeded to provide a lawn area, and he showed photos of the area of the property with the black-framed panels imposed thereon to show how it will look after construction. Arbor vitae will be planted outside the fence line. There will be no buildings. Member Renzi's questions regarding inverters were answered. Fencing shown on the plan will be a standard chain-link fence, eight feet in height. He asked if it would be possible to talk with Glen Reisweber of Lime Hollow Nature Center to give their position, in writing.

Member Renzi submitted comments to Attorney Sweeney he made with regard to Part 1 of the FEAF (see **Attachment D**). There was a give and take discussion between the two regarding the comments, much of which was technical. Member Renzi commented that the applicant already had approval for five of the six planned solar array projects; how would the subject project affect those if this was not approved? Attorney Sweeney responded "that obviously changes the economics of it." He said they could provide the figures if needed. Attorney Sweeney added that the proposed project, with regard to the other five, is the same type of construction, same types of materials, same methodology, similar inverters, etc. Chairman Newell then commented, "but we're still dealing with an R-1 District that doesn't allow it."

Town Attorney DelVecchio suggested to the Board members that they, in light of the comments and questions, postpone any action on this application so the applicant has a chance to answer the questions posed. Attorney Sweeney responded that he would like to make sure their documents are accurate.

At the conclusion of this lengthy discussion, **a motion was made by Member Renzi that the applicant shall re-submit Part 1 of the FEAF for the next meeting. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

**Ayes: Chairman Newell  
Member Renzi  
Member Parvizi  
Member Updyke  
Member Hotchkin**

**Nays: None**

**Motion carried.**

**This becomes Action #72 of 2019.**

**DG New York CS, LLC, Applicant/Joanne Condron, Reputed Owner – East River Road – TM #87.00-03-02.110 (Cortlandville 1) – AND - DG New York CS, LLC, Applicant/Douglas Christofferson, Reputed Owner – Riley Road – TM #87.00-01-08.100 (Cortlandville 3) – Aquifer & Conditional Permits – Proposed Large-Scale Solar Energy Systems**

Chairman Newell recognized Janet Ward of Next Era Energy Resources, LLC, who presented the Board with comments in response to the 29 October 2019 meeting of this Board, and the comments contained in the Cortland County Planning Board's review.

Chairman Newell commented that these were received at this meeting, so the Board has had no time to review them. Ms. Ward had, however, received the County's recommendations, so her response to those was included in the packet she just provided. She stated they agreed with all the County Planning recommendations. It was noted that there are no DEC-jurisdictional wetlands on either of the proposed sites. Also, they will be in contact with the Cortlandville DPW regarding Cortlandville 3. Use of a gate was discussed; if there is one installed, it will prevent the farmer from accessing his farmland. The array itself will be gated. The existing tree line will be maintained.

Member Hotchkin commented on decommissioning; Chairman Newell asked about a bond, and Ms. Ward answered that was covered in the decommissioning plan. With regard to disposal of the panels, she stated that they are recycled and would not be placed in any local landfill.



At the request of Ms. Ward, Chairman Newell signed the NYSEDA form that acknowledged the project has been presented, but in no way does it indicate that any approval has been given. This, she stated, allows them to register the project with NYSEDA. A copy was made and given to Town Attorney DelVecchio.

At the conclusion of the discussion, **a motion was made by Member Renzi that the applications for a Conditional Permit and Aquifer Protection District Permit for the large-scale solar energy systems be postponed until the 7 January 2020 meeting to allow time for Board members to review the new information just received from the applicant. The motion was seconded by Member Hotchkin, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Newell</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Renzi</b>		
	<b>Member Parvizi</b>		
	<b>Member Updyke</b>		
	<b>Member Hotchkin</b>		

**Motion carried.**

**This becomes Action #73 of 2019.**

## **NEW BUSINESS**

**Christopher Community (Grace Brown House Apartments), Applicant/ YMCA of Cortland NY, Reputed Owner – 1318 Carroll Street – TM #76.19-01-30.200 – Time Extension**

Chairman Newell recognized Jeff Taw and J. David Heiser, representing the applicant who had received approval of their site plan on 27 November 2018. Since that time the location of the onsite dumpster has been changed to east of the building, and new plantings have been added to break the view from the adjacent site.

With no further discussion, **a motion was made by Member Hotchkin to approve the extension of time for the revised site plan, as submitted. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Newell</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Renzi</b>		
	<b>Member Parvizi</b>		
	<b>Member Updyke</b>		
	<b>Member Hotchkin</b>		

**Motion carried.**

**This becomes Action #74 of 2019.**

## **EXECUTIVE SESSION**

At the request of Town Attorney DelVecchio, at 9:15 p.m., **a motion was made by Member Updyke to go into Executive Session to discuss litigation matters. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Newell</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Renzi</b>		
	<b>Member Parvizi</b>		
	<b>Member Updyke</b>		
	<b>Member Hotchkin</b>		

**Motion carried.**

At 9:27 p.m., a motion was made by Member Hotchkin to come out of Executive Session. The motion was seconded by Member Renzi, with the vote recorded as follows:

**Ayes: Chairman Newell**

**Nays: None**

**Member Newell**

**Member Renzi**

**Member Parvizi**

**Member Updyke**

**Motion carried.**

No actions were taken in Executive Session.

### **OTHER DISCUSSION**

Member Parvizi commented about solar companies coming into Cortland County and suggested that some provision should be made in the Solar Law regarding controlling the rate of consumption of farmland; now, there is presently no control.

### **ADJOURNMENT**

At 9:35 p.m., a motion to adjourn the meeting was made by Member Parvizi, seconded by Member Updyke, with all members present voting in the affirmative.



Joan E. Fitch, Board Secretary

Draft e-mailed to Town Clerk, JBF, PB Members,  
DD, BW, KM & DC on 1/17/20.

Attachments A, B, C & D

**Attachment A**

## Testimony from Andrea Rankin

Dec 3, 2019 Hearing on McLean1, LLC

One year ago in October, the town of Cortlandville finalized Local law # 2 of 2018 amending the town's zoning law for the governance of Solar Energy Systems. It spelled out the provisions for the permitting of certain solar photovoltaic systems. It stated quite clearly that:

1. It wants to encourage renewable sources of energy. I strongly agree with this.
2. Ground mounted large-scale solar systems shall not be located on Prime farmland.
3. No conditional permit will be granted if the proposed solar system does not conform to all adopted plans of the Town of Cortlandville and complies with all other requirements of the Town of Cortlandville Zoning law.
4. The ground mounted large scale Solar Systems shall have the least visual effect practical for the environment.

The ink was barely dry on that law when the New York City lawyers for McLean Solar 1, LLC requested a zone change because large-scale solar arrays are not allowed on the land they acquired for this project. Large-scale solar arrays are not allowed in a R-1 residential zone or on USDA designated Prime farmland. The McLean Rd property is both.

There are other considerations as well:

1. The proposed 7000 panel solar farm does not fit in this single-family neighborhood.
2. It is within a mile of our beautiful Lime Hollow Environmental Center, a local scenic resource and park.
3. Every year, this farmland produces a crop of corn or soybeans. The person who farms this land decried the loss of this land to a solar farm that could and should go elsewhere in the county where the land is not as fertile.
4. A snowmobile trail runs through the property providing public recreation.
5. A chain-link fence surrounding 7000 solar panels is not something that has the least visual effect in an R-1 residential zone.
6. The glare from these panels also must be addressed.

Before purchasing land for a solar project, one must be aware of the allowable uses for this land. The need to request a land use change was obviously a self-created hardship because there was no due diligence on the part of the purchaser. It is the owner that must comply with our laws, not Cortlandville that must bend to the will of Madison Avenue lawyers who think Cortland County residents are a bunch of hayseeds not capable of intelligently creating and adhering to their own land use codes.

**Attachment B**

(Judy Cain)

We have laws protecting the environment, because the environment cannot protect itself. Our life in Cortland County depends on our good stewardship of the environment with which we have been entrusted. That's so basic that it almost sounds silly, but it is true, and it's perhaps one of the most important functions of the town board – to maintain good stewardship of our environment.

So – environment. Let's start with farmland. Farmland feeds people. The McLean Solar project is proposed for a lovely chunk of productive farmland. We need the farmland. We can't move it from where it is to another spot if the Solar project goes in there. And if we don't have enough farmland, we don't eat – simple as that. People from away might think we have lots of empty land up here that could be turned into farmland, but that's actually not the case. That particular area is especially fertile, an important and irreplaceable part of keeping Americans fed, and it's not something we should throw away.

Recreation – the proposed McLean Solar project is just around the corner from Lime Hollow Nature Center. I know upstate New Yorkers recognize the importance of connecting with nature and teaching our kids to connect with nature. Lime Hollow is a beautiful area which allows those of us fortunate enough to live here an opportunity to get out in the woods, to see and participate in programs about nature, to experience nature for ourselves. That land has been donated and purchased to enhance the lives of those of us who live here; it is a beautiful area that deserves our protection.

Aesthetic Significance – I live on Deerfield Heights, across the McLean Road from the proposed Solar project. It is a small and lively neighborhood, full of good people and good friends and great kids. We love that field across the road; we watch the crops grow, we keep an eye out for deer, and some of us participate in snowmobiling on that field. It would certainly destroy some of the aesthetic significance of our neighborhood if the Solar project were put up across the road from us.

But I think the biggest and most important aspect of this is the first one I mentioned. Lime Hollow could move, or people could go elsewhere for their outdoors fix. The people in my neighborhood could relocate, or train ourselves not to look. But we cannot pick up that farmland and move it somewhere else so the Solar project can go forward. And we do have to eat – every one of us. That farmland feeds us. We need it. I hope you will recognize and maintain the protections we (you) have put into place to protect that farmland, the recreation areas, and the aesthetics we now enjoy.

Thank you.

Solar farm McLean 1 – Pam Jenkins’ testimony final for Dec 3

Board members, thank you for agreeing to hold this Public Hearing today.  
From NYCRR 617.2

(l) *Environment* means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.

[See NYCRR 617.2 and N.Y. Env. Cons. L. § 8-0105.6](#));

Now that you have the legal definition of environment, the only conclusions you can come to is that the proposed project would have **Significant Impacts** on the environment and that you must give the project a **Positive Declaration of Significance**, and you must properly label it as a **Type 1 Action under SEQR** because it would involve the physical alteration of greater than 5 acres for non-residential development.. [See 617.4 Type 1 Actions 6 \(i\)](#).

First, I will address the **Full Environmental Assessment Form** because many of the answers given by the applicant are wrong, misleading or absent. Page 2 question C2-a, re: **answer to second part of question should be Yes**: There are specific recommendations for the site where the proposed action would take place. The land is zoned R-1. Large scale ground mounted solar is not allowed in R-1

Page 2 C2 b: most of the site is in the Aquifer Protection District. **This answer is absent.**

Page 3 C3 d: what parks serve the site? **Answer given N/A**. The correct answer is Lime Hollow Nature Center is at some points about 1500 feet west of the proposed site.

Page 3 Question D 1 b b: re acreage disturbed. **The wrong answer of 0.59 acres was given**. The correct answer would be more like that entire area which would be stripped of vegetation, excavated, graded, made into roads, all fences and screening plantings, **and the entire area covered by the 7000 solar panels**...and because this area is greater than 5 acres it is a Type 1 Action under SEQR. Please correct the record on this.

Page 4 g: **No answer given** for the dimensions of the project.

Page 4 D2 **Wrong answer given** to the question re excavation: of course, there would be excavation for the pavement and underground lines. 2000 feet of underground cable would need to be excavated for.

Page 6 D2e, **wrong answer given to the question re disturbance of greater than 1 acre.** Check with DEC re definition of disturbance of land. Cynthia Hill of the DEC told me that the entire area which would be changed from crops to being covered by solar panels, graded, excavated, and all roads and fences and screening plantings is the area that would be disturbed. **It is greater than 1 acre, it is greater than 5 acres. This makes this project a Type 1 Action.**

The drip line off 7000 solar panels would alter to flow of stormwater and could cause concentrated flows of stormwater, altered hydrology and potential for erosion. This information is absent from the application. This was addressed in the February 8, 2019 letter from the Soil and Water Conservation District to the applicant. A SWPPP needs to be submitted.

Page 8 D2 m...noise. It is possible that during construction for 3 months there would be excess noise.

Page 8 D2r: re solid waste generated: How many cubic feet of landfill space would the 7000 panels and all structures and pavement take up in the landfill at decommissioning?

Page 10 E1d: **Wrong answer was given** by applicant: because Lime Hollow Nature Center properties are within 1500 ft of the western border of the site.

Page 12 E3b: **Wrong answer given.** The site is 85.% prime farmland per Eric Lopez, GIS specialist for Cortland County. It is presently in production of Agricultural crops.

Page 12 E3d...the area was recommended in the 2002 aquifer Protection Plan to be designated as a Critical Environmental Are...but Cortlandville failed to adopt that recommendation. Again, the Comprehensive Plan Committee for the new Comprehensive Plan has recommended that the entire area be designated as a Critical Environmental Area because it is over the aquifer and because of its proximity to unique bogs and ponds and springs.

Page 13E3 h. **Wrong answer was given.** The correct answer is that the proposed site is within 5 miles of Lime Hollow...in fact it is approximately 1500 feet from Lime Hollow.

#### Attachment A

Our lawyer has found no cases where is has been decided that independent **solar** generators are exempted from use the 4 variance requirements. The applicant brought on their own hardship by electing to propose this site where our intact zoning and our solar law prohibits this solar project.

The two-part test which the applicant proposes also falls short A) there is no necessity for this 6<sup>th</sup> solar farm which the applicant seeks to have permitted. B) there are alternatives: the applicant can find another location.

The intrusion upon the community would be significant. The land is now in active agricultural production, is zoned R-1 is in commuting distance to Ithaca, Dryden, and Cortland.

According to Eric Lopez, the county GIS Specialist:

Only 9% of Cortlandville is zoned R-1.

85.5% of the site is prime farmland.

Only 30% of Cortlandville is prime farmland.

This site does not qualify for large scale ground mounted solar because it is zoned R-1 and it is prime farmland, and it would negate the R-1 property rights and expectations of the people who are the neighbors in the R-1 zoned area.

Page 1 of the Attachment to the EAF: the ZBA is not required to grant the use variance based upon the applicant's preference to have 6 permitted solar farms rather than the 5 which have already been permitted on parcels where our intact zoning and our solar law allow the use.

The town is not required to give approval for the solar project on prime farmland.

## **Conclusion**

Numerous false, misleading and even absent answers have been submitted by the applicant on this EAF and attachment.

There would be numerous impacts to the environment including to agricultural resources, land and water due to the disturbance of greater than 5 and even 10 acres, and impacts to the **existing community character**, noise, existing patterns of population concentration, distribution or growth. The project site violates our zoning and our solar law.

**Please correctly label this project as a Type 1 Action as required under NYS ECL 617, and give it a Positive Declaration of Significance. (spoken: it also needs to be noticed in the Environmental Notice bulletin)**

**Then have the applicant prepare a full Environmental Impact Statement.**

**No further action can be taken on this application until those steps have taken place.**

Thank you,

Pam Jenkins



## ATTACHMENT D

### COMMENTS ON MCLEAN SOLAR 1 SOLAR FARM

#### PART 1 FULL ENVIRONMENTAL ASSESSMENT FORM

1. C.2b SHOULD MENTION THE AQUIFER PROTECTION DISTRICT
2. C.3c CORRECT ANSWER IS YES EVEN THOUGH IT IS A VARIANCE
3. D.1b TOTAL ACREAGE TO BE PHYSICALLY DISTURBED IS 12 NOT JUST THE .59 ACRES FOR THE PANELS.
4. D.1g ANSWERS FOR I<ii AND iii ARE REQUIRED.
5. D.2a THE CORRECT ANSWER IS YES.
6. D.2e THE CORRECT ANSWER IS YES.
7. D.2m THE CORRECT ANSWER IS YES.
8. D.2r THE CORRECT ANSWER IS YES.
9. E.1d THE CORRECT ANSWER IS YES LIME HOLLOW AND A GROUP HOME.
10. E.3b THE CORRECT ANSWER IS YES.
11. E.3h THE CORRECT ANSWER IS YES.

#### ATTACHMENT A APPLICABLE VARIANCE STANDARD

1. THE FOUR USE VARIANCE STANDARDS WERE SUPPLANTED FOR SITUATIONS INVOLVING PUBLIC UTILITIES. MCLEAN 1 IS A POWER GENERATOR NOT A PUBLIC UTILITY. EVEN IF THE TWO-PART TEST WERE TO BE APPLIED THERE IS NO REAL PUBLIC NECESSITY FOR THE SOLAR FARM UNDER CONSIDERATION AND THERE ARE OTHER AVAILABLE ALTERNATIVES THAT WOULD BRING LESS DISRUPTION OF THE COMMUNITY'S ZONING PLAN.
2. ON WHAT BASIS OF LAW OR OTHER LEGALLY STANDING DECISION IS MCLEAN 1 A PUBLIC UTILITY
3. HOW HAS THE APPLICANT SHOWN THAT THE PROPOSED PROJECT IS NECESSARY TO RENDER SAFE AND EFFECTIVE SERVICE TO CUSTOMERS IN NEW YORK.



4. UNDER THE PARAGRAPH TITLED SAFE AND EFFECTIVE ELECTRIC SERVICE IT IS DIS INGENUOUS TO DEEM THE PROPOSED PROJECT AS NECESSARY TO PROVIDE SAFE AND RELIABLE ELECTRIC SERVICE REFLECTING ON THE STATE'S GOAL OF GENERATING 70% OF THE STATE'S ELECTRICAL POWER BY CLEAN RENEWABLE ENERGY SOURCES BY 2040. THE MCLEAN 1 PROJECT IS FAR FROM "KEY TO MEETING THE STATE'S GOAL.
5. ACCORDING TO THE U.S. ENERGY INFORMATION ADMINISTRATION'S NEW YORK STATE ENERGY PROFILE RENEWABLE ENERGY PRODUCTION IN NEW YORK FOR SMALL SCALE SOLAR PHOTOVOLTAIC GENERATION IS 203 THOUSAND MWh, THIS CONVERTS TO 203,000,000 KWh. THE MCLEAN 1 PROJECT WITH ANTICIPATED PRODUCTION OF 3, 507,504 KWh REPRESENTS LESS THAN 2% OF THE NEW YORK STATE TOTAL HARDLY A "KEY" SOURCE.

THE PLANNING BOARD WILL PROCEED TO ADDRESSING THE PART 1 SUBMITTAL BY THE APPLICANT, FILL OUT PART 2 AND SHOULD MAKE A POSITIVE DECLARATION WITH THE PART 3 EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACT AND DETERMINATION OF SIGNIFICANCE FILLED OUT BY THE LEAD AGENCY (PLANNING BOARD).

NICK RENZI  
DECEMBER 3, 2019