

DRAFT

Town of Lansing

Wednesday, October 07, 2013 7:15 PM

PLANNING BOARD

PLANNING BOARD MEMBERS

(*Denotes present)

- * Tom Ellis, Chairman
- Lin Davidson, Vice-Chairman
- * Larry Sharpsteen
- * David Hatfield
- * Richard Prybyl
- * Al Fiorille
- * Gerald Caward
- * Jonathan Kanter, Planning Consultant
- Ray Farkas (Alternate Member)

Other Staff

Lynn Day, Zoning, Code, Fire Enforcement Officer
Kathy Miller, Town Supervisor

Public Present

| | |
|----------------|----------------|
| John Dennis | Bob Nicholas |
| Brian Eden | Shirley Egan |
| Richard Thaler | Andrew Murray |
| Jack Morse | James Eastman |
| Tina Eastman | Toni Andres |
| Robert Brown | Joanne Brown |
| Heidi Larounis | James Larounis |
| Bert Bland | Andrew Murphy |

Other Business

Thomas Ellis, Chairperson called the Planning Board Meeting to order at 7:17 PM. Mr. Ellis inquired if there were any questions or concerns from the Public that is not related to the Agenda. There were none.

Public Hearings SEQR & Overall Site Plan Application: Applicant: Distributed Sun, LLC, for site plan approval for the proposed Cornell Snyder Road PV Array (Solar Project) on land owned by Cornell

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University located on Snyder Road in the Town of Lansing, New York and otherwise known as Tax Parcel #44.-1-50.2, IR Industrial/Research District

Distributed Sun, LLC, is requesting Site Plan approval for the proposed Cornell Snyder Road PV Array (Solar Project) on land owned by Cornell University located on Snyder Road in the Town of Lansing, New York and otherwise known as Tax Parcel #44.-1-50.2, IR Industrial/Research District. The proposal is for Distributed Sun, LLC, to enter into a site license with Cornell University for a +/- 11.3 acre portion of the parcel for the purpose of installing a +/- 2 MW Solar PV array consisting of approximately 6,766 high-efficiency, ground mounted solar panels, two inverters, an access road, and 8 foot high fencing around the perimeter of the site.

David Hatfield made a motion to open the Public Hearing on the SEQR and Site Plan. Jerry Caward seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Tompkins County 239 Reply

DRAFT

Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

Telephone (607) 274-5560
Fax (607) 274-5578

October 4, 2013

Mr. Jonathan Kanter, AICP, Town Planning Consultant
Town of Lansing
PO Box 186
29 Auburn Road
Lansing, NY 14882

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Site Plan Approval for proposed 2MWdc Solar PV Array on Snyder Road, Town of Lansing Tax Parcel No. 44.1-50.2, Industrial/Research Zone, Cornell University, Owner/Applicant.

Dear Mr. Kanter:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate this recommendation into its approval, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

Recommended Modification

- We recommend that prior to evaluating the site plan, the Town require the applicant to include a description of how the proposed project is impacted by the former refuse and radioactive materials disposal sites.
- The full Glare Analysis and FAA correspondence should additionally be included for review.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Edward C. Marx, AICP
Commissioner of Planning

Inclusion through Diversity

Larry Sharpsteen inquired if periodic monitoring would occur, as there could be some disturbance with clay structures.

Dan Walker, P.E of Labella Associates in Ithaca states the structural panels will be driven 4-6 ft deep, and 3-4 ft deep for the fence post. There will be no fence post driven on the east side of the side.

Burt Bland, Director of Energy Attainability at Cornell states there is no significant threat to human health or the environment. Monitoring is an ongoing process.

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Members inquired about the two different grants that are funding the project and what benefits if any would/could the Town reap from the project.

David Herrick, Town Engineer Recommendations

October 2, 2013

Jack French, Highway Superintendent
Town of Lansing
Box 186
Lansing, NY 14882

Re: Snyder Road Solar PV Project, Storm Water Pollution Prevention Plan

Dear Mr. French,

I have reviewed the Stormwater Report/SWPPP dated September 2013 and design drawings dated August 30, 2013 as prepared by Labella Associates and offer the following comments:

Stormwater Report

1. The paragraph titled "Post Development Conditions" makes reference to maintaining the vegetated wetland. I suggest the Report and/or SWPPP identify what measures will be taken during the construction phase to protect the perimeter of the wetland from accidental disturbance.
2. Under the section titled "Method of Analysis", the table summarizing the runoff analysis indicates that post construction peak flows will increase as a result of changes in the site hydrology. A determination of the significance of these increases should be addressed by the NYSDEC, Region 7.

Stormwater Pollution Prevention Plan

1. The section titled "Pre-development Conditions" should include a discussion of the existing on-site wetland. Further, a formal delineation of the wetland boundary seems necessary to know specifically where the rows of panels will begin and end.
2. In the paragraph titled "Permanent Erosion Control Measures" the description of permanent seeding should include a methodology for soil restoration to de-compact the site soils adjacent to the rows of panels.
3. There are a few typographical errors in Attachments J and M that can be corrected prior to submission of the Notice of Intent.

Design Drawings

1. The set must include an Erosion and Sediment Control Plan together with typical details that correspond to the written temporary measures found in the SWPPP. The ESC Plan should also include the wetland protection practices.

As I've mentioned previously, a formal review of the Report, SWPPP and design drawings should be completed by Ms. Ellen Hahn, Stormwater Specialist with NYSDEC, Region 7. Please call with any questions or if you need additional information.

Sincerely,



David A. Herrick, P.E.

Cc: E. Hahn, NYSDEC
L. Day, CEO
T. Ellis, Planning Board Chair
J. Kanter, Planning Consultant
L. Moynihan Schmitt, Esq.

203 North Aurora Street ■ Ithaca, New York 14850
Telephone (607) 272-6477 ■ Fax (607) 273-6322 ■ www.tgmillerpc.com

Mr. Herrick further states he felt it was in the best interest of the Town to have the NYS regions Stormwater Specialist review the project. Ms. Ellen Hahn has received the material, but has not completed her review. However, her concerns are that there is a change in hydrology from the proposed project.

Dan Walker indicated although they have slightly changed their plans, he believes they have not changed their hydrology significantly on the site and it will not create any drainage problems in the area.

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Public Comments/Concerns

John Dennis: Is keen for the project to be a success, concerns are:

1. The site be non effective view sheds, the 8ft chain link fence should have an evergreen hedge.
2. Herbicide free. Study the vegetation for ground cover.
3. Quality of the product-others out there will last longer

Dan Walker states their intent is not to use herbicides. The intent is to mechanically control.

Jonathan Kanter states in the environmental review it was taken into consideration that there are no identified or designated scenic views or vistas in the area. The site did not appear to be very visible from any of the major surrounding roads.

Members and the Town Engineer discussed waiting on any approvals until Ms. Hahn, NYS Stormwater Specialist replies with her report.

Larry Sharpsteen made a motion to hold the Public Hearing open until such time as the Town receives a response from the State. Gerald Caward seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Members requested that a copy of the FCC Report be provided to them for their next scheduled Meeting.

Robert Nicholas, Tompkins Regional Airport Manager provided the Members with a glare analysis from the FCC.

Shirley Eagan, Representative for Cornell requested that a request with a timeline be given to Ms. Hahn at the DEC that allows her to meet the next Planning Board's Meeting deadline of October 28, 2013.

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Informal Sketch Plan Discussion- Whispering Pines Subdivision Phase VI: Consisting of 30 total lots, proposed to be constructed in Phases.

Applicant: Richard Thaler, Tax Parcel # 40.-3-2.12, to be located at Asbury and Warren Road, R1 Residential Low Density District.

Chairman Ellis advised the Public this is an informal discussion. Public comments will be limited tonight.

Richard Thaler gave a brief history of the Whispering Pines Subdivision. His proposal is for 30 +/- lots on remaining lands (approximately 64 acres) located off of Warren Road and Asbury Road. The proposal will be constructed in phases, with the first phase having 6/7 lot along Warren Road/Asbury Road and lot 28. Gulf Stream runs through the site of the proposed subdivision in a low-lying area. The area shown as Lot 30 on the subdivision plan has already been reserved with an easement to the Town for maintaining the stormwater facilities of Whispering Pines V. A Unique Natural Area (UNA-65), known as "Head Corners Wetland", has been designated by the Tompkins County Environmental Management Council, located just east of the project site across Warren Road. UNA-65 is a forested wetland dominated by hemlock and red maples. Drainage flows generally from east to west/northwest in this area, and Warren Road tends to physically separate UNA-65 from the subdivision site. Therefore, impacts of the proposed subdivision on UNA-65 are not expected to be significant. However, the presence of UNA-65 in the vicinity of the subdivision site and the low-lying character of the land along Gulf Stream are possible indicators that there could be wetland areas on portions of the proposed subdivision site. The proposed subdivision will provide the opportunity to connect this remaining land with the existing roads in the developed areas to the south.

The following is a Sketch presented to the Board:

DRAFT



SUBDIVISION PLAT

TOWN OF LANSDALE COUNTY OF TOMPKINS STATE OF NEW YORK

WHISPERING PINES VI 1

DRAWN BY: RICHARD THALER DATE: 10-14-10 REVISION: 1

SCALE: AS SHOWN DATE: 10-14-10 REVISION: 1

DESIGNED BY: L'ABBONDANTE CONSULTANTS HYLS/SL/4/0002

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Members discussed Stormwater practices for the entire proposal and felt it was necessary for the Developer's Engineer to incorporate the full build out of phases in his Stormwater analysis

Thomas Ellis inquired from Mr. Fabbroni if he has touched base with the Trails Committee. Mr. Fabbroni states no.

James Eastman asked why is it so important to develop the lots at all?
Planning Board Member's response- "It's their land".

Robert Brown: The Stormwater drainage really needs to be looked at.

Other Business

Chairman Ellis advised the Members that the Planning Board Attorney, Lorraine Moynihan Schmitt & Guy Krogh are partners in the law firm of Thaler & Thaler. Mr. Richard Thaler is no longer a partner in the firm but does consulting work out of their office. Due to potential conflicts with the upcoming project, the Attorneys' felt it would be in the best interest of all parties to have a waiver from the Planning Board, Town Board and the Applicant prior to moving forward.

Larry Sharpsteen made a motion allowing the Planning Board to have on file an appropriate waiver to allow the Town to continue to use Thaler and Thaler Law Offices as representation for the Planning Board and Town Board on this project. Al Fiorille seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Approval/Denial of September 23, 2013 Meeting Minutes

Page 2, 2nd paragraph the word insert should say: inserted.

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Page 11: Jack Jensen Development: 4th sentence should say 2 bedroom unit and a 1 bedroom unit.

Larry Sharpsteen made a motion to approve as amended. Al Fiorille seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Richard Prybyl made a motion to go into Executive Session at 9:10 PM. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

The Board reconvened to their regular Planning Board Meeting @ 9:20 PM.

Up-Coming Agenda Items for the Next Meeting

- Cornell Solars
- Whispering Pines

Richard Prybyl made a motion to adjourn the Meeting at 9:25 PM. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member

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Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member