

February 4, 2021  
7:00 PM  
Owego Town Hall  
2354 State Route 434  
Apalachin, NY

## MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Chairman Gary Phelps, Janet Brown, Jack Legg, Dan Myers and Alternate Board Member Martin Murphy.

Absent: David Kresge.

Others Present: Planning & Zoning Administrator Joann Lindstrom, Town of Owego Attorney Irene Graven, Town Councilman Dean Morgan, Transcriptionist Elizabeth I. Brucie.

Chairman Phelps called the meeting to order in accordance with the NYS Governor's Executive Order 202.1 which allows a municipal board to convene a meeting via videoconferencing with stipulations. A quorum was present. The minutes from the Regular Board Meeting held December 3, 2020, were considered. Mr. Legg made a motion to accept the minutes as written. Mr. Myers seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Legg, Mr. Myers and Mr. Murphy voted in favor of the motion.

### Appeal No. 2082

The Board considered Appeal No. 2082 submitted by Michael Beckner, Vice President of SunEast Valley Solar LLC, on behalf of property owners Joan and John Rowland, Creative Enterprises Owego LLC, Lesley McClelland, and Jessica Belles and James Morris. He is requesting a Special Use Permit to construct an approximately 20 megawatt public utility solar farm on Montrose Turnpike in the Town of Owego. Chairman Phelps read a description of the applicant's request which involves 303 acres of land, on which 35 acres will actually have solar panels installed.

Chairman Phelps reopened the public meeting which was originally opened on December 3, 2020.

*Appearance (all via Zoom): Mel Farmer, Stantec Consulting Services,*

*Mike Beckner, Vice President, SunEast Valley Solar LLC,*

*Greg Elko, Director of Development, SunEast Valley Solar LLC.*

*Exhibits: Application for a Special Use Permit dated 9/22/2020 with narrative,*

*Site Plan dated 9/21/2020,*

*Stormwater Pollution Prevention Plan (SWPPP),*

*Full Environmental Assessment Form Part 1 (SEQR),*

*Agricultural Data Statement dated 9/23/2020,*

*Letter dated 9/25/2020 from Stantec Senior Scientist Andy Smith*

*(Wetland Delineation),*

*Town of Owego Zoning Board of Appeals (ZBA) Notice of Intent to Act as SEQR Lead Agency dated 9/28/2020 sent to Tioga County*

*Planning Board, NYS Agriculture and Markets Div. of Land and Water Resources, NYS Energy Research and Development Authority (NYSERDA), NYS Dept. of Environmental Conservation Div. of Environmental Permits Region 7, and NYS Division for Historic Preservation (SHPO),  
Resolution by the ZBA dated 10/1/2020,  
SunEast Valley Solar LLC Decommissioning Plan dated 10/1/2020,  
Letter dated 10/14/2020 from NYS Agriculture and Markets,  
Letter dated 10/22/2020 from NYS Parks, Recreation, and Historic Preservation,  
Submittal dated 11/4/2020 from adjoining property owner Green Gang Hunting Club ("GGHC"),  
PowerPoint submittal from SunEast Valley Solar LLC,  
Letter of recommendation dated 11/19/2020 from Tioga County Planning Board,  
Letter of recommendation dated 11/30/2020 from Town of Owego Planning Board,  
Letter dated 12/2/2020 from Young/Sommer LLC,  
Letter dated 12/2/2020 from Haven of Peace, Inc.,  
NYS Dept. of Agriculture and Markets "Guidelines for Solar Energy Projects" executed agreement with SunEast Valley Solar LLC signed 11/20/2019,  
Comments from the Owego South Side Fire Department dated 12/2/2020,*

***The following items having been added since the December 3, 2020, meeting:***

*Updated Full Environmental Assessment Form (SEQR) Part 1 dated 1/13/2021;  
Revised Site Plan sheets CS100, CS401, CS402, CS403, CS404, CS405, CS406, CS407, CS408;  
Letter dated 12/21/2020 from Stantec regarding meeting with South Side Fire Department on 12/15/2020;  
Letter dated 12/10/2020 from Michelle Ayres/Brian Guinane with FOIL request;  
Letter dated 12/15/2020 to Ayres/Guinane from Planning & Zoning (P&Z) Administrator;  
Academic Letter about potential impact of solar from SunEast Valley Solar LLC;  
Email to P&Z Administrator dated 1/28/2021 from Dale Burrell;  
Email response to Dale Burrell dated 1/29/2021;  
Email to P&Z Administrator dated 2/2/2021 from Bernadette Toombs with FOIL request, and P&Z response;  
Email to P&Z Administrator dated 2/2/2021 from Lisa Schumacher and Son, Derek Hicks, and P&Z response;  
Email to P&Z Administrator dated 2/4/2021 from Jeff Matolka, and P&Z response;  
Letter addressed to Town of Owego hand-delivered by John Rowland 2/4/2021;*

*Memo from Mel Farmer, Stantec, answering questions recently brought up since the December 3 meeting.*

Chairman Phelps introduced Mel Farmer of Stantec Consulting Services, Inc., who was representing SunEast Valley Solar LLC. Mr. Farmer gave an overview of the proposal for a 20 megawatt public utility solar project on Montrose Turnpike.

Ms. Lindstrom advised the public of ZOOM procedures and etiquette. Charles Root, Tioga County IT, hosted the public.

Chairman Phelps re-opened the public meeting.

Dominick asked if a representative of SunEast was present, which was answered in the affirmative.

Duane Blasdel asked who is the alternate on the Board. Martin Murphy sat in for David Kresge.

Dorollo asked if the DEC or EPA have commented on this proposal. Ms. Lindstrom explained that the DEC (Department of Environmental Conservation) requires a SEQR (State Environmental Quality Review), which will be submitted to them after the Board has voted.

Someone from the South Side Fire Department reported they had met with Mel Farmer and discussed the fire department's needs – all needs have been met.

Dominick wanted to know what the Board would be voting on in March. Chairman Phelps explained the Board will vote to approve or disapprove the Special Use Permit.

Lisa Schumacher, 2655 Montrose Turnpike, asked how the solar array will affect the residents' electric bills. Mr. Beckner explained that they will not be directly affected: the solar electricity will go to the national grid, and it will be up to the utilities to determine cost and price. Ms. Schumacher asked if there will be an expansion of the current facility. Mr. Beckner replied there will be no upgrades. Ms. Schumacher tried to find out how the solar array will benefit the neighbors. Mr. Beckner stated that taxes will be paid by the project, some jobs will be created during the construction phase, and money will be spent in the town.

Darren Dodge, 1868 Valley Road, wondered how long it will take for the plantings to obstruct view of the solar farm. Mr. Farmer described size and variety of firs and deciduous trees and estimated their growth habits.

Austin Tanner (sp?) wanted to know how long construction would take. Mr. Farmer answered typically takes 6 to 8 months, during which there will be noise from trucks and grading.

Michelle Ayres, 2361 Montrose Turnpike, commented that planting vegetation will not solve their problem. Chairman Phelps asked if the applicant had met with and/or spoken with her. Mr. Elko (SunEast Solar) stated that they met with Ms. Ayres and Mr. Guinane. Mr. Beckner added that they have done their best to comply with Town ordinance – they have gone beyond the size of the required setbacks, and they are trying to be as reasonable as possible.

Someone from J&J Outfitters stated they have no problem with this project. He wondered if this will really have an effect on property values. Mr. Farmer said he has seen cases where the value of property has gone up, some have stayed the same. Mr. Beckner added that studies across the country have shown a negligible effect, and in fact, more positive than negative effects.

Dominick stated that he had heard this project would provide electricity to 35,000 or so homes in Owego. Ms. Lindstrom acknowledged that the Tioga County Planning Board had made statement to that effect, as a calculation, and she made it clear that this is not strictly a community-serving project.

Michelle Ayres commented that Tioga County had removed recycling, thus she wonders what the plan is for recycling solar panels. Mr. Farmer answered that there are best marketing practices in the industry to get rid of, recycle or resell used solar panels.

Justin (?) stated that he lives to the north side of the project and will have a bird's eye view of it, and asked about glare from the panels. Mr. Farmer stated that the panels are oriented to a north/south direction, they absorb sunlight, and they are treated against glare.

Rob Bramblett (Mapleridge Farm) stated he is an arborist, and he wished to advise that the variety of trees they planned to plant would not be sufficient to obscure view of the panels.

Alex (?) asked if El Rancho was planning to move its headquarters. Chairman Phelps stated that the Board does not know. Duane Blasdel stated they have no plans to move; he added that he is in the business of selling Owego to people outside of the area through his well-established summer camp for children and conference center.

Eli Walsh, 2340 Chestnut Ridge Road, spoke in favor of Mr. Rowland's wish to do something productive with his property – he also stated that his is not "prime" farmland and is well-suited for something like this project, which, he opined, would certainly be better than a housing development. He stated that Mr. Rowland has worked long and hard and should be allowed to go with this solar project.

Rick asked about the construction phase, what the neighbors would have to endure. Mr. Beckner stated construction usually starts at 7 AM and finish time is up to the contractors/subcontractors, subject to Town approval when a building permit is issued. Rick also wanted to know why the applicant checked "no" on the SEQR application when asked if there were any facilities serving children, etc., within 1500 feet of the project site. Mr. Farmer advised that Mapleridge Ranch did not qualify as the examples given describing "facilities serving children" in the instructions for the application. He has since changed the answer to "yes".

Ryan asked if SunEast has looked elsewhere to establish their solar farm. Mr. Beckner answered yes, but the Montrose Turnpike location is the best, the only site in the area, plus NYSEG has a 345 substation there.

Discussion followed regarding how this project would affect the Town financially. Eli Walsh commented that he hopes (Town Supervisor) Castellucci is listening. Mr. Beckner stated that their PILOT payments would likely amount to \$4,000 to \$5,000 per megawatt annually.

Chairman Phelps announced that a memo from Stantec dated February 2, 2021, should be read into the record. In the memo, Mel Farmer addresses issues of (1) noise and glare, (2) size and noise level of the inverters, (3) the possibility of relocating inverters farther away from residences, and (4) the possibility of rearranging the solar arrays farther away from residences to minimize their visual impact.

Mr. Legg made a motion to adjourn the public hearing. Mr. Myers seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Legg, Mr. Myers and Mr. Murphy voted in favor of the motion.

Mr. Myers made a motion to adjourn the meeting. Mr. Legg seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Legg, Mr. Myers and Mr. Murphy voted in favor of the motion.

***PLEASE BE ADVISED that this videoconference meeting has been recorded and a transcript will be available at a later date.***

Respectfully submitted,

Linda Bailey, Secretary  
Zoning Board of Appeals