

November 2, 2023
7:00PM
Owego Town Hall
2354 State Route 434
Apalachin, NY 13732

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Chairman Gary Phelps, Janet Brown, Jack Legg

Excused: Dan Myers, David Kresge

Others Present: Joann Lindstrom, Irene Graven

Chairman Phelps called the meeting to order at 7:00pm. The minutes from the regular Zoning Board of Appeals Meeting held October 5, 2023 were considered. Mr. Legg made a motion to approve the minutes as written, seconded by Chairman Phelps. All in favor.

Amended Appeal No. 2115

The Board visited Appeal No. 2115, an amended request for a Special Use Permit to construct a solar farm at the end of Jacobs Road, submitted by Kristel Watson of Scale Microgrids.

Appearances: Paul Woodward and Nathan Mingolelli of Keystone Associates, Peter LeCameron of Miller Bros

Exhibits: Amended Application for a Special Use Permit dated September 11, 2023

Chairman Phelps invited the applicant to describe the changes on the project. Mr. Woodward stated that NYSEG did not have enough power capacity to supply the size of the last project, therefore the applicant has downsized the size of the solar array.

Mr. Phelps asked if any members of the public had any comments. Sal Sanguinito of 900 Pennsylvania Avenue and his son, Scott Sanguinito of 843 Main Street were present to ask a variety of questions. Mr. Sanguinito asked if the tree clearing was done. Mr. LeCameron stated that the property owner may have cleared some trees, but no one from the solar project has done any clearing.

Mr. Legg asked if the property will be regraded. Mr. Woodward stated it will be regraded from thirty percent to fifteen percent. Chairman Phelps asked if the SWPPP report or comments were available. Ms. Lindstrom stated that she had not heard back from Ms. Walsh as of the time of the meeting. Mr. Legg asked if the panels will be the same size. Mr. Woodward confirmed that they will be. Chairman Phelps asked if the panels and inverters will still be located down by the Jacobs road entrance. Mr. Woodward confirmed that to be correct. Chairman Phelps asked about the fire department's comments. Mr. Woodward stated that the fire department just needs access with a four wheel drive pickup. Chairman Phelps stated his concern with the slope and asked about remediation of the outside perimeter. Mr. Woodward stated that they will be doubling the amount of diffusers from the original plans. Mr. Sanguinito then asked for the maintenance schedule. Mr. Woodward stated that it is all part of the SWPPP. Chairman Phelps then asked for diffuser clarification. Mr. Woodward stated that there will be six diffusers on the east side of the

property and four diffusers on the west side of the property. Mr. Sanguinito then asked if that would be enough to withstand torrential downpours. Mr. Woodward stated that this design will handle that.

Chairman Phelps asked if there is still a gated access road. Mr. LeCameron stated that he can add one. Chairman Phelps then stated that the fire department would need access. Mr. LeCameron stated that he typically would add a Knox-Box. Chairman Phelps asked if there will be a barrier around the equipment. Mr. Woodward stated that there will be fencing only around the panels. Mr. Legg asked for clarification that the original plan crossed the creek twice and the new proposal only crosses the creek once. Mr. Woodward confirmed one creek crossing. Chairman Phelps asked if there is an EPO switch. Mr. LeCameron stated it is on the last pole before the solar farm. Chairman Phelps then asked if it will be accessible once the site is complete. Mr. LeCameron stated there will be a gang operated switch that will not be behind the gate. Chairman Phelps then asked if there has been a complete soil analysis done with a retest set in five years. That way there is a total baseline for the starting soil to know what may need to be done to the soil at the time of decommissioning. Chairman Phelps then suggested that Soil and Water get a full tour of the site because of previous problems with erosion that has gotten out of control. Mr. LeCameron stated that after one quarter inch of rain his crew documents the conditions. Mr. Woodward stated that his crew will walk the site every week. Chairman Phelps stated that it is very steep terrain. Mr. Woodward will request the contractor to soil test.

Mr. Legg asked if this is the original plan, just downsized. Mr. Woodward confirmed.

Chairman Phelps read into the record comments from the Apalachin Fire Department, Tioga County Planning Board waiver and the Town of Owego Planning Board's recommended approval.

Chairman Phelps closed the public portion of the meeting and opened the meeting to board members.

Mr. Legg made a motion to approve Amended Appeal 2115 with the same conditions as the original Special Use Permit. Mrs. Brown seconded. All in favor.

Reference:

Amended Appeal No. 2115 dated September 11, 2023

ACTION OF THE ZONING BOARD OF APPEALS of the Town of Owego, Owego Town Hall, 2354 State Route 434, Apalachin, New York:

To: Scale Microgrids
Kristel Watson
51 South Broad Street
Ridgewood, NJ 07450

At a meeting of the Zoning Board of Appeals held the 2nd day of November 2023, the above referenced appeal was considered and the Board by resolution GRANTED your request for an amended Special Use Permit pursuant to Chapter 125 of the Code of the Town of Owego.

The resolution adopted by the Board of Appeals follow, viz:

WHEREAS, a public hearing was held on the 2nd day of November 2023, on notice according to the law, at which Paul Woodward appeared and gave testimony to questions put forth to him by this Board; and

WHEREAS, Scale Microgrids desires to construct a solar array at the end of Jacobs Road, Apalachin, NY; and

NOW, THEREFORE, be it

RESOLVED, that the Board makes the following findings based on the entire record:

1. Applicant requested an amended Special Use Permit to construct a solar array;
2. Property is located at the end of Jacobs Road;
3. Property is situated in an Agricultural (AG), Residential B (RB) and General Business (GB) zoning districts;

And be it further

RESOLVED, the application for the amended Special Use Permit is hereby GRANTED, subject to the following conditions:

1. Barton Solar Farm LLC shall preserve existing natural screening around the perimeter of the project
2. Barton Solar Farm LLC shall meet and continuously maintain its obligations of emergency access and maneuverability throughout the Project Area as agreed with the Apalachin Fire Department.
3. Barton Solar Farm LLC shall strictly adhere to the Stormwater Pollution Prevention Plan it has prepared during the construction phase as well as during the Project's operational phase and future decommissioning phase.
4. Barton Solar Farm LLC will conduct inspections as identified in the SWPPP and after significant rain events.

Any and all other provisions of this Chapter not waived or modified by this decision are to be observed.

With there being no further business, the meeting was adjourned at 7:45 pm.

Respectfully Submitted,

Brenda Burrell
Secretary, Zoning Board of Appeals