

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
May 23, 2022**

APPROVED

The Town of Manlius Planning Board hybrid meeting in-person and virtual live streaming with Chairperson Joseph Lupia presiding and the following members present: Ann Kelly, Arnie Poltenson, Richard Rossetti, Valerie Beecher, Edmond Theobald and Judy Salamone. Also, present were Attorney Jamie Sutphen and Planning Board Engineer Douglas Miller.

In-Person Attendees: Jeff Schiano, Guy Pitman, Sharon Barkauskas, Aron Kolb, Mike Decker and Baranovsky

Virtual Attendees: Skip, tklockuser, Andria Costello Staniec, Joe Messenio, Dave Tyler and Bloss Machine.

The Pledge of Allegiance was recited.

Minutes

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to approve the minutes of May 9, 2022.

**6:31PM - Baranovsky Dental – 7211 East Genesee Street, Fayetteville, NY 13066
Public Hearing – Site Plan and Accessory Use Permit – Same Address
Tax Map # 087.-07-44.0**

Due to a potential conflict of interest, Attorney Sutphen recused herself and Clerk Beeman reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment.

Member Kelly made a motion, seconded by Member Salamone and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF.

Member Theobald made a motion, seconded by Member Rossetti and carried unanimously to waive the reading of the Public Hearing notice.

Member Theobald made a motion, seconded by Member Poltenson and carried unanimously to open the Public Hearing at 6:33PM.

Hearing nothing, Member Kelly made a motion, seconded by Member Rossetti and carried unanimously to close the Public Hearing at 6:34PM.

Member Rossetti stated that the Board did receive a letter from one of the residents in Fayette Manor regarding the Parking situation. The residents of Fayette Manor ask that the patients and staff park in the designated parking spaces in the parking lot and not on Fayette Drive or Fayette Circle.

Member Rossetti made a motion, seconded by Member Theobald and carried unanimously to approve the Accessory Use Permit for a period of 7 years to expire on May 23, 2029. As a

condition of the Accessory Use Permit, the Board would like all employees to park in the parking lot and not on Fayette Drive or Fayette Circle.

Member Kelly made a motion, seconded by Member Salamone and carried unanimously to approve the Site Plan, titled Baranovsky Dental, job no. 22-28 dated 04-07-22.

Attorney Sutphen returned to the meeting.

6:38PM - Guy Pitman – 6430 North Manlius Road, Kirkville 13082
Public Hearing - Site Plan Amendment – Add 30'x50' Barn to existing Site Plan – 6985
Collamer Road, East Syracuse, NY 13057
Tax Map # 036.-01-04.0

Attorney Sutphen reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment.

Engineer Miller said that there are wetlands on the property and the turnaround should not be in that area and should be changed on the survey. Chairman Lupia stated that the structure itself is not in the wetland.

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF.

Member Theobald made a motion, seconded by Member Rossetti and carried unanimously to waive the reading of the Public Hearing notice.

Member Kelly made a motion, seconded by Member Salamone and carried unanimously to open the Public Hearing at 6:44PM.

1. Mike Decker – sister in-law (Patricia) lives next door to property at 6995 Collamer Road – is concerned about standing water in the backyard and how this barn will impact that; the placement of the barn is an issue in terms of seeing it from the house; he also asked what the barn will be used for. Mr. Pitman said cold storage only, no outside storage or mechanicals, lights only.

Member Beecher enters the meeting at 6:50PM.

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to close the Public Hearing at 6:57PM.

The Board suggested that the following conditions be part of the Site Plan:

1. The Applicant add gutters to the building to try and divert the water away from the neighbors' property.
2. The Applicant plant some trees along the property line as a barrier from the neighbors' property.

The Board is unable to make a decision on this project tonight because they have not heard back from the Onondaga County Planning Board with their response. This Application will be placed on the June 13, 2022, agenda for a final decision.

7:07PM- Meltwater Solar, LLC – 3402 Pico Blvd, Santa Monica CA, 90405
Discussion/Decision – Site Plan & Special Use Permit - Solar Project
6101 Kirkville Road North – Kirkville, NY 13082
Tax Map # 071.-02-09.0

Chairman Lupia read a prepared statement. Please see attached for this statement.

Member Rossetti is concerned about the grid not being able generate any more electricity and wants to know when the end of these projects will be. He does not want to see the Town of Manlius covered in Solar Farms. He is also concerned about saturation.

Member Beecher said that in the Applicants letter they stated that this project is the last Solar Project in the que. She asked how they knew that and if they had proof. Mr. Geddis said that National Grid resource que is a public resource that any one can use for information.

Member Theobald is concerned about this project being 1-mile from an already existing Solar Farm. He also thinks that the project will be well hidden.

Member Poltenson is also concerned about saturation in the Town of Manlius. He stated that glare is not a concern; as far as leeching is concerned, there is nothing in the panels, no chemicals, so this is not a concern either. Property values, in terms of Assessments, is another concern but there is no direct link between Solar Farms and Assessments. He would like to see the way the legal notices and timing of the Public Hearings are addressed as a Planning Board.

Member Beecher spoke about saturation and the screening of the project. She does not believe that saturation is a concern with this project.

At the Planning Board meeting of March 14, 2022, the Planning Board declared the Town of Manlius Planning Board Lead Agency for SEQR and this project is a Type 1 Action.

Attorney Sutphen reviewed Long Form EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment. The Long Form EAF was filled out accordingly.

Sharon Barkauskas asked if she could speak, Chairman Lupia said yes and she proceeded. Ms. Barkauskas stated that there are 5-6 houses on Kirkville Road North that are on all on a well systems, if there is any possibility that during construction some sort of diesel or oil spill, that can introduce contaminants into the ground water and contaminate the wells, they would have no access to public water. Chairman Lupia stated that the Board is well aware of that issue and there is nothing about this project that will have that type of impact. Ms. Barkauskas asked if they were putting cement and posts in the ground? Will there be wash bays? Chairman Lupia said no and Mr. Geddis said that they are pile driven.

Attorney Sutphen asked the Board members if they had received and reviewed the Resolution ahead of the Board meeting and if everyone had a chance to comment, they all said yes and she read the SEQR Resolution aloud.

Member Beecher made a motion, seconded by Member Rossetti and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the long form EAF.

Attorney Sutphen asked the Board members if they had received and reviewed the Special Use Permit Resolution ahead of the Board meeting and if everyone had a chance to comment, they all said yes and she asked the Board if after the discussion, there were any more comments.

Member Rossetti stated that he is struggling with the saturation aspect of this project.

Attorney Sutphen read the section of the Resolution pertaining to the saturation. She stated that this Board must make a determination concerning the saturation of the Solar Arrays pursuant to Solar Farm Law Section 155-27-2d (3B)-19, which states: Saturation, when considering whether to issue a Special Use Permit, the Planning Board shall consider proximity of similar Large Solar Energy Systems (LSES) to the one being proposed. In no event shall an LSES be placed within 1 mile of an existing LSES without specific findings by the Planning Board, such that placement does not adversely affect the community character of the surrounding properties. The finding is: this project consists of 1 Solar farm that is not less than 1 mile from the Green Lakes Road Solar facility. This Board has carefully considered this saturation issue and for the reasons and findings set forth below and in its SEQR determination is of the opinion that the close proximity of the 2 Solar farms to each other is not adversely affecting the community character or the surrounding properties. The development of Solar renewable energy in the Town is a high priority and should be encouraged by the Planning Board and is based on the Towns recent decision to forego a moratorium on Solar Farms, with is being the policy of the Town to encourage the development of renewable energy in the Town under the right circumstances and the proper environmental review. The purpose of the saturation provision in the Town Code is to ensure as best as possible that solar farms do not dominate 1 neighborhood by being place at intervals that are too close together and are viewed on both sides of residential developments. The project site is largely rural and does not appear to have an affect on residential property from the visual impact standpoint. The project with input from the Planning Board is using setbacks greater than the code requires and is further maintaining a vegetation buffer around the westerly and southernly property boundaries. It is generally understood that the transfer station providing energy to these facilities is nearly at capacity, while potentially limiting further "saturation of solar projects" in this general area. Based upon these findings, the community character of the neighborhood will not change by the project and the goals of the Town to encourage renewable energy development will be met by the project. Therefore, the relatively close proximity of the 2 Solar Farms to each other does not adversely affect any character or the surrounding properties.

Chairman Lupia asked the Board to discuss the saturation issue. Member Kelly stated that she has an issue with the saturation, she said that it is prime farmland and said that in the Onondaga County Planning Board resolution it said that the development of prime farmland is discouraged.

Member Salamone left the meeting at 8:00PM

Conversation ensued regarding the saturation and screening.

Member Theobald stated that the Planning Board has been consistent with Solar Projects and the 1-mile issue has always been taken under consideration. The view shed was also a concern and always addressed, including the Salt Springs project that ultimately could not be screened properly, therefore it was withdrawn.

Member Beecher made a motion, seconded by Member Rossetti (he also asked for discussion). Member Rossetti stated that in the resolution, paragraph 3, under saturation, he would like the

sentence to end, after together and remove are viewed on both sides of residential developments. Member Theobald seconded the Amendment to the original motion and it carried to allow the Kirkville Road North Solar Project to be located within 1-mile of the Green Lakes Road Solar Project and that there is not a saturation issue.

Chairman Lupia called for a vote and the Board voted as follows:

Member Rossetti – Aye	Member Theobald – Aye
Member Poltenson – Aye	Member Kelly – Opposed
Chairman Lupia – Aye	Member Beecher – Aye

Motion carries 5-1.

Attorney Sutphen reminded the Board of the Special Permit Criteria questions with the Planning Board and stated that this is only a primary discussion. Will the project have an adverse effect on adjacent lands, the immediate neighborhood or on the character of the community is the ultimate question.

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion? The Board said yes
2. Is the community protected from unnecessary noise, lighting and odors? The Board said yes.
3. Does this plan protect the community from inappropriate design and other matters of significance? The Board said yes.
4. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said yes.
5. Can any adverse impact be mitigated with compliance with reasonable conditions? And are there any conditions? The Board said yes and there are no conditions.
6. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts? The Board said yes.

Member Theobald made a motion, seconded by Member Beecher and carried to approve the Special Use Permit for a Solar Array located at 6101 Kirkville Road North by Meltwater Solar; with the following conditions: the Special Use Permit is good for 15 years from the date of completion; 1 year to pull a Building Permit; project shall be completed within 2 years of pulling the Building permit. The Applicant shall comply with all the requirements (*on file in the Planning and Development Office*) of the Onondaga County Planning Board; the decommissioning plan shall be approved by the Town Attorney and a cash deposit shall be deposited by the Applicant with the Town and lastly the project is subject to Engineering review as it pertains to the decommissioning plan.

Conversation ensued regarding bonding.

Chairman Lupia called for a vote and the Board voted as follows:

Member Rossetti – Aye	Member Theobald – Aye
Member Poltenson – Aye	Member Kelly – Opposed

Chairman Lupia – Aye

Member Beecher – Aye

Motion carries 5-1.

Member Rossetti made a motion, seconded by Member Beecher and carried unanimously to approve the Site Plan for a Solar array located at 6101 Kirkville Road North by Meltwater Solar, dated April 25, 2022, titled Meltwater Solar, LLC.

With there being no further business, Member Rossetti made a motion, seconded by Member Theobald and carried unanimously to adjourn the Regular Meeting at 8:34PM.

Respectfully submitted,
Lisa Beeman, Clerk

Before proceeding to determine Secor and special use, I would like to discuss public comments:

We held a public hearing where 3 people spoke. 2 asked general questions which Mr, Geddes answered. They expressed no objections. A 3rd person asked questions specific to his airfield. Detailed reports from the FAA were provided to him showing that this project should have no impact to his airfield. The Public hearing was then closed.

A few days later, we received an objection from Mabie Brothers that this property should be farmed. This board has no authority to compel a landowner to use their property in a specific way.

We have now received a petition (50 days after the March 28th public hearing) signed by 149 residents. Although this petition is untimely, I believe that we should address the 4 areas of concern.

The people, who signed the petition, have brought up legitimate concerns that they are looking for us to resolve. What they may not realize is that we have been handling solar farms for a few years and we have addressed these very concerns in the past.

There is a concern about GLARE. Solar farms are designed to absorb light not to reflect it. Additionally this developer will be adding a protective non-glare coating to these panels. Glare is not

Property Values - Surveys and research reports to date show no adverse affect on property values. We can not guarantee that property values will not be affected, but based on existing data there should be no impact.

Water contamination - In past projects we have read in detail numerous reports about to determine whether there would be any leakage or contamination from solar farms. Those reports clearly show that there is no basis for concern about contamination,

The one issue that this board will be discussing and making a determination about is SATURATION. More specifically whether the facts and circumstances of this site warrant building at this location.

IN THE MATTER of the application of Meltwater

Solar, LLC

For

**Resolution for Special Permit, Site
Plan Approval**

**Site Plan Approval and Special Permit Pursuant
to Chapter 155, Section 155-12 and 155-27 of the
Town of Manlius Code**

The PLANNING BOARD OF THE TOWN OF MANLIUS, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 23rd day of May at 6:30 p.m. and the following were present, namely:

Joseph Lupia, Chairperson

Judy Salamone, Member

Ann Kelly, Member

Edmond Theobald, Member

Valerie Beecher, Member

Richard Rossetti, Member

Arnie Poltenson, Member

The following resolutions were moved, seconded and adopted with the following vote:

___ Joseph Lupia, Chairperson

___ Judy Salamone, Member

___ Ann Kelly, Member

___ Valerie Beecher, Member

___ Edmond Theobald, Member

___ Richard Rossetti, Member

___ Arnie Poltenson, Member

WHEREAS, Meltwater Solar, LLC (“Applicant” or the “Company”), have applied to the Town to construct a 5 MW ground-mounted solar energy system on a 40 acre portion of a 108.28 acre parcel in a Restricted Agriculture (RA) zoning district located at 6101 Kirkville Road North requiring Special Permit and Site Plan Approval, and as more particularly described in the Application of the Applicant dated March 1, 2022 and as subsequently updated modified and supplemented (hereinafter referred to as the “Project”);

WHEREAS, the Planning Board has been reviewing the Project and has held a public hearing on both the Site Plan Application, Special Permit Application on March 28, 2022, and said Public Hearing has been completed and closed, and

WHEREAS, after the close of the Public Hearing, on or about May 18, 2022, this Board received a petition from residents relative to the Project, and

WHEREAS, the Board received a response from the Applicant on or about May 19, 2022 in response to the Petitions, and

WHEREAS, in addition to all other matters presented the Board has considered the Petition and Response, and

WHEREAS, this Board declared itself lead agency for SEQRA and declared this Project Type 1 under SEQRA, and

WHEREAS Notice of Intent to act as Lead Agency was sent to involved and interested agencies dated March 18, 2022 and no agency has objected to same, and

WHEREAS, this Board made a SEQRA determination with respect to this Project dated May 23, 2022 and determined that the Project will have no significant negative environmental impacts, and therefore issued a negative SEQRA declaration for the Project, and

WHEREAS, in order to make determinations on Site Plan, Special Use Permit and Subdivision, this Board, must as a threshold matter, make a determination as to whether the concerning the saturation of the solar arrays pursuant to Solar Farm Law, Section 155-27.2D.3.b.[19] which states:

Saturation. In considering whether to issue a special use permit, the Planning Board shall consider the proximity of similar large solar energy systems to the one being proposed. In no event shall an LSES be placed within one mile of an existing LSES, without specific findings by the Planning Board that such placement does not adversely affect the community character of the surrounding properties.

NOW THEREFORE This Board make the following findings and determinations:

SOLAR ARRAY SATURATION:

Findings:

The Project consists of one solar farm that is nominally less than one mile from Green Lakes Solar facility:

1. This Board has carefully considered the "Saturation" issue and for the reasons and findings set forth below and in its SEQRA determination, is of the opinion that the close proximity of the two solar farms to each other does not adversely affect the community character of the surrounding properties;
2. The development of solar/renewable energy in the Town is a high priority and should be encouraged by the Planning Board and is based on the Town Board's recent decision to forego a moratorium on solar farms, it being the strong policy of the Town to encourage the development of renewable energy in the Town, under the right circumstances and the proper environmental review;
3. The purpose of the Saturation provision in the Town Code is to ensure, as best as possible, that solar farms do not dominate one neighborhood;
4. The Project site is largely rural and does not appear to have an effect upon residential property from a visual impact standpoint;

5. The Project, with input from the Planning Board, is using setbacks greater than the Code requires and is further maintaining a vegetation buffer around the western and southerly property boundaries.
6. It is generally understood that the transfer station providing energy to these facilities is nearly at capacity, potentially limiting further "saturation" of solar projects in this general area.
7. Based on these findings, the community character of the neighborhood will not change by the Project and the goals of the Town to encourage renewable energy development will be met by the Project.

Determination:

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby determines that:

The relatively close proximity of the two solar farms to each other does not adversely affect the community character or the surrounding properties

SPECIAL USE PERMIT:

Findings:

Whereas, this Board has reviewed the OCPB determination of April 13, 2022, with respect to the Project;

Whereas, this Board issued a negative SEQRA declaration for the Project;

Whereas each and every finding and determination heretofore set forth in this resolution is incorporated herein;

Whereas the Special use criterion as set forth in the Town Code is hereby reviewed and as this Project, it is determined as follows:

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution? YES.
2. Does this plan protect the community from inappropriate design and other matters of scenic and aesthetic significance? YES
3. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? YES
4. Can any adverse impact be mitigated with compliance with reasonable conditions? YES, conditions are set forth in this approval.

5. Does the project conform with the Towns Planning Objective? Yes, This supports the Town Board objective of supporting renewable energy in a responsible way.

Determination:

Considering the within findings, this Board finds that Solar array as proposed will not have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community, and the Special Permit is therefore Granted, with the following conditions:

- a. The applicant shall fulfill all requirements of Site Plan approval as herein granted; The Special Permit and use allowed pursuant thereto shall be for a term of fifteen (15) years from the date the Certificate of Completion is issued from the Town for the Project, Provided the Special Permit and required Security are in good standing, the Special Permit may thereafter be renewed upon application to the Town of Manlius Planning Board; which Special Permit may not be arbitrarily denied. Nothing herein shall in any manner limit the Town's right to enforce any condition at any time in the case of Non-compliance, including revocation of the Special Permit, if required.
- b. Applicant shall have one year from the date hereof to pull building/construction permit from the Town, and the applicant shall complete the project within two years after pulling the permit, at which time the Certificate of Completion is issued.
- c. This Board accepts the modification of the OCPB referral of April 13, 2022 as a condition of this approval as follows: The applicant is required to coordinate Kirkville Road North access plans with the Onondaga County Department of Transportation. The proposed driveway onto Kirkville Road North requires highway access and work permits from the Department and will be subject to the availability of sight distance. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Department for review and any required shall be complied with.

The decommissioning plan for the array shall be approved by the Town Attorney and Town Engineer with the recommendation that a cash deposit for the decommissioning shall be deposited by the Applicant with the Town unless the Town Attorney determines in its reasonable discretion that another form of surety with appropriate conditions adequately protects the interests of the Town. This Board recommends the following be implemented by the Town attorney in determining decommissioning as an alternative to a cash bond:

1. Must be a AAA rated bond company
2. Applicant must renew 90 days prior to the expiration of the term of the bond and deliver proof of renewal; failure to do same is an event of default of the Special Permit

3. In the event of default, the Town will give 30 days notice that the solar array must be decommissioned. If it is not, the Town may decommission and make a claim against the bond for same.
4. If the bond is a multi-year bond the entire premium for the term must be paid in full at the issuance of the bond
5. Termination of the bond for any reason is an event of default and this Special Permit becomes null and void.

SITE PLAN:

WHEREAS, each and every finding and determination heretofore set forth in this resolution is incorporated herein;

WHEREAS, OCPB forwarded a separate resolution relative to Site Plan on this Project dated April 13, 2022;

Now therefore,

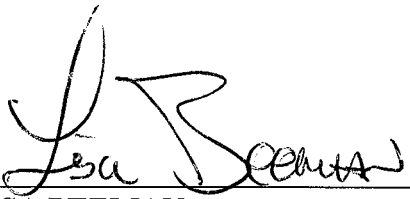
The Site Plan dated April 25, 2022 is approved with the condition that the Special Use Permit conditions are fulfilled and further with the condition as noted in the OCPB referral, being the same condition as set forth in the referral relating to the Special Permit.

I, LISA BEEMAN, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 23rd day of March, 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 23rd day of March, 2022.

DATED: May 23, 2022
Fayetteville, New York



LISA BEEMAN
Planning Board Clerk of the Town
of Manlius