

ST. LAWRENCE COUNTY PLANNING BOARD
DRAFT MEETING MINUTES

April 11, 2019

Public Safety Complex, 2nd Floor Conference Room, 49 ½ Court Street, Canton, NY

I. Call to Order

- a. Roll Call and Determination of Quorum.** K. Bellor called the meeting to order at 7:02 pm.

Members Present: K. Bellor, J. Cameron, D. Chambers, W. Davis, D. Duff, D. Fay, M. Gazin, R. Hotte, M. McCluskey, D. Mullaney, B. Murray and K. O’Neil. **Members Absent:** K. Bisonette. **Staff Present:** M. Larson and J. Pfothenhauer. **Others Present:** Please see sign-in sheet at the end of these minutes.

- b. Adoption of the Agenda.** Pfothenhauer recommended reordering the meeting agenda to present full review projects before projects under MOU, and to present the solar array projects in DeKalb and Gouverneur first, followed by the projects in Stockholm. The modified agenda was unanimously adopted (Cameron/Davis).

- c. Approval of the Meeting Minutes.** A majority of the board voted to adopt the March 14th meeting minutes (Gazin/McCluskey). **Abstention:** Davis and Duff.

II. Public Forum None.

III. Project Reviews

a. Full Reviews.

- i. DeKalb (T): Site plan review for a 6.2 MW solar array at 2536 CR 17, and a 3.7 MW solar array at 2496 CR 17. Larson said the Executive Committee asked staff to provide a framework about the placement of solar arrays on farmland for tonight’s meeting. Larson began her presentation by discussing the type, amount and distribution of productive soils in the county, and the protection of prime soils as identified in the County’s Agricultural Development Plan.

Larson proceeded with an overview of the staff report for the solar array off the Cousintown Road in DeKalb. Larson recommended the project’s footprint be realigned to minimize the displacement of prime soils; relocating equipment near the access road entrance to avoid interfering with farm equipment used on prime soils; constructing the access road at grade with the use of geotextile fabric; installing utility poles that provide 18’ of clearance between the lowest point of the electrical line and finished grade;

providing the Town with owner and contact information in the event the array is sold; and decommissioning the site with equipment removal 4' below grade, decompacting the soils to a depth of 2' and regrading and reseeding the site to resemble its original state. Larson also offered two non-binding comments for the Town to consider: for the developer to provide a cost estimate to decommission the arrays, and to determine whether an irrevocable line of credit should be established in the event the site is abandoned.

Property owner Charles Smith said he and his family run a dairy operation where they recently acquired 30 acres that was put back into production. Smith said if the array's footprint were reconfigured, the remaining prime soils would be too small to farm. O'Neil said the prime soils may not be large enough for dairy production purposes, but would be sufficient for a greenhouse operation or vegetable production. Pfothhauer said the intent is for the County Planning Board to create a policy based on parameters from the Ag Development Plan that will be used when reviewing solar arrays on farmland.

The developer said the land for the array will be leased for 25 years, and includes a decommissioning plan. The developer also said decommissioning cost estimate will be provided to the Town, and decommissioning the site will not be a problem. Project engineer Jim Palumbo said a seedmix of red and white clover will be applied to the parcel after the array is installed.

Davis said he was opposite of staff recommendation and felt the landowner knows the highest and best use of his land. Davis said he was torn about weighing personal property rights against public policy. Gazin asked about the assessment on the property. Larson said she assumed it would receive an automatic 15-year exemption and pursue a payment in lieu of taxes thereafter. Cameron said the array takes the farmland out of production and will have minimal disturbance on the soils. Murray said since 2012, 20 farms in the county have closed annually, and unless a retiring dairy operator is bought out, the farm will go under, and the farmland would be taken out of production anyway. Richville property owner Debbie Green said the lease yields new investment to continue farming, and continued viability of the farm.

Fay said he wants to ensure local boards understand conditions of approval are binding. Pfothhauer said Notices of Action sent back to local boards explain the actions they may take in the event a project is approved with conditions. Fay asked about the number of votes needed to overrule a County condition of approval. Larson said a supermajority, which means a majority of the board members present plus one. Larson said when a board consists of five members, four members are needed to overrule a condition of approval. Town of DeKalb Code Enforcement Office Bill Chambers said the Town had a discussion about issuing a moratorium on solar arrays to prepare solar regulations, and the Town opted to not have a moratorium go into effect.

O'Neil made a motion, seconded by Duff to approve the solar array with conditions as recommended by staff. The motion failed.

Murray made a motion, seconded by Davis to institute a ratio of 1:4 so that up to 25% of prime soils in farm production may be displaced by an array. The developer explained the frame for the array is driven into the ground, rather than pour cement footers which compacts soils. This motion was eventually tabled by Murray, seconded by O'Neil. The Board concurred with a staff suggestion to present all solar array projects before rendering a decision for each project.

A majority of the Board voted to approve the solar arrays off Cousintown Road with conditions of approval and with non-binding comments to minimize the displacement of prime soils that are in production and to include decommissioning provisions recommended by staff (Duff/Fay). **No:** Chambers and Davis. Davis asked the record to show he felt it is not appropriate for the County Planning Board to impose conditions of approval on the siting of solar arrays on prime farmland.

- ii. DeKalb (T): Site Plan Review for a 6.2 MW array at 2700 US Highway 11. Pfothenhauer described the project location and proposed layout of the array and reviewed the recommended conditions of approval. Chambers said the developer would need to approach the State DOT for a curb cut permit. Project engineer Jim Palumbo identified the wet areas of the property and said the footprint of the array was reconfigured as a result. Palumbo also explained fill would be needed for the road entrance off Route 11. Chambers asked if the property was surveyed. The engineer said yes.

A majority of the Board voted to approve the solar array at 2700 US Highway 11 with conditions of approval and non-binding comments to minimize the displacement of prime soils that are in production and to include decommissioning provisions recommended by staff (McClusky/Murray). **No:** Chambers and Davis. Davis asked the record to show he felt it is not appropriate for the County Planning Board to impose conditions of approval on the siting of solar arrays on prime farmland.

- iii. Gouverneur (T): Special Use Permit for a 6.2 MW array in the Rural district at 88 Welch Road. Pfothenhauer explained the project qualifies as a utility in Gouverneur's zoning code which are subject to special use permit. Pfothenhauer described the proposed layout and recommended the array be reconfigured to avoid impacting prime and prime if drained soils. Davis said he felt the protection of prime soils is a defacto taking of property that is akin to the presence of a wetland that renders land undevelopable. Chambers said the Welch Road is a County Route and the project requires a County Highway permit.

A majority of the Board voted to approve the solar array at 88 Welch Road with conditions of approval, including securing a County Highway permit, along with non-binding comments to minimize the displacement of prime soils that are in production and to include decommissioning provisions recommended by staff. (Gazin/Hotte). **No:** Chambers and Davis. Davis asked the record to show he felt it is not appropriate for the County Planning Board to impose conditions of approval on the siting of solar arrays on prime farmland.

- iv. Gouverneur (T): Special Use Permit for a 6MW and 3.8 MW array at 218 Peabody Road. Pfothenauer described the project location and explained White Creek bisects the property. Pfothenauer recommended reducing the number of access roads off the Peabody road from two to one, and said the northern access road proximate to a residence would affect the resident, especially during construction. Hotte asked if the property owner lived in that residence. The developer said yes.

A majority of the Board voted to approve the solar arrays at 218 Peabody Road with conditions of approval and non-binding comments to: minimize the displacement of prime soils that are in production; eliminate or move the proposed access road for the north array away from the nearby residence; and include decommissioning provisions recommended by staff (Duff/O’Neil for the north array, and Duff/McClusky for the south array). **No:** Chambers and Davis. Davis asked the record to show he felt it is not appropriate for the County Planning Board to impose conditions of approval on the siting of solar arrays on prime farmland.

- v. Gouverneur (T): Special Use Permit for a 4.9 MW array at 1645 US Highway 11. Larson described the project location; shared streetview imagery of the parcel off Route 11; and described the layout of the array. Larson also noted the parcel has been tile drained and the entirety of the array’s footprint consists of prime, and prime if drained soils that are in production.

The developer read a letter prepared by the property owner, which said the lot was used to grow canary grass that was used as bedding for dry cattle. The property owner also said the lot can only be used as pasture due to poor soil conditions. The owner wrote leasing the land for an array is best for financial reasons, and the lot has no use for farming.

O’Neil said the intent of the County’s Ag Plan is to preserve prime farmland; to decommission the array to return the farmland to its original condition; and to minimize impact to prime soils. Bellor said the parcel may be able to accommodate an alternate use; that the arrays as proposed won’t adversely affect prime soils; and the land can be restored to its original state. Murray said the lease leads to an infusion of income to support the county’s existing farm operations. Fay said the County Planning Board shouldn’t stop the development of solar arrays in the County. O’Neil said the current discussion ignores a policy in the Ag Plan to preserve prime farmland. Gazin said the Board needs consistency to understand the review process for these and future solar array projects. McClusky added the County Planning Board shouldn’t assume conditions of approval will be overridden at the local level.

Bellor suggested changing staff’s recommended condition of approval to a non-binding comment that the footprint of solar arrays should avoid the displacement of prime soils that are in agricultural production, and noted the soils will be preserved while the land hosts the array.

A majority of the Board voted to approve the solar array at 1645 US Highway 11 with conditions of approval and non-binding comments to minimize the displacement of prime

soils that are in production and include decommissioning provisions recommended by staff (McClusky/Murray). **No:** Chambers, Davis and O'Neil. Davis asked the record to show he felt it is not appropriate for the County Planning Board to impose conditions of approval on the siting of solar arrays on prime farmland.

Bellor suggested the Planning Board take a five minute recess. The meeting resumed and Fay and Davis departed at 10:35 pm.

- vi. Stockholm (T): Use variance for a double-sided billboard in the Commercial District at 8505 and 8507 US Highway 11. Pfothenhauer described the project location and previous use variance requests by the applicant for larger billboards at this location. Pfothenhauer explained this use variance are for smaller billboards. The Board unanimously voted to deny the issuance of a use variance for a double-sided billboard at 8505 and 8507 USH 11 (Murray/O'Neil).
- vii. Stockholm (T): Special Use Variance and Area Variance for a Mud Bog Pit in the Rural District off the Crane Road. Pfothenhauer displayed the proposed site plan and said a 500' setback between the pit and lot lines can't be met, and the pit will be less than 1,000' from the nearest residence. Pfothenhauer reviewed staff recommendations listed in the staff report. Duff asked if the Town intended to exclude this parcel when the setback standards were developed, or if it was arbitrary. Pfothenhauer said it was arbitrary. The Board unanimously voted to approve the special use permit and area variance with conditions as recommended by staff (Duff/Mullaney).

b. Projects Returned for Local Action.

- i. Oswegatchie (T): Site Plan Review for a small rural business at 1977 CR 15. Pfothenhauer described the site plan, showed aerial imagery of the proposed location, and explained the business is relocating from another location. *The Board concurred with staff recommendation to return the project for local action.*

IV. Reports

- a. **Executive Committee.** Bellor said the Executive Committee met on March 28th to set tonight's agenda and discussed tonight's solar array projects.
- b. **Board of Legislators.** None.
- c. **Highway Department.** Chambers said the State cut \$544,000 from the Department's budget.
- d. **State of the County.** None.
- e. **Staff Report.** None.

V. Other Items

- a. Correspondence.** Pfothenhauer said Sandy Maine resigned from the Planning Board, and will be seeking candidates for the County Legislature's consideration. Pfothenhauer also announced the spring land use training session has been scheduled for Tuesday, April 30th at 6:30 pm in the 2nd floor conference room of the County Public Safety Complex.
- b. Next Meeting Dates.** The Executive Committee will meet on Thursday, April 25th at 4:15 pm in the Planning Office. The Planning Board will meet on May 9th at 7:00 p.m. in the 2nd floor conference room of the County Public Safety Complex, located at 49 1/2 Court Street in Canton.

VI. Adjourn

The meeting adjourned by consensus at 10:50 pm.

Respectfully Submitted,



Renee Hotte, Secretary

Minutes prepared by M. Larson

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St. Lawrence County Planning Board

2nd Floor Conference Room, PSC, 49 1/2 Court Street, Canton

April 11, 2019

Sign-In Sheet

No.	Name	Representing
1	W. Chambers	DeKalb
2	Lebbie Green	DeKalb
3	Charles Smith	City
4	Cheryl Smith	Self
5	Paul Smith	DeKalb
6	Donald Brown	DeKalb
7	Jim Palumbo	KHH
8	Peter McAuliffe	OMNI
9	Joe Mendelson	OMNI
10	Dave Byrne	Kema Energy
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