

## Town of Manheim, Planning Board Meeting, Public Hearing, December 7, 2015

Members Present: Carl Stallman, Sharon Baisley, Robyn Cadwell, Bill Timmerman, David Corbett

Others Present: Attorney Ayers & Mellen, Andreas Rivera, Carole Loucks, John Haughton, Rodney Swartz.

Scott Blumberg

Chairman Stallman called the meeting to order at 7:30PM, The pledge of allegiance was recited and roll call of officers taken. The clerk stated that the notice for this public hearing appeared in the town's official newspaper and was posted at the town hall. Chairman Stallman read the following statement:

This hearing is being held pursuant to the Environmental Quality Review Act (SEQRA) with respect to the Application by Monolith Solar Associates, LLC for a special use permit for a solar garden to be installed in the 5.6 acre parcel of land located at the corner of Barker Road and State Route 167 in the Town of Manheim and in connection with the Site Plan Review of proposed solar garden (the "Project").

The purpose of the hearing is to afford the general public an opportunity to make statements and comments about Monolith Solar Associates, LLC's application for a special use permit and in connection with the Site Plan Review of the proposed project.

The hearing will remain open until all members of the public who are present at the hearing have been given an opportunity to make statements or comments on the proposed Project. This is not a question and answer session. A recording of this hearing is being made.

The Planning Board Clerk will accept additional written public comment regarding the Planning Board's SEQRA review and site plan review.

Comments presented at this hearing will be taken into consideration by the Planning Board as part of its review of the proposed Project.

### Public Comment:

Carol Loucks, 6129 St Rte 167: Stated she is not for this project, the people who live around it don't want to look at it, they've built their home in the country for the nice view and will look out her windows and see a solar garden, there is no benefit for the Town of Manheim, she thinks it should be denied, they can find somewhere else for it where there aren't any homes.

Scott Blumberg, 6129 St Rte 167: Said he hasn't pounded another nail in his house since this started, he hasn't seen any surveys on safety; cars speed on this section of 167, he thinks this will be a distraction to drivers, he wish more people in the town knew about this, he hopes the board turns it down.

Board members discussed visiting the site. Mr. Blumberg invited board members to visit his property and look around to see what he will be seeing out his front windows. He also thinks the site goes through wetlands.

**A Motion** was made by Bill Timmerman and was seconded by David Corbett to close the Public Hearing on SEQRA at 7:45pm. Ayes All

Attorney Ayers gave the board members some general information to refer to on performing SEQRA and site plan reviews.

Chairman Stallman called the meeting to order at 8:00pm, the pledge of allegiance recited and roll call of officers taken.

**A Motion** was made by Sharon Baisley and was seconded by Bill Timmerman to approve the minutes of the November 30, 2015 meeting. Ayes All

Monolith Solar Project SEQRA Review: The board received and reviewed Monolith's amended EAF at their last meeting. With Attorney Ayer's guidance board members discussed and filed out part 2 of the EAF. The board first determined that the proposed solar garden can be considered for a special use permit under Section 431.20 of the town's zoning ordinance. After much discussion referring both to documents available to them as well as their own personal knowledge of the site the board decided that questions #1,4,5,6,7,8,9, and 10 should be answered as having No Impact with questions #3 and 11 having a Small Impact. They felt that question #2 would have a Moderate to Large Impact because the project would certainly change the use of the land. At this time Attorney Mellen worked on drafting the EAF Part 3 Analysis while the board moved on to the Site Plan Review.

Site Plan Review: The board reviewed the Manheim Zoning Ordinance "criteria and performance standards" handout supplied by Attorney Ayers.

The board can approve the site plan, approve it with modifications (i.e. decommission clause) or disapprove the project all together. Failure by the Planning Board to submit a report is deemed to signify approval. Monolith Solar has submitted all the supporting data required under Section 501 of the town's zoning ordinance. The site plan will not be approved tonight but will be referred to the county for their recommendation.

Attorney Ayers asked the board to consider if there needed to be a fence around the transformer. (Sec 546) He suggested the board visit the site and to take Mr. Blumberg up on his offer for them to visit his property to see the impact this project will have on his view. Attorney Ayers went through Monolith Solar's letter regarding a decommission plan. Attorney Mellen prepared an

outline of decommission questions and concerns as a guide to help the board members focus in on what the issue is. The board was asked to review all the material they have on the project before the next meeting so that an informed decision may be made. Bill Timmerman asked about the size of the trees; Mr. Rivera said the board will be able to select the type of tree to be used. Robyn will look into different types of trees.

Return to SEQRA: Attorney Mellen read the EAF part 3 analysis she wrote; after some tweaking the following statement was approved:

EAF Part 3 Analysis

Question 2: Yes, the solar garden project will change the use of the land. The project moves the land use from vacant lot in an agricultural district to a solar garden. However, the portion of the land affected is only a small parcel of the available open land in that location, and therefore does not alter the geographic scope of the area. There is no mitigation to the use on the land. To mitigate the impact of the project overall, trees will be introduced to maintain the appearance of the lot. Additionally, a decommissioning plan will also be introduced to ensure that the land will be restored to its previous condition, or to meet zoning requirements at the end of the project.

Further, the intensity of the use of the land will not be affected beyond the initial installation of the project. Once the solar garden is constructed there will be little interaction with the public or the company. It is monitored remotely, and will be visited primarily for maintenance and upkeep of the lot. Lastly, allowing this project does not have any foreseeable negative cumulative impact on the land.

Question 3: No, the portion of the land affected is only a small parcel of the available open land in that location, and therefore does not alter the geographic scope of the area.

Question 11: No, there is only a small, temporary, impact on the land, which is the distraction of having something new introduced into the community. However, the planting of trees around the lot mitigates this impact. Further, the distraction will disappear as the project continues.

Given the above considerations and findings the Lead Agency holds that any moderate or large impact does not have a significant adverse environmental impact. Therefore, the Lead Agency declares a negative impact declaration for this project based on the State Environmental Quality Review conducted.

The following Resolution was introduced and approved:

**RESOLUTION NO. 3 of 2015**  
**Dated: December 7, 2015**

**RESOLUTION AS LEAD AGENCY UNDER SEQRA  
TO ISSUE A NEGATIVE DECLARATION  
ON MONOLITH SOLAR ASSOCIATES, LLC'S  
SOLAR GARDEN PROJECT**

MOTION made by David Corbett, seconded by Robyn Cadwell

**WHEREAS**, Monolith Solar Associates, LLC ("Monolith") has submitted an application to the Zoning Board of Appeals for a special use permit for the construction of a ground mounted solar garden on an approximately 5.6 acre parcel at the corner State Route 167 and Barker Road; and,

**WHEREAS**, in connection with Monolith's application for a special use permit the Planning Board is required to perform a site plan review and make a recommendation to the Zoning Board of Appeals; and,

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**WHEREAS**, the Planning Board has received Part I of a short-form Environmental Assessment Form ("EAF") as a part of Monolith's application for a special use permit; and,

**WHEREAS**, the EAF addresses the potential environmental effects of the proposed use of the land as a ground mounted solar garden as proposed in Monolith's application for a special use permit (the "Project"); and,

**WHEREAS**, the Planning Board has determined that it should proceed with an uncoordinated review unless and until it determines that the Project may have a significant adverse effect on the environment; and,

**WHEREAS**, the Planning Board has determined that it should serve as Lead Agency for the purposes of the uncoordinated SEQRA review of the Project; and,

**WHEREAS**, the Planning Board has made a preliminary classification of this Project as an Unlisted Action; and,

**WHEREAS**, the Planning Board, as part of its SEQRA Review and Site Plan Review of the Project, held a Public Hearing on December 7, 2015 at which it received public comment; and,

**WHEREAS**, the Planning Board has reviewed additional information and the public's comment in connection with its site plan review and assessment of the potential for significant adverse environmental impacts from the proposed development and use of the project site as a ground mounted solar garden, the use proposed in Monolith's application to the Zoning Board of Appeals for a Special Use Permit; and,

**WHEREAS**, the Planning Board has reviewed and completed Part 2 and Part 3 of the short-form Environmental Assessment Form; and,

**WHEREAS**, after considering both the magnitude and importance of each of the potential environmental impacts of proposed project and the development and use of the Project site as a ground mounted solar farm, the Planning Board has determined that this Project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared,

**Now Therefore Be It RESOLVED**, that the Planning Board does hereby determine, based upon the short-form Environmental Assessment Form and other documentation submitted to and reviewed by the Board, that the Project is an Unlisted action; and,

**Be It Further RESOLVED** that the Planning Board approves and adopts the completed Part 2 of the short-form Environmental Assessment Form; and,

**Be it further RESOLVED** that the Negative Declaration Analysis and the Table of Documentation shall be attached to and be a part of the short-form Environmental Assessment Form (Part 3) Negative Declaration; and

**Be It Further RESOLVED** that the Planning Board of the Town of Manheim, as Lead Agency for the purposes of the uncoordinated SEQRA review of this Project, has determined that the proposed action will not have a significant adverse environmental impact; and,

**Be It Further RESOLVED** that the Chairman of the Planning Board is directed to sign Part 3 of the short-form Environmental Assessment Form to issue a Negative Declaration and cause the same to be filed with the Town Clerk and a copy to be mailed to the Applicant; and,

**Be It Further RESOLVED**, that pursuant to General Municipal Law § 239-m, the Clerk of the Planning Board is directed to complete and submit the Zoning and Subdivision Referral Form together with a copy of the Planning Board's Negative Declaration and other required documentation to the Herkimer-Oneida County Planning Board.

Roll Call Vote:

Carl Stallman, Chairman	Aye	X	Nay
Robyn Cadwell	Aye	X	Nay
David Corbett	Aye	X	Nay
Sharon Baisley	Aye	X	Nay
William Timmerman	Aye	X	Nay

IN WITNESS WHEREOF, I have affixed my name as secretary on this 7<sup>th</sup> day of December, 2015.

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Marie Gressler, Clerk/Secretary

The next planning board meeting was set for **Monday, January 4, 2016 at 7:30pm** in the Town Office building. Board members were reminded to visit the site, take into consideration what they heard during public comment, and to review all the documents received in connection with this project. Those documents include the amended application, SEQR form, site plan,

survey, wetlands map, aerial photo, pamphlets from Monolith on transformers, solar panels, converts, the tree species and description, the decommission plan, the narrative.

The next Zoning Board of Appeals meeting was set for 7:00pm Tuesday, January 19, 2016 at the town office building.

**A Motion** was made by Sharon Baisley and was seconded by Robyn Cadwell to close the meeting at 9:45pm. Ayes All

Respectfully Submitted,

Marie Gressler  
Clerk of the Board