City of Auburn Planning Board

Tuesday July 7, 2020 6:30 pm

Memorial City Hall

Present: Andy Tehan, Crystal Cosentino (Chair), Tina Tomasso, Elizabeth Koenig, Theresa Walsh

Excused: None

Staff: Stephen Selvek, Office of Planning and Economic Development; Holly Glor, Secretary; Brian Hicks, Code Enforcement; Nate Garland, Corporation Counsel

**Agenda Items:**

1. Approval of the June 2, 2020 Planning Board Meeting Minutes

2. Special Use Permit application to develop a 5MW solar power photovoltaic array on the closed landfill at 311 N. Division St. Applicant: Abundant Solar Power (A2), LLC.

Items Approved: Agenda Items 1 & 2

Applications Denied: None

Applications Tabled: None

**Crystal Cosentino** 00:05

Okay, I'm going to call this meeting to order. And if I could ask the Secretary to call the roll.

**Holly Glor** 00:16

Andy Tehan(here), Elizabeth Koneg(here), Tina Tomasso(here), Teresa Walsh(here), Crystal Cosentino(here).

**Crystal Cosentino** 00:23

We'll do the pledge.

**Board Members** 00:38

\*Members stand and recite the pledge\*

**Crystal Cosentino** 00:48

The first item on the agenda tonight is the approval of the meeting minutes for the June 2, 2020 Planning Board meeting. Is there a motion to approve the meeting minutes? Made by Teresa, second by Andy. All in favor? (Aye) Any opposed? Motion carried. The second item on the agenda is an application for a special use permit application to develop a solar power photovoltaic array on the closed landfill at 311 North Division Street. The applicant is Abundant Solar Power and we'll ask the applicant to come up and provide an update, if you would please.

**Julian Blake** 01:36

Um, hi, I'm Julian Blake. I'm with Barton and Loguidice. Melissa has been here to speak in the past. She couldn't be here tonight so I'm here in her place. Abundant Solar has hired us as their consultant to help them primarily through the deep sea approval process for project being on the closed landfill, you might have heard our name around before and more relation to the length of work. So we're sort of helping that part of it and making sure that we protect the (inaudible), but also kind of helping them through the whole process. We assisted them with submitting the special use permit application, which I think you probably have we submitted an environmental assessment form. Just get the pertinent project information. The stamp site plan which shows the site that site setbacks, a lot coverage, etc. So, for the equipment to be used on a project for solar panels, inverters, system. An operation and maintenance plan for ongoing maintenance of the array once it's constructed, and also a decommissioning plan to provide security for electrical (inaudible).

**Crystal Cosentino** 03:16

Alright, thank you. I'm gonna turn it over to Steve for comments.

**Stephen Selvek** 03:21

As the board is aware of this project, we initiated the review some time ago, honestly back in December. With the initial presentation of the site plan and the special use permit. The site plan that you're seeing before you tonight has been updated to include the requirements for the fencing. The type of coverage the grass underneath the solar panels, the configuration of the solar panels themselves has been adjusted. It's still within the area that the city has a lease with Abundant Solar to actually create this particular large scale solar installation. The site plan itself complies with the height and setback requirements, the lot size requirement, the lot coverage requirement, the allowable impervious surface coverage, the plantings and the fencing. As was noted, with a special use permit specific to the solar power, there are several items that have to be submitted for review and consideration of the special use permit, including the preliminary site plan, which you see before you the information on the actual equipment itself, which was also included in your packets. The operation and maintenance plan. And again, what's indicated in the operation and maintenance plan, basically is that abundant solar as the developer of it is also the operator. They do the operation and maintenance. They have a program in place to respond to calls. Ultimately, it's monitored via remote data connections so that they know in real-time if there's stuff that needs to be taken care of, and they have a plan to respond to those items within, actually, the operation and maintenance plan indicates two days’ time. Ultimately, if something goes down, it's them as not only the developer, but also the operator that are losing on the deal. The other item is the decommissioning plan. And, again, this looks at a process by which the site is cleaned up when it is no longer used. There's a series of conditions that come into place. So if the, let me make sure because I can't quite read that, but there's a series of items in place, that if any of them are true, the decommissioning begins. So if the construction of the array system is not completed within 18 months after receiving final approval, or the activity of the constructed facility ceases to occur for one year, or if it's determined that it's inoperable, and cannot be repaired or replaced. So there's those specific items that are outlined, as part of the agreement that the city has with abundant solar but also clearly noted within their decommissioning plan that if those things come true, they're responsible for taking down and disposing of the solar array system. There's the plan there, including the obtaining a building permit, then ultimately demolishing and removing and recycling as possible the equipment itself. Included with this is a requirement for a surety bond. That guarantees that that work would be done. And again, the amount has been determined with the aid of Barton and Loguidice based upon today's costs and figures, and will be reevaluated every five years to make sure that we're in-fact keeping up with future costs for the decommissioning and of that site. The application that you have before you together with the supplemental information is for all intents and purposes, comprehensive and complete, it's ready for the board's consideration. I will note within the special use permit regulations, there's the ability for this board to also conduct an independent site plan review, and addition to the special use permit. However, because they have submitted the site plan as part of the special use permit, and there's no there's nothing that triggers a separate site plan review and there's no like large parking lots, there's not building structures, there's just the equipment and the solar panels, that the approval the special use permit would waive that separate site plan review, and you're doing it kind of as one comprehensive item, you're not trying to separate things out and look at it all at once. With that the other item that I want to talk briefly about is the SEQR itself. The requirement for this project, being on a landfill and 2019, January 2019, the state adopted several new items within the type two action. And this would be one of them a solar installation, large scale solar installation, that has a physical, I got to make sure I get the terminology correct; the physical alteration of less than 25 acres. I've looked at kind of in detail trying to understand the scope of the physical alteration. And so in doing so, I looked at the size of the individual solar panels as they would become a part of the structure the equipment on there, the electrical equipment, the gravel driveway that's required the fence and looked to understand better what the size of the alteration was. And it's 11 acres. Actually it's a little less than 11 acres. So From that standpoint, this does fit clearly within a type two action. So no further review was required under the environmental review by this board. It is simply a review of the special use permit itself, there is within your packets, a draft resolution for approval of the special use permit, as submitted, including the additional components that we discussed earlier. If the board has questions for myself, I can try to answer those or also the applicant with regards to the special use permit itself.

**Tina Tomasso** 10:45

In terms of decommissioning, the first part, like construction of the array, time completed or cessation of activity, who from the city is monitoring to make sure this stuff happens?

**Stephen Selvek** 10:55

Ultimately, it will fall to; and I'm going to forget who's actually in charge of the landfill right now, but we have someone who is in charge of our landfill, and they will be able to monitor going forward when the progress starts and keep track of that, because they're there on a daily basis, monitoring those type of items. Yeah, we have a unique situation in that this is also the city's property. So we have a slightly different interest in it than if it was a third party's site. If it was a third party site, I mean, ultimately, that would fall to and I know our building inspector loves to hear this, but it would fall to our code enforcement office as part of the permitting process.

**Elizabeth Koenig** 11:47

So I had a question, Stephen, whatever, it said that this the storm water runoff flow to the adjacent properties is a yes. And because it's a landfill? That's I guess that doesn't really make as big a difference, because I see it's in the Technology Park. I mean, and if they have 95 acres, it's really, they're only using 25?

**Stephen Selvek** 12:06

Yeah, ultimately, the storm water is I guess it's twofold. The actual change in impervious surface over what is approximately 25 acre area is actually one acre of difference. So the impact is very minimal. If you recall the presentation and the discussion earlier this year, the solar arrays are set on a concrete ballast system. So in reality, there's very little change to the impervious surface that we're dealing with in that case.

**Elizabeth Koenig** 12:43

The runoff?

**Stephen Selvek** 12:44

Any of the runoff that would occur is actually within the property owned by the city of the larger area around it. Yeah.

**Elizabeth Koenig** 12:53

That's what I was wondering.

**Stephen Selvek** 12:54

Yeah, so this wouldn't be running. This wouldn't create a runoff situation to properties in Tech Park or things of that nature. Yeah.

**Crystal Cosentino** 13:05

Are there any other questions? Is there a motion to adopt the resolution issuing the special use permit? Made by Elizabeth, second by Tina. If I could ask the Secretary to call the roll.

**Holly Glor** 13:24

Andy Tehan

**Andy Tehan** 13:25

Yes

**Elizabeth Koenig** 13:25

Yes

**Holly Glor** 13:25

Tina Tomasso

**Tina Tomasso** 13:25

Yes

**Holly Glor** 13:25

Theresa Walsh

**Theresa Walsh** 13:25

Yes

**Holly Glor** 13:25

Crystal Cosentino Elizabeth Koenig

**Crystal Cosentino** 13:28

Yes. Motion carried. Thank you. The next date for our regular planning board meeting is scheduled for Tuesday, August 4 at 6:30. Is there a motion to adjourn? By Tina, second by Andy. All in favor? Aye. Those opposed? Motion carried. Thanks, everybody. We'll see you in a month.

Respectively submitted by Holly Glor