

**CORTLANDVILLE TOWN BOARD
AGENDA
DECEMBER 4, 2019**

Pledge Allegiance to the Flag

A. CALL MEETING TO ORDER

B. APPROVE MINUTES

B-1 Town Board Minutes of October 15, 2019

B-2 Receive & file the Cortlandville Zoning Board of Appeals Minutes of October 29, 2019

C. PURCHASE ORDERS

C-1 P.O. #0156, Global Industries, Inc., to purchase new desk unit for Assessors Office, in the amount of \$2,228.34

D. AUTHORIZATION TO PAY BILLS

E. PRIVILEGE OF THE FLOOR

F. REPORTS

F-1 Accept the 2018 Town Court Audit prepared by Port, Kashdin, & McShery, Certified Public Accounts

F-2 Receive & file the Monthly Report of the Code Enforcement Office for November 2019, Submitted by Kevin McMahan

F-3 Receive & file the Monthly Report of the Cortland Community SPCA for November 2019

G. COMMUNICATIONS

G-1 Receive & file the correspondence dated November 26, 2019 from Charter Communication regarding programming

H. OLD BUSINESS

I. NEW BUSINESS

I-1 Town Clerk

I-2 Town Attorney

- I-3 Receive & file the Cortland County Planning Board & Cortland County Planning Department review & recommendations regarding the Aquifer Protection Permit application of McLean Solar 1, LLC
 - a.) Receive & file Cortland County Planning Board & Cortland County Planning Department review & recommendations regarding the Aquifer Protection Permit application of DG New York CS, LLC Solar Projects for property located on Carr Hill Road, Tax Map #87.00-01-08.100 & Riley Road, Tax Map #87.00-03-02.110
 - 1.) Set a Public Hearing date regarding the Aquifer Protection Permit of DG New York CS, LLC Solar Projects, pending Planning Board referral
- I-4 Receive & file the correspondence dated November 18, 2019 from Barclay Damon, regarding Cortland County IDA/Pyrotek Inc., Project, 641 NYS Route 13 – Payment in Lieu of Tax Agreement (PILOT)
- I-5 Authorize the Supervisor to sign the 2019 Contract/Agreement with John McNerney, Cortland Youth Bureau for the management responsibility, task & duties for GLSC, in the amount of \$5,000.00
- I-6 Receive & file the correspondence dated November 19, 2019 from NYS Board of Electric Generation Siting & and the Environment regarding Case 19-F-0588, to track a possible application by EDF Renewables Development, Inc. for certificate to construct & operate a solar generating facility within the Towns of Homer, Solon, Cortland County. If the application is submitted, Article 10 of the Public Service Law requires the Town of Cortlandville Supervisor to nominate four candidates to serve as the ad hoc public members to the “Siting Board” for the purpose of providing a local voice in the review of the project & vote on the final decision on the application

J. ADJOURN

F-3

Town of Cortlandville-Including Village of McGraw
Monthly Report • November 2019

Dogs Impounded	7
Citizen	0
CCSD	0
SPCA	1
OS	6

Dispositions	7
Redeemed	2
Adopted	2
Euthanized	0
DOA	0
Still at Shelter	3
Transferred	0

one of these redemptions was a dog owner sur. and then returned. No DL-18 issued.

Complaints This Month	8
------------------------------	----------

- Dog Control:
 - Dog at Large 4
 - Unlicensed
 - Unvaccinated
 - Dog Nuisance
 - Harass/Barking/Loud
 - Unable to Care for Dog
- Animal Cruelty:
 - Dog/Cat Abandonment
 - Dog/Cat Abuse
 - Dog/Cat Neglect
 - Dog/Cat Sick or Injured 3
 - Loose Farm Animal
 - Animal Neglect/Cruelty
 - Inappropriate Shelter 1
 - Hot/Cold Vehicle
- Dispositions:
 - Compliance Order
 - No Violation
 - Completed 4
 - Unable to Locate 3
 - Animal Picked Up 1
 - Returned to Owner
 - Pending Investigation
 - Charges/Arrest

YTD: 123
Animal Control:
Injured Wildlife:

Tickets Issued:		
Ticket #	App Date	Offense

Tickets Issued: 0
Dogs Impounded this month: 7
Cats Impounded this month: 3

Tickets Issued YTD: 32
Dogs Impounded YTD: 38
Cats Impounded YTD: 81

RECEIVED NOV 22 2019

1-3a

ON THE MOTION OF Paul Slowey
Danny Ross

RESOLUTION NO. 19-22

GML#87.00-03-02.110
Town of Cortlandville
Site Plan Review, Conditional
Permit & Aquifer Protection
District Special Permit
DG New York CS, LLC

WHEREAS, on October 25, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for Site Plan Review, Conditional Permit and an Aquifer Protection District Special Permit because the property is located within 500 feet of the City of Cortland boundary, Interstate Route 81, East River Road (County Road #114) and active farming operations within the Cortland County Consolidated Agricultural District which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated November 15, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on November 20, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for site plan review, conditional permit and an aquifer protection district special permit to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 31.27+/- acres contingent upon the following:

1. The applicant obtaining written approval for the driveway entrance to **Riley Road** from the Town Highway Superintendent since Riley Road is a town road.
2. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.
3. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and

revegetation of all pervious areas upon completion of construction.

4. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
5. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage if it is determined that this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.
6. That disturbed areas are replanted with native species to enhance ecological values.
7. That the applicant contacts the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.
8. That the applicant provide a written narrative to the Town as to how concerns regarding noise impacts on the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed are being addressed.
9. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on neighboring residential properties.
10. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
11. Potential impacts to identified archeological sites on this property being evaluated and avoided.

12. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

**Wendy Miller, Secretary
Cortland County Planning Board
November 20, 2019**

Ayes: 10

Nays: 0

November 15, 2019

GML# 87.00-03-02.110
Town of Cortlandville
Site Plan Review, Conditional Permit &
Aquifer Protection District Special Permit
DG New York CS, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a site plan review, conditional permit and aquifer protection district special permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-m as the property is located within 500 ft. of the City of Cortland boundary, Interstate Route 81, East River Road (County Road # 114) and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: October 25, 2019

Applicant: DG New York CS, LLC
Attn: Janet Ward
700 Universe Boulevard
A1A/JB
Juno Beach, FL 33408

Status of Applicant: lease agreement

Requested Action: site plan review, conditional permit and aquifer protection district special permit

Purpose: to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 31.27+/- acres

Location: east side of East River Road and north side of Riley Road

Size: 129.7+/- acres (project area 31.27+/- acres)

Existing Zoning: AG (Agricultural)

Existing Land Use: agricultural and woods

Surrounding Zoning: AG (Agricultural)

**Surrounding Land Uses: N – agricultural and woods
S – agricultural
E – agricultural and woods
W – agricultural and woods**

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article III – Agricultural District

Article X – Aquifer Protection District

Section 178-46. – Special permits

A. Is a development, other than residential, of real property exceeding \$150,000 in development cost

Article XIII – Site Plan Approval

Section 178-72. Planning Board review of site plan

Article XIV – Conditional Permit

Section 178-75. Structure/Use Requirements for Permit Approval

Section 178-76. Additional Specific Requirements

G. Transportation and utility facilities

(2)

Article XVI - Stormwater Management and Erosion and Sediment Control

Section 178-90. Jurisdiction and applicability

C. Exemptions

(1)

Article XVIII – Signs

Section 178-112 – Permitted signs

Section 178-113 – Regulations for permitted signs

Article XIX – Supplemental Regulations and Exceptions

Section 178-123.3. Solar energy systems

D. Permitted locations

(3) Ground-mounted large-scale solar energy Systems

E. Conditional use design and installation standards

G. Height and setback restrictions

I. Signage and/or graphic content

ANALYSIS:

The applicant is requesting site plan review, conditional permit and an aquifer

protection district special permit to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 31.27 acres. The property is located on the east side of East River Road and north side of Riley Road and is zoned AG (Agricultural).

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. The applicant is proposing to construct a five megawatt solar array, accessory access driveway and security fencing encompassing a project area of approximately 31.27+/- acres. Ground-mounted large-scale solar energy systems are permitted in the AG District subject to a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The site plan indicates that the proposed solar array would include approximately 20,046,370 watt panels and would encompass 31.27+/- acres. The applicant has stated that the amount of electricity that would be generated from this solar array would be approximately 5 megawatts or 5,500,000 kWh annually or enough electricity for approximately 700 homes.

The solar array would actually be separated into three arrays to avoid placing arrays within delineated wetland areas at this location. The arrays would each be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Signage at the site would include the name and phone number of the electric utility provider, the site operator and the facility's 911 address and coordinate location. The solar panels would be ground mounted rotating panels that would be mounted on a single axis tracking system, which is designed to rotate to track the sun's movement. The panels would have a maximum height of 12 ft. above ground and would be setback a minimum of 50 feet from all adjoining properties. The proposed project would also include direct current (DC)/AC power inverters, medium-voltage transformers, control and distribution cabinets, a medium-voltage collection system, project switch-gear, an interconnection to the existing electrical distribution system, and potentially a battery energy storage system. The solar panels will be electrically connected to combiner boxes which will be combined into central inverters which will be mounted on concrete foundation pads. The inverters will be electrically connected to step-up transformers which will transform the voltage to 34.5kV. The electricity generated would then be distributed through the grid as community distributed generation which would allow transfer of the electricity generated in the form of bill credits to subscribing members within the same distribution utility territory and NY-ISO control load zone.

The site may also include battery storage equipment. These batteries would be charged during peak times when the system is producing more energy than the inverters can transmit to the distribution system. The stored energy would be discharged to the distribution system at night when the solar facility is not producing energy.

The site would be accessed via a proposed 20 ft. wide gravel driveway from Riley Road. It is recommended that the applicant obtain written approval for the driveway entrance to Riley Road from the Town Highway Superintendent since Riley Road is a town road. The proposed driveway would extend approximately 1,175 ft. north to the location of

the proposed solar arrays with the point of interconnection with an existing 34.5 kV overhead electrical line near the driveway entrance at Riley Road. The applicant is proposing to install a manual access gate at the end of the driveway to restrict access to the solar arrays. There does not however appear to be a security gate proposed at the driveway access to the site from Riley Road. It is recommended for safety and security reasons, that an access gate also be installed at the driveway entrance from Riley Road to restrict access to the site.

The area of the proposed driveway and solar array is currently being used as a farm field. There is concern as to the potential stormwater impacts from a large scale solar array. While solar arrays themselves do not add direct impervious cover, the kinetic energy of the water flowing off of the panels has the potential to create driplines, and subsequently may cause erosion and channelization underneath the panels. There would be vegetative cover underneath the panels that should be maintained on a regular basis. It is recommended that a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained as it would be the primary management practice for stormwater on site. It is unclear as to whether the installation of solar arrays on a cultivated farm field is considered land disturbance. Regardless of whether or not this project is considered to have more than one acre of land disturbance, it is recommended that the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction. At this site direct impacts to wetlands have largely been avoided. Two of the three panel areas are downgradient of identified wetlands. The third panel area is upgradient. It will be particularly important that all erosion and sediment controls be installed correctly and maintained to avoid impacts to the wetland area downgradient. If it determined that this project would disturb more than one acre of land, it would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) per the Town's stormwater ordinance including water quality and quantity management. The applicant would also be required to file a Notice of Intent with the NYS Department of Environmental Conservation (DEC), prepare and submit a stormwater pollution prevention plan (SWPPP) to the DEC for the site and obtain a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage for greater than one acre of soil disturbance. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements. The applicant would also be required to obtain approval of the final design of the stormwater pollution prevention plan from the County Soil and Water Conservation District prior to any positive consideration of this proposal. This site has steep areas: 38% with slopes of 10 to 15% and 39% with slopes greater than 15%. However, the site design has attempted to minimize disturbance and by avoiding placement of panels on particularly steep areas. Effective stormwater management will be essential on this site. However, much of this site is currently planted in corn; planting to permanent cover may serve to offset effects of the panels and installation disturbance for the longer term. It is recommended that disturbed areas are replanted with native species to enhance ecological values. It is also recommended that the applicant contact the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a

result of this determination.

It should also be noted that the solar arrays would be located in close proximity to residential properties to the west along East River Road. There is concern regarding the noise impacts to the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed. It is therefore recommended that the applicant provide a written narrative to the Town as to how concerns regarding noise impacts on the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed are being addressed.

There is also concern regarding the impact of glare from the solar panels on neighboring properties. It is recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on the neighboring residential properties.

It should be noted that approximately 22% of the project site is considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. The use of prime farmland for ground-mounted large-scale solar energy systems requires Town Planning Board approval.

The material submitted by the applicant indicates that several archeological sites have apparently been identified within the project area. It is unclear whether these sites will be affected by the solar installation. Potential impacts should be evaluated and avoided.

The applicant has also submitted a decommissioning plan for the site which includes a financial surety bond in an amount estimated for the cost for removal of all materials upon the facility no longer being in use.

Finally, the applicant has completed Part I of a SEQR Full Environmental Assessment Form. Parts II & III should be completed by the Town to determine if any significant adverse environmental impacts may result from the proposed development.

RECOMMENDATION

The staff recommends approval of this application for site plan review, conditional permit and an aquifer protection district special permit contingent upon the following:

1. The applicant obtaining written approval for the driveway entrance to Riley Road from the Town Highway Superintendent since Riley Road is a town road.
2. That for safety and security reasons, an access gate also being installed at the driveway entrance from Riley Road to restrict access to the site.

3. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.
4. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.
5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
6. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage if it is determined that this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.
7. That disturbed areas are replanted with native species to enhance ecological values.
8. That the applicant contacts the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.
9. That the applicant provide a written narrative to the Town as to how concerns regarding noise impacts on the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed are being addressed.
10. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on neighboring residential properties.
11. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.

12. Potential impacts to identified archeological sites on this property should be evaluated and avoided.

13. Compliance with SEQR requirements.

Prepared by:

Daniel S. Dineen
Director of Planning

ON THE MOTION OF Craig Umbehauer
Chuck Feiszli

RESOLUTION NO. 19-21

GML#87.00-01-08.100
Town of Cortlandville
Site Plan Review, Conditional
Permit & Aquifer Protection
District Special Permit
DG New York CS, LLC

WHEREAS, on October 25, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for Site Plan Review, Conditional Permit and an Aquifer Protection District Special Permit because the property is located within 500 feet of Interstate Route 81 and active farming operations within the Cortland County Consolidated Agricultural District which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated November 15, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on November 20, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for site plan review, conditional permit and an aquifer protection district special permit to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 36.6+/- acres contingent upon the following:

1. The applicant obtaining written approval for the driveway entrance to **Carr Hill Road** from the Town Highway Superintendent since Carr Hill Road is a town road.
2. That an easement be written into the deeds of all properties that the proposed driveway access travels through to insure continued access to the solar array in the event that the involved properties are sold separately in the future.
3. That the applicant provide a written narrative to the Town as to how concerns regarding noise, dust and stormwater runoff impacts on the neighboring

residential properties during construction of the driveway and installation of the solar panels are being addressed to determine if the access driveway and its connection with Carr Hill Road need to be relocated further from these neighboring residential properties to alleviate these concerns.

4. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.
5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site both during and after construction from the Town upon review by the County Soil and Water Conservation District, since this project would disturb more than one acre of land.
6. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage since this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.
7. That the applicant contacts the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.
8. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding residential properties.
9. That disturbed areas are replanted with native species to enhance ecological values.
10. That the applicant consults with and obtains written confirmation from the DEC that it is acceptable to install solar arrays within these delineated wetland areas.
11. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

**Wendy Miller, Secretary
Cortland County Planning Board
November 20, 2019**

**Ayes: 10
Nays: 0**

November 15, 2019

GML# 87.00-01-08.100
Town of Cortlandville
Site Plan Review, Conditional Permit &
Aquifer Protection District Special Permit
DG New York CS, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a site plan review, conditional permit and aquifer protection district special permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-m as the property is located within 500 ft. of Interstate Route 81 and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: October 25, 2019

Applicant: DG New York CS, LLC
Attn: Janet Ward
700 Universe Boulevard
A1A/JB
Juno Beach, FL 33408

Status of Applicant: lease agreement

Requested Action: site plan review, conditional permit and aquifer protection district special permit

Purpose: to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 36.6+/- acres

Location: at the end of Riley Road

Size: 163.8+/- acres (project area 36.6+/- acres)

Existing Zoning: AG (Agricultural)

Existing Land Use: agricultural and woods

Surrounding Zoning: AG (Agricultural)

Surrounding Land Uses: N – agricultural and woods
S – residential
E – agricultural and woods
W – agricultural and woods

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article III – Agricultural District

Article X – Aquifer Protection District

Section 178-46. – Special permits

- A. Is a development, other than residential, of real property exceeding \$150,000 in development cost

Article XIII – Site Plan Approval

Section 178-72. Planning Board review of site plan

Article XIV – Conditional Permit

Section 178-75. Structure/Use Requirements for Permit Approval

Section 178-76. Additional Specific Requirements

- G. Transportation and utility facilities

(2)

Article XVI - Stormwater Management and Erosion and Sediment Control

Section 178-90. Jurisdiction and applicability

- C. Exemptions

(1)

Article XVIII – Signs

Section 178-112 – Permitted signs

Section 178-113 – Regulations for permitted signs

Article XIX – Supplemental Regulations and Exceptions

Section 178-123.3. Solar energy systems

- D. Permitted locations

(3) Ground-mounted large-scale solar energy Systems

- E. Conditional use design and installation standards

- G. Height and setback restrictions

- I. Signage and/or graphic content

ANALYSIS:

The applicant is requesting site plan review, conditional permit and an aquifer

protection district special permit to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 36.6 acres. The property is located off the end of Riley Road and is zoned AG (Agricultural).

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. The applicant is proposing to construct a five megawatt solar array, accessory access driveways and security fencing encompassing a project area of approximately 36.6+/- acres. Ground-mounted large-scale solar energy systems are permitted in the AG District subject to a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The site plan indicates that the proposed solar array would include approximately 20,280,370 watt panels and would encompass 36.6+/- acres. The applicant has stated that the amount of electricity that would be generated from this solar array would be approximately 5 megawatts or 5,500,000 kWh annually or enough electricity for approximately 700 homes.

The array would be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Signage at the site would include the name and phone number of the electric utility provider, the site operator and the facility's 911 address and coordinate location. The solar panels would be ground mounted rotating panels that would be mounted on a single axis tracking system, which is designed to rotate to track the sun's movement. The panels would have a maximum height of 12 ft. above ground and would be setback a minimum of 50 feet from all adjoining properties. The proposed project would also include direct current (DC)/AC power inverters, medium-voltage transformers, control and distribution cabinets, a medium-voltage collection system, project switch-gear, an interconnection to the existing electrical distribution system, and potentially a battery energy storage system. The solar panels will be electrically connected to combiner boxes which will be combined into central inverters which will be mounted on concrete foundation pads. The inverters will be electrically connected to step-up transformers which will transform the voltage to 34.5kV. The electricity generated would then be distributed through the grid as community distributed generation which would allow transfer of the electricity generated in the form of bill credits to subscribing members within the same distribution utility territory and NY-ISO control load zone.

The site may also include battery storage equipment. These batteries would be charged during peak times when the system is producing more energy than the inverters can transmit to the distribution system. The stored energy would be discharged to the distribution system at night when the solar facility is not producing energy.

The site would be accessed via a proposed 20 ft. wide gravel driveway from Carr Hill Road. It is recommended that the applicant obtain written approval for the driveway entrance to Carr Hill Road from the Town Highway Superintendent since Carr Hill Road is a town road. This 20 ft. wide driveway would extend along the northern and eastern property lines of property under the same ownership as the property proposed for the solar

array. It is recommended that an easement be written into the deeds of all involved properties to insure continued access to the solar array in the event that the involved properties are sold separately in the future. The proposed driveway would extend approximately 2,100 ft. to the location of the proposed solar array and then continue another 2,500 ft. to the point of interconnection with an existing 34.5 kV overhead electrical line. Another driveway approximately 1,250 ft. in length would continue north off this driveway to provide access to the solar array. This driveway would be within the fenced area for the project and would be secured with a manual access gate. There does not however appear to be a security gates proposed at the driveway access to the site from Carr Hill Road. Vehicles would therefore be able to travel unrestricted along the almost one mile stretch of driveway from Carr Hill Road to the interconnection location. It is recommended for safety and security reasons, that an access gate also be installed at the driveway entrance from Carr Hill Road to restrict access to the site. It should also be noted that the driveway and its access from Carr Hill Road are in close proximity to residential properties along Carr Hill Road. There is concern regarding the noise, dust and stormwater runoff impacts to the neighboring residential properties during construction of the driveway and installation of the solar panels. The stormwater runoff impacts are of particular concern given the 15+% slope of the property at this location and the close proximity of the proposed driveway to the neighboring residential properties. It is therefore recommended that the applicant provide a written narrative to the Town as to how concerns regarding noise, dust and stormwater runoff impacts on the neighboring residential properties during construction of the driveway and installation of the solar panels are being addressed to determine if the access driveway and its connection with Carr Hill Road need to be relocated further from these neighboring residential properties to alleviate these concerns.

The proposed 36.6 acre site is predominately being used as a farm field with approximately 7.2 acres of woodland area. There is concern as to the potential stormwater impacts from a large scale solar array. While solar arrays themselves do not add direct impervious cover, the kinetic energy of the water flowing off of the panels has the potential to create driplines, and subsequently may cause erosion and channelization underneath the panels. There would be vegetative cover underneath the panels that should be maintained on a regular basis. It is recommended that a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained as it would be the primary management practice for stormwater on site. Regardless as to whether the installation of solar arrays on a cultivated farm field is considered land disturbance, this project would still result in the removal of 7.2 acres of woods. Since this project would disturb more than one acre of land, it would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) per the Town's stormwater ordinance including water quality and quantity management both during and after construction activities. The applicant would also be required to file a Notice of Intent with the NYS Department of Environmental Conservation (DEC), prepare and submit a stormwater pollution prevention plan (SWPPP) to the DEC for the site and obtain a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage for greater than one acre of soil disturbance. The SWPPP must meet the current Stormwater

Management Design Manual and the Runoff Reduction and Green Infrastructure requirements. The applicant would also be required to obtain approval of the final design of the stormwater pollution prevention plan from the County Soil and Water Conservation District prior to any positive consideration of this proposal. It is also recommended that the applicant contact the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.

This site is at the top of a hill, is predominately surrounded by agricultural lands and woods, and is higher in elevation than the neighboring residential properties to the east. Given that the elevation of this property is higher than the surrounding properties, it appears that there would be minimal, if any, impact of glare on the surrounding properties. It is still recommended however that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on the surrounding residential properties.

This property includes areas that are considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. However, less than one percent of the area proposed to be covered with ground-mounted large-scale solar energy systems is considered prime farmland. The site plan also indicates that approximately 9.2 acres of the project area is delineated wetlands. It will be particularly important that all erosion and sediment control be installed correctly and maintained to minimize impacts on these wetland areas. It will also be important to revegetate disturbed areas as soon as possible after installation and to inspect and maintain vegetation. It is recommended that disturbed areas are replanted with native species to enhance ecological values. It is also recommended that the applicant consult with and obtain written confirmation from the DEC that it is acceptable to install solar arrays within these delineated wetland areas.

The applicant has also submitted a decommissioning plan for the site which includes a financial surety bond in an amount estimated for the cost for removal of all materials upon the facility no longer being in use.

Finally, the applicant has completed Part I of a SEQRA Full Environmental Assessment Form. Parts II & III should then be completed by the Town to determine if any significant adverse environmental impacts may result from the proposed development.

RECOMMENDATION

The staff recommends approval of this application for site plan review, conditional permit and an aquifer protection district special permit contingent upon the following:

1. The applicant obtaining written approval for the driveway entrance to Carr Hill

Road from the Town Highway Superintendent since Carr Hill Road is a town road.

2. That an easement be written into the deeds of all properties that the proposed driveway access travels through to insure continued access to the solar array in the event that the involved properties are sold separately in the future.
3. That for safety and security reasons, an access gate also being installed at the driveway entrance from Carr Hill Road to restrict access to the site.
4. That the applicant provide a written narrative to the Town as to how concerns regarding noise, dust and stormwater runoff impacts on the neighboring residential properties during construction of the driveway and installation of the solar panels are being addressed to determine if the access driveway and its connection with Carr Hill Road need to be relocated further from these neighboring residential properties to alleviate these concerns.
5. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.
6. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site both during and after construction from the Town upon review by the County Soil and Water Conservation District, since this project would disturb more than one acre of land.
7. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage since this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.
8. That the applicant contacts the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.
9. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding residential

properties.

10. That disturbed areas are replanted with native species to enhance ecological values.
11. That the applicant consults with and obtains written confirmation from the DEC that it is acceptable to install solar arrays within these delineated wetland areas.
12. Compliance with SEQR requirements.

Prepared by:

Daniel S. Dincen
Director of Planning

RECEIVED NOV 20 2019



Cortland County Planning Department
37 Church Street • Cortland, New York 13045-2838
Telephone: (607) 753-5043 • Fax: (607) 753-5150

DANIEL S. DINEEN 1-3
Director of Planning
email: ddineen@cortland-co.org

October 17, 2019



Bruce Weber
Zoning Officer
Town of Cortlandville
Town Hall - 3577 Terrace Rd.
Cortland, NY 13045

RE: McLean Solar 1, LLC – application

Dear Bruce:

The Cortland County Planning Board has taken NO Action on the aquifer protection district special permit, conditional permit and use variance application of the above mentioned referral at the October 16, 2019 Cortland County Planning Board meeting.

There were 3 out of the 7 Board members present who voted to approve this proposal subject to the contingencies outlined in the staff report. The vote was 3 (ayes) Danny Ross, Wendy Miller, and Chuck Feiszli and 3 (nays) Ann Swisher, Beau Harbin and Amy Bertini and 1 (abstain) Ann Hotchkin. The County Planning Board however, requires a majority of the total membership (six) to pass a resolution. A majority decision could not be reached on this matter.

The Town of Cortlandville may proceed with this application without further input from the County. Enclosed is a copy of the County Planning Department staff report.

Please feel free to contact me if you have questions.

Sincerely,

Kevin J. Pagini
Planner

Enclosures: (1 – staff report)

October 11, 2019

GML# 95.00-01-33.100
Town of Cortlandville
Conditional Permit, Aquifer Protection
District Special Permit & Use Variance
McLean Solar 1, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a conditional permit, aquifer protection district special permit and a use variance is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-m as the property is located within 500 ft. of McLean Road (County Road # 120) and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: September 28, 2019

Applicant: McLean Solar 1, LLC
Attn: Elie Schecter
55 5th Avenue
Floor 13
New York, New York 10003

Status of Applicant: lease agreement

Requested Action: conditional permit, aquifer protection district special permit and use variance

Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 12.00+/- acres on an R-1 (Residential) zoned property

Location: south side of Mclean Road, directly across from the McLean Road/Deerfield Heights intersection

Size: 83.6+/- acres (project area 12.00+/- acres)

Existing Zoning: R-1 (Residential)



Existing Land Use: woods/fields

Surrounding Zoning: AG (Agricultural) and R-1 (Residential)

Surrounding Land Uses: N – residential
S – residential
E – residential and woods
W – residential and vacant

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article IV – Residential R-1 District

Article X – Aquifer Protection District

Section 178.46 – Special permits

- A. Is a development, other than residential, of real property exceeding \$150,000 in development cost

Article XIV – Conditional Permit

Section 178-75. Structure/Use Requirements for Permit Approval

Section 178-76. Additional Specific Requirements

- G. Transportation and utility facilities
(2)

Article XVI - Stormwater Management and Erosion and Sediment Control

Section 178-90. Jurisdiction and applicability

- C. Exemptions
(1)

Article XVIII – Signs

Section 178-112 – Permitted signs

Section 178-113 – Regulations for permitted signs

Article XIX – Supplemental Regulations and Exceptions

Section 178-123.3. Solar energy systems

- D. Permitted locations
(3) Ground-mounted large-scale solar energy Systems
- E. Conditional use design and installation standards
- G. Height and setback restrictions
- I. Signage and/or graphic content

ANALYSIS:

The applicant is requesting a conditional permit, aquifer protection district special

permit and a use variance to construct a solar array, accessory access driveway and security fencing encompassing approximately 12.00+/- acres in an R-1 (Residential) District. The property is located on the south side of McLean Road, directly across from the McLean Road/Deerfield Heights intersection, and is zoned R-1 (Residential).

This is the second time this project has been before the County Planning Board for review. In March 2019 this same project came before the Board, but the applicant was requesting a zoning map amendment. The Board approved the application for a conditional permit, aquifer protection district special permit and zoning map amendment contingent upon the following:

1. That the Town considers the appropriateness of rezoning this property from R-1 (Residential) to AG (Agricultural) given that while this property is adjacent to AG zoned properties to the west across McLean Road and to the south across Lime Hollow Road, it would be the only property south of McLean Road and north of Lime Hollow Road zoned AG (Agricultural).
2. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
3. That the applicant obtains written approval for the driveway entrance to McLean Road from the County Highway Superintendent since McLean Road is a County road.
4. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.
5. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.
6. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
7. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater

Permit GP-0-15-002 coverage if it is determined that this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.

8. That the applicant contacts the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.
9. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
10. That the applicant submits a detailed narrative to the Town for this project which provides, at a minimum, the following information; the amount of electricity to be generated on site, the maximum height and angle of the proposed panels, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of buried cable and number of power inverters and conductors, whether the electricity generated would be used solely by the property owner or as a community energy project and a decommissioning plan for the project to provide the Town with the necessary information to adequately assess potential impacts of this project on the surrounding neighborhood and community.
11. Compliance with SEQR requirements.

The Town did not approve the zoning map amendment and the applicant has resubmitted the application but as a request for a use variance.

The Coordinated Review Committee (CRC) met regarding this proposal and addressed the following issues. The applicant is proposing to construct a solar array, accessory access driveway and security fencing encompassing approximately 12.00+/- acres. Ground-mounted large-scale solar energy systems are permitted in the AG District subject to a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The applicant is also applying for a use variance as large scale solar arrays are prohibited in an R-1 (Residential) District. In order for a use variance to be granted, the applicant must demonstrate that there are unnecessary hardships in the way of carrying out the strict letter of the Town's zoning law. The property abuts existing AG zoned properties to the west across McLean Road and to the south across Lime Hollow Road, but is predominately surrounded by residential properties in the R-1 (Residential) District. It is therefore recommended that before any positive consideration is given to the proposed use variance, that the Town consider the appropriateness of permitting this use on a residentially zoned property.

The site plan indicates that the proposed solar array would be 12.00+/- acres in size and would include 6,864 panels. The applicant has stated that the amount of electricity that would be generated from this solar array would be approximately 3,507,504 kWh annually. The array would be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Warning signs, owner's name and contact information signs shall be installed every 200 ft. along the fence. The solar panels would be rotating panels facing east-west and have a maximum height of 8 ft. The solar panels would be setback a minimum of 50 feet from all adjoining properties. There is concern regarding the impact of glare from the solar panels on surrounding properties. Although the applicant has provided new information in regards to mitigating glare from the solar panels, it is still recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on the surrounding residential properties.

Access to the site would be provided via a 10 ft. wide gravel driveway access from McLean Road. It is recommended that the applicant obtain written approval for the driveway entrance to McLean Road from the County Highway Superintendent since McLean Road is a County road. This 10 ft. wide driveway would extend approximately 430 ft. from Mclean Road to the proposed solar array.

The area of the proposed driveway and solar array is currently being used as a farm field. There is concern as to the potential stormwater impacts from a large scale solar array. While solar arrays themselves do not add direct impervious cover, the kinetic energy of the water flowing off of the panels has the potential to create driplines, and subsequently may cause erosion and channelization underneath the panels. There would be vegetative cover underneath the panels that should be maintained on a regular basis. It is recommended that a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained as it would be the primary management practice for stormwater on site. The applicant has indicated that there would be only .59+/- acres of land disturbance as a result of this project since the solar panels would be installed in an area that is an existing cultivated farm field. It is unclear as to whether the installation of solar arrays on a cultivated farm field is considered land disturbance. Regardless of whether or not this project is considered to have more than one acre of land disturbance, it is recommended that the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction. If it determined that this project would disturb more than one acre of land, it would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) per the Town's stormwater ordinance including water quality and quantity management. The applicant would also be required to file a Notice of Intent with the NYS Department of Environmental Conservation (DEC), prepare and submit a stormwater pollution prevention plan (SWPPP) to the DEC for the site and obtain a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage for greater than one acre of soil disturbance. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements. The applicant would also be required to obtain approval

of the final design of the stormwater pollution prevention plan from the County Soil and Water Conservation District prior to any positive consideration of this proposal. It is also recommended that the applicant contact the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.

It should be noted that almost the entire project site is considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. The use of prime farmland for ground-mounted large-scale solar energy systems requires Town Planning Board approval.

The applicant intends to return the electricity generated to the grid as community distributed generation which would allow transfer of the electricity generated in the form of bill credits to subscribing members within the same distribution utility territory and NY-ISO control load zone. The applicant has also submitted the requested details for the proposed solar project including the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project. This narrative can be found in your application packet.

Finally, the applicant has completed Part I of a Full Environmental Assessment Form. Parts II & III should be completed by the Town to determine if any significant adverse environmental impacts may result from the proposed development.

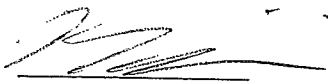
RECOMMENDATION

The staff recommends approval of this application for a conditional permit, aquifer protection district special permit and use variance contingent upon the following:

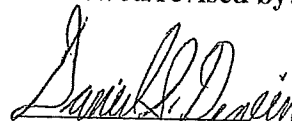
1. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter the Town's zoning law as is required before any use variance may be granted.
2. That the Town considers the appropriateness of permitting this use on a residentially zoned property.
3. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
4. That the applicant obtains written approval for the driveway entrance to McLean Road from the County Highway Superintendent since McLean Road is a County road.

5. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.
6. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.
7. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
8. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage if it is determined that this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.
9. That the applicant contacts the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.
10. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
11. Compliance with SEQR requirements.

Prepared by:


Kevin J. Pagini
Planner

Reviewed/revised by:


Daniel S. Dineen
Director of Planning



Kenneth D. Ellsworth, P.E.
Managing Member

Paul L. Bedford, AIA
Architect

Rodney L. Carey, L.S.
Land Surveyor

Kordian W. Wichtowski, R.A.
Architect

September 13, 2019

Ms. Katherine S. Wickwire, Chair
Town of Cortlandville Planning Board
The Raymond G. Thorpe Municipal Building
3577 Terrace Road
Cortland, New York 13045

RE: McLean Solar I, LLC
McLean Road
Cortland, New York

Dear Ms. Wickwire:

As requested by the Cortland County Planning Board, we offer this letter as additional information regarding the above captioned project.

The project is proposed to be a +/- 12.00 acres community solar project with +/- 0.59 acres of disturbance. The project will contain 6,864 each Hanwha 365 watt modules, 80 each Tabuchi 25 kW 3 phase inverters and preliminary estimates indicate that this site will produce +/- 3,507,504 kWh of electricity annually. The (80 each) Inverters will be connected to circuit breakers in (10 each) electrical panelboards, which will then be routed to (2 each) Pad-mounted Electrical Switchgear and Transformers, before interconnecting to the National Grid distribution system (Equipment information is attached). There will be up to 2,000 linear feet of electrical cable in conduit buried to sufficient depths as required by the National Electric Code. The electricity generated by this project will be fed into the National Grid Distribution System as a Community Distributed Generation (CDG) project. Local residents, businesses, and municipalities in the Greater Cortland area who are National Grid ratepayers will have the option of subscribing to purchase a portion of the energy from this project to offset their electric usage, at a discount to the rates that they would otherwise purchase their electricity from National Grid.

The connection point for this project is on McLean Road, please refer to the site plans for additional information. The details for the solar panels are shown on Drawing C200 including the panel height (8') and the posts to support the panels. All post supports be driven or augered for this project.

A concern was raised regarding the "glare" from the solar panels impacting the surrounding properties. We have attached literature regarding the topic of glare and glint as it relates to solar panels. While this literature is focused on the impacts of solar systems near an Airport, the same conclusions can be made regarding impacts to surrounding properties. Please note that "light absorption, rather than reflection, is central to the function of solar PV panels". The proposed panels for this project are PV panels, therefore their intended function is to absorb light. Further, "modern PV panels reflect as little as two percent of incoming sunlight, about the same as water and less than soil or even wood shingles". While there are homes located both north and south of the proposed project, these homes will not be affected as the panels for this project are rotating panels which face east-west. To the east of the project is wooded and therefore will not be impacted. To the west of the project is one (1) home. As stated in the attached literature, as little as two percent of the incoming sunlight is anticipated to be reflected from the panels. Additionally, landscaping is proposed to be installed along both the west and north sides of the

Main Office
58 Exchange Street
Binghamton, New York 13901
Phone 607 722 1100
Fax 607 722 2515

Branch Office
165 South Main Street, Suite 6
Cortland, New York 13045
Phone 607 753 8015

E-mail info@keyscomp.com
www.keyscomp.com

project, this will further reduce any potential impact to the home. Therefore, it is our opinion that there are no concerns with glare impacting adjacent properties.

Our office has contacted the Cortland County Highway Department regarding using the existing driveway entrance and we were notified that the only requirement will be that prior to the start of construction the contractor will need to submit for a County Permit 136. A note has been added to the project plans indicating that no work shall be started within the County right-of-way until an approved permit is received.

An Erosion and Sedimentation Control plan was prepared for the project which addresses potential stormwater impacts from the project and demonstrates mitigation measures to prevent excess erosion. Please note that the current property is crop row with exposed soils (refer to Drawing C105) and the final cover for the solar project will be a well maintained grass area. The improved cover from exposed earth to grass will significantly reduce the erosion runoff from the project site. Maintenance requirements are included on the Erosion and Sedimentation Plan for the project.

As discussed during the January 2019 Planning Board meeting, this project is located within an area identified as prime farmland. This matter was reviewed, and the Planning Board did not have any objections to the project's location.

Please find attached a copy of the decommissioning plan for the project.

Please contact our office if you have any questions or comments.

Respectfully,

Keystone Associates
Architects, Engineers and Surveyors, LLC



Paul T. Woodward
Senior Designer

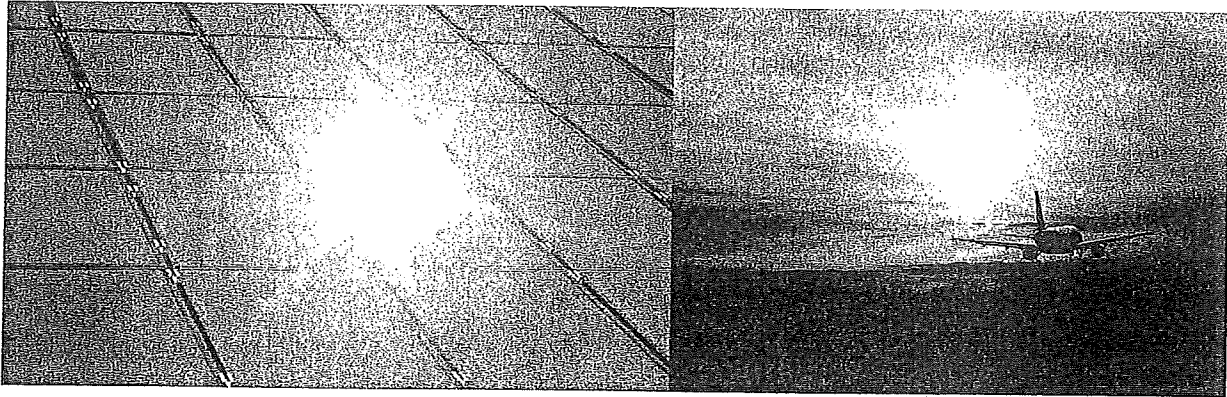
Enclosures

PTW:

P:\Projects\2018\2850\2850_24418\2850_24418_1 Mclean Solar I\Correspondence\Report\285024418_1_McLean I Project Narrative_190911.docx

APPENDIX A
GLARE LITERATURE

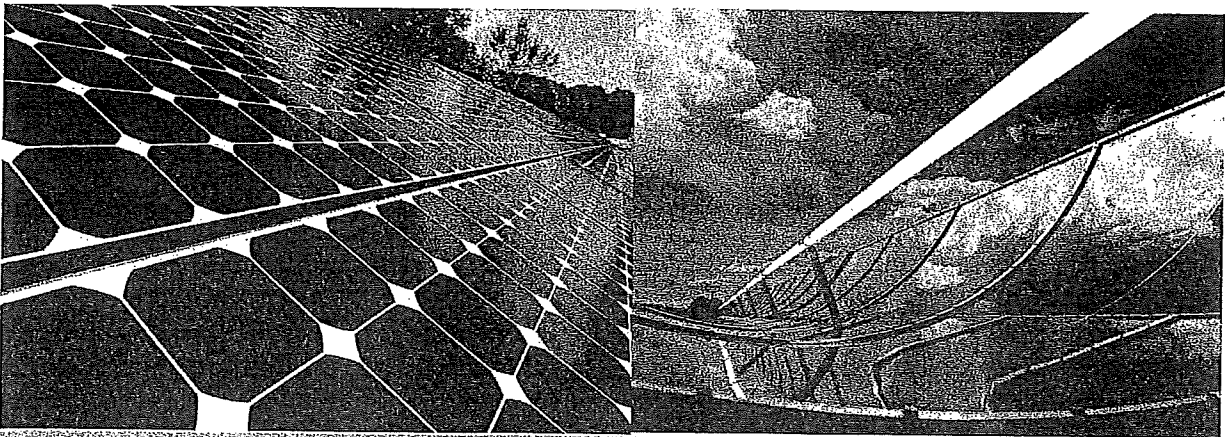
Solar and Glare



Introduction

A common misconception about solar photovoltaic (PV) panels is that they inherently cause or create “too much” glare, posing a nuisance to neighbors and a safety risk for pilots. While in certain situations the glass surfaces of solar PV systems can produce glint (a momentary flash of bright light) and glare (a reflection of bright light for a longer duration), light absorption, rather than reflection, is central to the function of a solar PV panel - to absorb solar radiation and convert it to electricity. Solar PV panels are constructed of dark-colored (usually blue or black) materials and are covered with anti-reflective coatings. Modern PV panels reflect as little as two percent of incoming sunlight, about the same as water and less than soil or even wood shingles (SEIA/Sandia 2013). Some of the concern and misconception is likely due to the confusion between solar PV systems and concentrated solar power (CSP) systems. CSP systems typically use an array of mirrors to reflect sunlight to heat water or other fluids to create steam that turns an electric generator. These typically involve large ground-mounted reflectors, usually in remote desert locations, and are not installed in residential or commercial areas or near airports.

Solar PV system on the left compared to a parabolic trough CSP system on the right. Photo Copyright DOE/NREL/ORNL



It's PV, not glare, near airports



Powered by
SunShot
U.S. Department of Energy

Solar and Glare

As of June 2013, there were over 30 solar projects in operation at airports in 15 different states (Barrett 2013). Solar installations have been successfully located at or near US international airports in Boston, New York, San Francisco, and Denver, among others. Yet concerns over glint (a quick reflection) and glare (a longer reflection) often arise when a PV system is proposed on or near an airport. Pilots are familiar with both glint and glare as reflection is a common phenomenon, especially off of bodies of water or in the form of glare from the sun itself. However, issues can arise if the solar PV system were to cast glare into an air traffic control tower.¹

The Federal Aviation Administration (FAA) has been actively reviewing the impact of glare from solar panels to streamline an evaluation process that ensures safety while creating more opportunity for solar installations on or near airports. The FAA filed notice of its Interim Policy for review of solar energy systems on federally obligated airports (i.e. airports which receive federal funding) in October of 2013.² This policy requires that a sponsor of a federally obligated airport must request FAA review and approval to install solar on its "airport layout plan." Federally-obligated airports must also notify the FAA of its intent to construct any solar installation by filing FAA form 7460-1. The interim FAA policy also requires the use of the Solar Glare Hazard Analysis Tool for on-airport solar development.

III. FAA and the Solar Glare Hazard Analysis Tool

In order to understand and model glare in accordance with FAA standards, Sandia National Laboratories developed the Solar Glare Hazard Analysis Tool (SGHAT). Standardized safety metrics define what glare intensity will cause unwanted visual impacts to Air Traffic Control towers and airplane pilots. SGHAT can be used to evaluate the potential of a particular PV array to produce glare intensity, predicting when and where glare will occur from a prescribed PV array at user-defined observation points (i.e. from the Air Traffic Control Tower or from a series of points along an aircraft landing route) and be combined with Google maps for an easy user interface. In instances where glare may be a concern, the tool can prescribe minor adjustments to the tilt, direction, and location of the panels to alleviate any issues. SGHAT will predict annual energy production for the various adjusted positions (SEIA/Sandia PPT).

IV. Role for Local Governments

Local governments may wish to include airport guidance within their local zoning ordinances that address solar PV. The North Carolina Solar Center *Template Solar Energy Development Ordinance for North Carolina*³ includes a section on airports and recommends aviation notification steps for both on-airport solar projects and installations within 5 nautical miles of an airport. In addition to amendments to local zoning codes, local governments have the opportunity to conduct outreach to airports,

¹ <http://www.unionleader.com/article/20120830/NEWS02/708309966/0/newhampshire>

² <http://www.gpo.gov/fdsys/pkg/FR-2013-10-23/pdf/2013-24729.pdf>

³ http://ncsc.ncsu.edu/wp-content/uploads/Template-Solar-Ordinance_V1.0_12-18-13.pdf



Solar and Glare

organizations and local stakeholders about methods for predicting and managing glare impacts from solar panels near airports or other locations. Such outreach furthers the safety goals of the FAA and the solar energy development goals of municipalities and communities. Spreading awareness of the safety of PV systems along with FAA guidance and glare measurement tools will help foster informed communities and enable the deployment of safe and productive solar PV projects in locations where glint and glare may be of concern.

Useful Links

Sandia Solar Glare Mapping Tools: <https://share.sandia.gov/phlux>

Citations

Barrett, S., June 2013, Glare Factor: Solar Installations And Airports, *Solar Industry, Volume 6, Number 5*.
http://www.solarindustrymag.com/issues/SI1306/FEAT_02_Glare_Factor.html.

Federal Register 2013, etc.: <http://www.gpo.gov/fdsys/pkg/FR-2013-10-23/pdf/2013-24729.pdf>

SEIA/Sandia Webinar on Solar PV and Glare:

<http://www.seia.org/sites/default/files/resources/Final%20FAA%20Webinar%20Slides%20August%202013.pdf>

Authors: Caroline Palmer and Chad Laurent, Meister Consultants Group, Inc.

Meister Consultants Group, Inc. | 98 N. Washington St., Suite 302, Boston, MA 02114 | www.mc-group.com

This fact sheet, produced by Meister Consultants Group, Inc., is supported by the following team of organizations: ICLEI-USA; International City/County Management Association (ICMA); Solar Electric Power Association (SEPA); Interstate Renewable Energy Council, Inc. (IREC); North Carolina Solar Center (NCSC); The Solar Foundation (TSF); American Planning Association (APA); and National Association of Regional Councils (NARC).

This material is based upon work supported by the U.S. Department of Energy under Award Number DE-EE0003525. This fact sheet was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe on privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof.



Powered by
SunShot
U.S. Department of Energy

**APPENDIX B
DECOMMISSIONING PLAN**

Cortlandville Solar Projects - Decommissioning Plan

At the completion of the expected life of the Solar Energy Facility, the entire system shall be removed by the applicant or the subsequent owner. The Applicant's lease agreement with the landowner has a primary term of 20 years, followed by options for (3) five-year extensions. The lease agreement stipulates that at the conclusion of either the primary or renewal term, the premises shall be restored to its original condition, including the removal of the system mounting pads or other support structures and left in neat and clean order. The agreement allows for a removal term of up to 180 days for the Tenant to remove the system. The agreement also stipulates that if the tenant fails to remove the system prior to the expiration of the removal term, then the landlord shall have the right to remove the system to a public warehouse and restore the premises to its original condition at Tenant's reasonable cost.

The decommissioning process will be completed as follows:

- All items with resale value, including transformers and solar panels, will be removed from the site and sold for fair market value.
- All aluminum, steel, and other metal parts without resale value will be sold for scrap value
- All items with no resale or scrap value will be removed from the site, and recycled where applicable, otherwise disposed of in accordance with all local laws and regulations.

Note: It is widely believed that the resale value and scrap value alone will exceed the costs of system removal. Solar panels themselves, which carry a limited power warranty of >80% of their rated capacity after 25 years, may cover most, if not all, of the costs of decommissioning.

Based on NYSERDA's estimate of decommissioning costs for a 2 MW project (enclosed), each 2 MW-AC project in the Cortlandville Portfolio would carry the following budgetary costs for decommissioning:

Item	Estimated Cost
Remove Rack Wiring	\$ 2,459.00
Remove Panels	\$ 2,450.00
Dismantle Racks	\$ 12,350.00
Remove Electrical Equipment	\$ 1,850.00
Breakup and Remove Concrete Pads	\$ 1,500.00
Remove Racks	\$ 7,800.00
Remove Cable	\$ 6,500.00
Remove Ground Screws and Power Poles	\$ 13,850.00
Remove Fence	\$ 4,950.00
Grading	\$ 4,000.00
Seed Disturbed Area	\$ 250.00
Truck to Recycling Center	\$ 2,250.00
Total	\$ 60,209.00
Total after 20 years (2.5% inflation rate)	\$ 98,659.46

DECOMMISSIONING SOLAR PANEL SYSTEMS



This fact sheet provides information to local governments and landowners on decommissioning of large-scale solar panel systems.

As local governments develop solar regulations and landowners negotiate land leases, it is important to understand the options for decommissioning solar panel systems and restoring project sites to their original status.

From a land use perspective, solar panel systems are generally considered large-scale when they constitute the primary use of the land, and can range from less than one acre in urban areas to 10 or more acres in rural areas. Depending on where they are sited, large-scale solar projects can have habitat, farmland, and aesthetic impacts. As a result, large-scale systems must often adhere to specific development standards.

Abandonment and decommissioning defined

Abandonment occurs when a solar array is inactive for a certain period of time.

- Abandonment requires that solar panel systems be removed after a specified period of time if they are no longer in use. Local governments establish timeframes for the removal of abandoned systems based on aesthetics, system size and complexity, and location. For example, the Town of Geneva, NY, defines a solar panel system as abandoned if construction has not started within 18 months of site plan approval, or if the completed system has been nonoperational for more than one year.¹
- Once a local government determines a solar panel system is abandoned, and has provided thirty (30) days prior written notice to the owner it can take enforcement actions, including imposing civil penalties/fines, and removing the system and imposing a lien on the property to recover associated costs.

Decommissioning is the process for removing an abandoned solar panel system and remediating the land.

- When describing requirements for decommissioning sites, it is possible to specifically require the removal of infrastructure, disposal of any components, and the stabilization and re-vegetation of the site.

What is a decommissioning plan?

Local governments may require to have a plan in place to remove solar panel systems at the end of their lifecycle, which is typically 20-40 years. A decommissioning plan outlines required steps to remove the system, dispose of or recycle its components, and restore the land to its original state. Plans may also include an estimated cost schedule and a form of decommissioning security (see Table 1).

What is the estimated cost of decommissioning?

Given the potential costs of decommissioning and land reclamation, it is reasonable for landowners and local governments to proactively consider system removal guarantees. A licensed professional engineer, preferably with solar development experience, can estimate decommissioning costs, which vary across the United States. Decommissioning costs will vary depending upon project size, location, and complexity. Table 1 provides an estimate of potential decommissioning costs for a ground-mounted 2-MW solar panel system. Figures are based on estimates from the Massachusetts solar market. Decommissioning costs for a New York solar installation may differ. Some materials from solar installations may be recycled, reused, or even sold resulting in no costs or compensation. Consider allowing a periodic reevaluation of decommissioning costs during the project's lifetime by a licensed professional engineer, as costs could decrease and the required payment should be reduced accordingly.

Table 1: Sample list of decommissioning tasks and estimated costs

Tasks	Estimated Cost (\$)
Remove Rack Wiring	\$2,459
Remove Panels	\$2,450
Dismantle Racks	\$12,350
Remove Electrical Equipment	\$1,850
Breakup and Remove Concrete Pads or Ballasts	\$1,500
Remove Racks	\$7,800
Remove Cable	\$6,500
Remove Ground Screws and Power Poles	\$13,850
Remove Fence	\$4,950
Grading	\$4,000
Seed Disturbed Areas	\$250
Truck to Recycling Center	\$2,250
Current Total	\$60,200
Total After 20 Years (2.5% Inflation rate)	\$98,900

¹ Town of Geneva, N.Y. CODE § 130-4(D)(5) (2016):



How can decommissioning be ensured?

Landowners and local governments can ensure appropriate decommissioning and reclamation by using financial and regulatory mechanisms. However, these mechanisms come with tradeoffs. Including decommissioning costs in the upfront price of solar projects increases overall project costs, which could discourage solar development. As a result, solar developers are sometimes hesitant to provide or require financial surety for decommissioning costs.

It is also important to note that many local governments choose to require a financial mechanism for decommissioning. Although similar to telecommunications installations, there is no specific authority to do so as part of a land use approval for solar projects (see Table 2). Therefore, a local government should consult their municipal attorney when evaluating financial mechanisms.

The various financial and regulatory mechanisms to decommission projects are detailed below.

Table 2: Relevant Provisions of General City, Town, and Village Laws Relating to Municipal Authority to Require Conditions, Waivers, and Financial Mechanisms

Site Plan Review	General City Law	Town Law	Village
Conditions	27-a (4)	274-a (4)	7-725-a (4)
Waivers	27-a (5)	274-a (5)	7-725-a (5)
Performance bond or other security	27-a (7)	274-a (7)	7-725-a (7)
Subdivision	General City Law	Town Law	Village Law
Waivers	33 (7)	277 (7)	7-730 (7)
Performance bond or other security	33 (8)	277 (9)	7-730 (9)
Special	General City Law	Town Law	Village Law
Conditions	27-b (4)	274-b (4)	7-725-b (4)
Waivers	27-b (5)	274-b (5)	7-725-b (5)

Source: Referenced citations may be viewed using the NYS Laws of New York Online

Excerpts from these statutes are also contained within the "Guide to Planning and Zoning Laws of New York State," New York State Division of Local Governments Services, June 2011: www.dos.ny.gov/lg/publications/Guide_to_planning_and_zoning_laws.pdf

Financial mechanisms

Decommissioning Provisions in Land-Lease Agreements.

If a decommission plan is required, public or private landowners should make sure a decommissioning clause is included in the land-lease agreement. This clause may depend on the decommissioning preferences of the landowner and the developer. The clause could require the solar project developer to remove all equipment and restore the land to its original condition after the end of the contract, or after generation drops below a certain level, or it could offer an option for the landowner to buy-out and continue to use the equipment to generate electricity. The decommissioning clause should also address abandonment and the possible failure of the developer to comply with

the decommissioning plan. This clause could allow for the landowner to pay for removal of the system or pass the costs to the developer.

Decommissioning Trusts or Escrow Accounts. Solar developers can establish a cash account or trust fund for decommissioning purposes. The developer makes a series of payments during the project's lifecycle until the fund reaches the estimated cost of decommissioning. Landowners or third-party financial institutions can manage these accounts. Terms on individual payment amounts and frequency can be included in the land lease.

Removal or Surety Bonds. Solar developers can provide decommissioning security in the form of bonds to guarantee the availability of funds for system removal. The bond amount equals the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. Therefore, the bond must be renewed or replaced if necessary to account for any changes in the total decommissioning cost.

Letters of credit. A letter of credit is a document issued by a bank that assures landowners a payment up to a specified amount, given that certain conditions have been met. In the case that the project developer fails to remove the system, the landowner can claim the specified amount to cover decommissioning costs. A letter of credit should clearly state the conditions for payment, supporting documentation landowners must provide, and an expiration date. The document must be continuously renewed or replaced to remain effective until obligations under the decommissioning plan are met.²

Nonfinancial mechanisms

Local governments can establish nonfinancial decommissioning requirements as part of the law. Provisions for decommissioning large-scale solar panel systems are similar to those regulating telecommunications installations, such as cellular towers and antennas. The following options may be used separately or together.

- **Abandonment and Removal Clause.** Local governments can include in their zoning code an abandonment and removal clause for solar panel systems. These cases effectively become zoning enforcement matters where project owners can be mandated to remove the equipment via the imposition of civil penalties and fines, and/or by imposing a lien on the property to recover the associated costs. To be most effective, these regulations should be very specific about the length of time that constitutes abandonment. Establishing a timeframe for the removal of a solar panel system can be based on system aesthetics, size, location, and complexity. Local governments should include a high degree of specificity when defining "removal" to avoid ambiguity and potential conflicts.

² See a letter of credit submitted to the Vermont Public Service Board by NextSun Energy, LLC.

[http://psb.vermont.gov/sites/psb/files/docketsandprojects/Solar/Exhibit%20Petitioner%20JL-7%20\(Revised%20326.14\).pdf](http://psb.vermont.gov/sites/psb/files/docketsandprojects/Solar/Exhibit%20Petitioner%20JL-7%20(Revised%20326.14).pdf)

- **Special Permit Application.** A local government may also mandate through its zoning code that a decommissioning plan be submitted by the solar developer as part of a site plan or special permit application. Having such a plan in place allows the local government, in cases of noncompliance, to place a lien on the property to pay for the costs of removal and remediation.
- **Temporary Variance/Special Permit Process.** As an alternative to requiring a financial mechanism as part of a land use approval, local governments could employ a temporary variance/special permit process (effectively a re-licensing system). Under this system, the locality would issue a special permit or variance for the facility for a term of 20 or more years; once expired (and if not renewed), the site would no longer be in compliance with local zoning, and the locality could then use their regular zoning enforcement authority to require the removal of the facility.

What are some examples of abandonment and decommissioning provisions?

The New York State Model Solar Energy Law provides model language for abandonment and decommissioning provisions: www.cuny.edu/about/resources/sustainability/reports/NYS_Model_Solar_Energy_LawToolkit_FINAL_final.pdf

The following provide further examples that are intended to be illustrative and do not confer an endorsement of content:

- Town of Geneva, N.Y., § 130-4(D): ecode360.com/28823382
- Town of Olean, N.Y., § 10.25.5: www.cityofolean.org/council/minutes/ccmin2015-04-14.pdf

Is there a checklist for decommissioning plans?

The following items are often addressed in decommissioning plans requirements:³

- Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no operation for 12 months, prior written notice to facility owner, etc.).
- Removal of all nonutility owned equipment, conduit, structures, fencing, roads, and foundations.
- Restoration of property to condition prior to solar development.
- The timeframe for completion of decommissioning activities.
- Description of any agreement (e.g., lease) with landowner regarding decommissioning.
- The party responsible for decommissioning.
- Plans for updating the decommissioning plan.
- Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Register of Deeds.

Additional Resources

Template Solar Energy Development Ordinance for North Carolina (see Appendix G at pg. 21 for Sample Decommissioning Plan): nccleantech.ncsu.edu/wp-content/uploads/Template-Solar-Ordinance_V1.0_12-18-13.pdf

Land Use Planning for Solar: training.ny-sun.ny.gov/images/PDFs/Land_Use_Planning_for_Solar_Energy.pdf

Zoning Guide for Solar: training.ny-sun.ny.gov/images/PDFs/Zoning_for_Solar_Energy_Resource_Guide.pdf

Information on First Solar's recycling program for all of their modules: www.firstsolar.com/en/Technologies-and-Capabilities/Recycling-Services

PV Cycle: Europe's PV recycling program: www.pvcycle.org/

Solar Energy Industries Association (SEIA) information on solar panel recycling: www.seia.org/policy/environment/pv-recycling

Silicon Valley Toxics Coalition: svtc.org/

Silicon Valley Toxic Coalition Solar Scorecard: www.solarscorecard.com/2015/2015-SVTC-Solar-Scorecard.pdf

End-of-life PV: then what? - Recycling solar panels: www.renewableenergyfocus.com/view/3005/end-of-life-pv-then-what-recycling-solar-pv-panels/

NY Sun, a dynamic public-private partnership, will drive growth in the solar industry and make solar technology more affordable for all New Yorkers. NY Sun brings together and expands existing programs administered by the New York State Energy Research and Development Authority (NYSERDA), Long Island Power Authority (LIPA), PSEG Long Island, and the New York Power Authority (NYPA), to ensure a coordinated, well-supported solar energy expansion plan and a transition to a sustainable, self-sufficient solar industry.

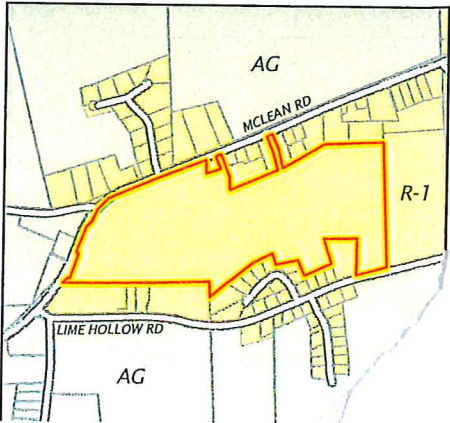
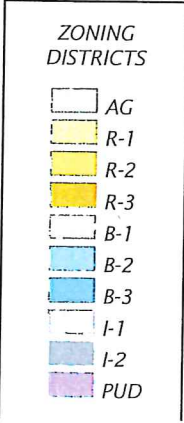
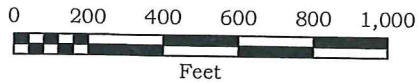
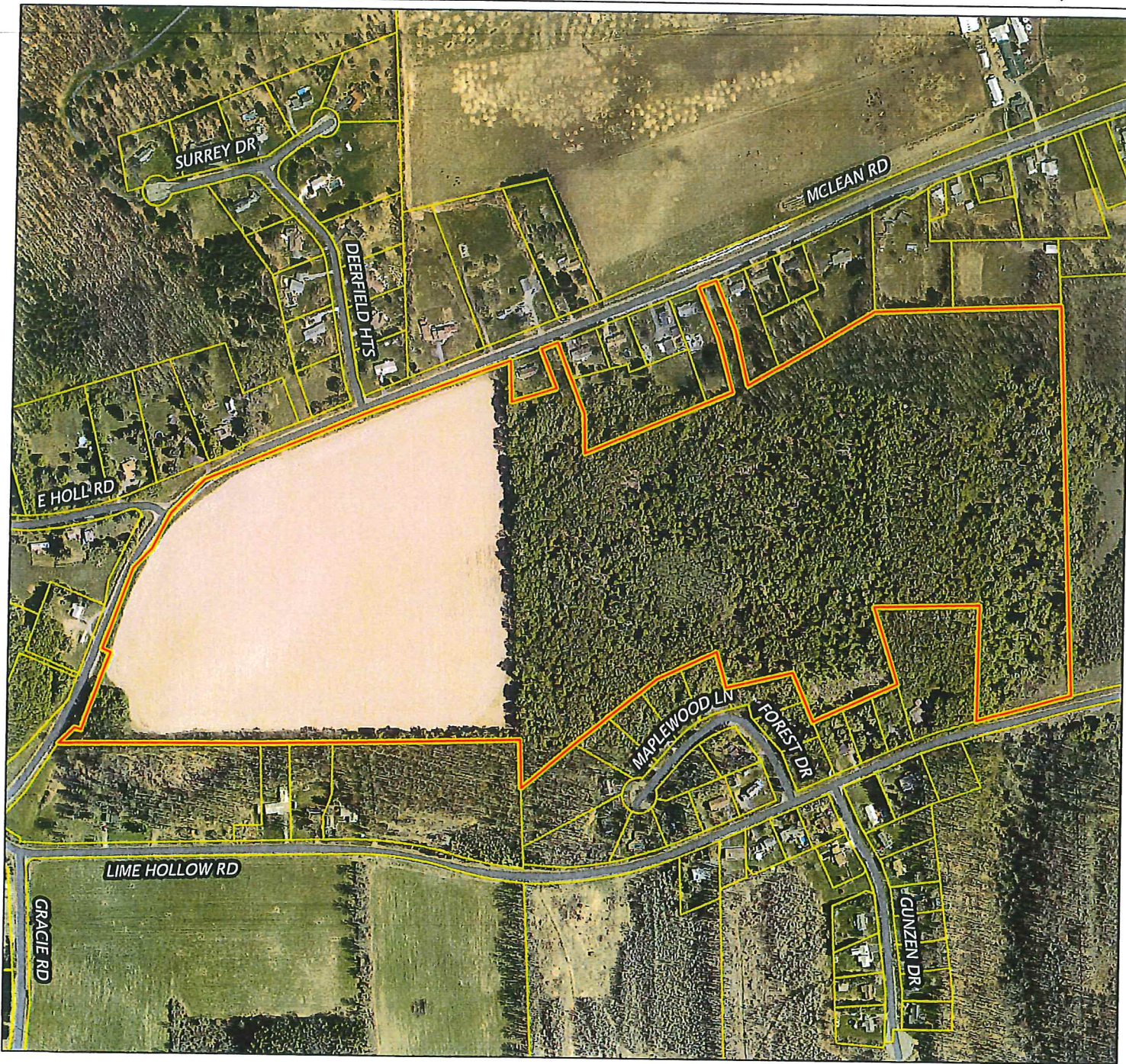
³ North Carolina Solar Center, NC Sustainable Energy Center. December 2013. Template Solar Energy Development Ordinance for North Carolina. https://nccleantech.ncsu.edu/wp-content/uploads/Template-Solar-Ordinance_V1.0_12-18-13.pdf

95.00-01-33.100

Conditional Permit, Aquifer Protection District Special Permit & Use Variance

Town of Cortlandville

McLean Solar, LLC



Cortland County
 Planning Department
 37 Church Street
 Cortland, NY 13045

RECEIVED NOV 22 2019



**Board on Electric
Generation Siting
and the Environment**

John B. Rhodes
Chair

1-6

Eric Gertler
Basil Seggos
Richard L. Kauffman
Howard A. Zucker, M.D., J.D.
Members

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov/SitingBoard

Robert Rosenthal
General Counsel
Michelle L. Phillips
Secretary

November 19, 2019

VIA U.S. & ELECTRONIC MAIL

Honorable Richard C. Tupper
Town Supervisor, Town of Cortlandville
Raymond G. Thorpe Municipal Building
3577 Terrace Road
Cortland, New York 13045
Dtupper@cortlandville.org

RE: Case 19-F-0588 – Application of EDF Renewables Development, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of the Homer Solar Energy Center in the Towns of Homer, Cortlandville, and Solon, Cortland County.

Dear Supervisor Tupper:

Article 10 of the Public Service Law empowers the New York State Board on Electric Generation Siting and the Environment (Siting Board) to issue Certificates of Environmental Compatibility and Public Need authorizing the construction and operation of major electric generating facilities.

The Siting Board has opened Case 19-F-0588 to track a possible future application by EDF Renewables Development, Inc. for a certificate to construct and operate a solar generating facility with a maximum generating capability of 90-megawatt (MW) in the Towns of Homer, Solon, Cortland County. If the application is submitted, two ad hoc public members will be appointed to the Siting Board for the purpose of providing a local voice in the review of the project and a vote on the final decision on the application.

Article 10 requires you, as the Town Supervisor of the Town of Cortlandville, to nominate four candidates to serve as the ad hoc public members. A similar letter has been addressed to the Supervisors of the Towns of Homer and Solon, and the Acting County Administrator of Cortland County, the other host municipalities within the proposed project area. Nominations are to be made after an applicant has filed a Preliminary Scoping Statement (PSS)

with the Siting Board. If the project proceeds, you will receive notice from EDF Renewables Development, Inc. of that filing. Public Service Law §161(2) requires you to submit your nominations to the President Pro Tem of the Senate and the Speaker of the Assembly within fifteen days of your receipt of that notification.

While no action is required of you at this time, you may wish to familiarize yourself with the nomination process and begin considering candidates, so that you will be prepared to act within the fifteen-day time period if and when EDF Renewables Development, Inc. files a PSS. Based on the Article 10 regulations, an applicant must wait a minimum of 150 days after filing its Public Involvement Program Plan before it may submit a PSS. In this case, the earliest date EDF Renewables Development, Inc. may file a PSS is February 10, 2020.

Attached to this letter is a Fact Sheet about the Siting Board and the ad hoc public members, including the required qualifications and restrictions on holding securities in an electric utility corporation operating in the state or proposed for operation in the state, that may appear before the Siting Board. You may also obtain more information about the Siting Board and Case 19-F-0588 by visiting the Department of Public Service website at www.dps.ny.gov. Use the "Search by Case Number" function and enter Case 19-F-0588.

Please feel free to contact me via email at Michelle.Phillips@dps.ny.gov, or by phone at 518-474-6530, if you require further assistance.

Sincerely,



Michelle L. Phillips
Secretary

Attachment

SITING BOARD FACT SHEET

Q. What is Article 10?

A. "Article 10" was enacted in 2011 to be a portion of the New York State Public Service Law. It is a general state law that is applicable in all of New York State. Article 10 empowers the New York State Board on Electric Generation Siting and the Environment (Siting Board) to issue Certificates of Environmental Compatibility and Public Need (Certificate) authorizing the construction and operation of major electric generating facilities.

Q. What is the "Siting Board"?

A. The Siting Board is a governmental entity of New York State organized within the Department of Public Service. The Siting Board was established primarily to review applications and to issue certificates authorizing the construction and operation of major electric generating facilities. When the Siting Board is reviewing an original application for a certificate, it consists of five permanent members and two ad hoc public members. The five permanent members of the Siting Board also have additional responsibilities to promulgate regulations for the implementation of Article 10, and they have jurisdiction with respect to the amendment, suspension or revocation of a certificate.

Q. Who are the permanent members of the Siting Board?

A. The five permanent members of the Siting Board are the Chair of the Department of Public Service who serves as chair of the Siting Board; the Commissioner of the Department of Environmental Conservation; the Commissioner of the Department of Health; the Chair of the New York State Energy Research and Development Authority; and the Commissioner of Economic Development. The permanent members may designate an alternate to serve instead of the member with respect to all proceedings provided that such designation is in writing and filed with the chairperson.

Q. What is meant by the term "ad hoc"?

A. "Ad hoc" is a Latin term meaning "for this special purpose." Two ad hoc members will be appointed for the special purpose of providing a local voice in each proceeding conducted to consider specific individual applications for certificates. Each facility application will have its own unique ad hoc members and therefore its own unique Siting Board.

Q. Do ad hoc public members receive any compensation for their service on the Siting Board?

A. Yes. The ad hoc appointees shall receive the sum of two hundred dollars for each day in which they are actually engaged in the performance of their duties plus actual and necessary expenses incurred by them in the performance of such duties.

Q. What are the qualifications to be an ad hoc public member?

A. To be eligible to be an ad hoc public member, the person must:

(a) be eighteen years of age or older,

(b) be a citizen of the United States;

(c) be a resident of New York State;

(d) be a resident of the municipality in which the facility is proposed to be located (if such facility is proposed to be located within the City of New York, the person must also be a resident of the community district in which the facility is proposed to be located);

(e) not hold another state or local office; and

(f) not retain or hold any official relation to, or any securities of an electric utility corporation operating in the state or proposed for operation in the state, any affiliate thereof or any other company, firm, partnership, corporation, association or joint-stock association that may appear before the Siting Board, nor shall the person have been a director, officer or, within the previous ten years, an employee thereof.

Q. How are the two ad hoc public members designated to serve on the Siting Board?

A. One is appointed by the President Pro Tem of the New York State Senate and one is appointed by the Speaker of the New York State Assembly from a list of candidates submitted to them. The list of candidates is to be submitted within fifteen days of receipt of notification of the pre-application preliminary scoping statement. In the event that the President Pro Tem of the Senate or the Speaker of the Assembly does not appoint one of the candidates within thirty days of receiving the list, the Governor shall appoint the ad hoc member(s) from the list of candidates. In the event that one or both of the ad hoc public members have not been appointed within forty-five days, a majority of persons named to the Siting Board shall constitute a quorum.

Q. How is the list of ad hoc public member candidates established?

A. There is a different procedure depending on whether the facility is proposed to be located (a) in the City of New York; (b) in a town outside of any villages or in a city other than the City of New York; or (c) in a village.

Q. How is the list of candidates established in the City of New York?

A. If such facility is proposed to be located in the City of New York, the chair person of the community board, the borough president, and the mayor shall each nominate four candidates for consideration.

Q. How is the list of candidates established in a town outside of any villages or in a city other than the City of New York?

A. If such facility is proposed to be located in a town outside of any villages or in a city other than the City of New York, the chief executive officer representing the municipality shall nominate four candidates and the chief executive officer representing the county shall nominate four candidates for consideration.

Q. How is the list of candidates established in a village?

A. If such facility is proposed to be located in a village, the chief executive officer representing the town shall nominate four candidates, the chief executive officer representing the county shall nominate four candidates, and the chief executive officer representing the village shall nominate four candidates for consideration.

Q. What resources are available to assist the Siting Board?

A. The chairperson shall provide such personnel, hearing examiners, subordinates and employees and such legal, technological, scientific, engineering and other services and such meeting rooms, hearing rooms and other facilities as may be required in proceedings under this article. The Department of Environmental Conservation shall provide associate hearing examiners. The Secretary and the General Counsel to the Public Service Commission serve as Secretary and the General Counsel to the Siting Board.