

**MINUTES OF A MEETING
OF THE PLANING BOARD OF THE TOWN OF POMPEY**

July 17, 2023

6:30 PM

Pompey Town Hall

Board Members Present: Sue Smith, Chairperson
Sarah LoGiudice, Board Secretary
Deb Cook
Kevin Coursen
John Shaheen
Carl Fahrenkrug
Roy Smith
Dan Bargabos

Seven members of the Planning Board were present. Also present were Attorney Jamie Sutphen, Town of Pompey Codes Enforcement Officer Tim Bearup, and Town Engineer John Dunkle.

The meeting was livestreamed via Zoom.

Chairperson Smith calls the meeting to order at 6:35 pm.

Corrections to last month's meeting minutes were submitted by Chairperson Smith, J. Shaheen, C. Fahrenkrug and D. Bargabos. Chairperson Smith makes a motion to accept the minutes as amended, K. Coursen seconds the motion. All are in favor, none are opposed; the motion carries at 6:38 pm.

Pivot Energy Concept Site Plan Review

**Initial Site Plan review on proposed construction of a community solar project on Sweet Road
(Tax ID 012.-01-03.1)**

Present for the applicant are Gordon Woodcock (Pivot Energy) who was before the Board approximately two years ago, Jacob Runner (EDR) and E. Hyde Clarke (Young/Sommer LLC.) and the landowner, Bill Osuchowski. Pivot is submitting a new project at the same location as the prior proposal. They have heard from the ECC, the Town Board, and other community members, and have made significant changes to the proposal; the most being that the project will be shifted west to minimize impact on the cleared agricultural land. Pivot heard the concerns about the project being previously located on agricultural land, and are proposing a deed restriction on adjacent property, which would set aside equivalent acreage in size, and

quality of soils as a deed restricted agricultural easement, which is very common on larger scale projects. They understand the town's concerns and are trying to address them, and they have gotten feedback from Ag & Markets. Pivot plans to plant the array area with a pollinator friendly habitat, and 20 acres of pollinators would be a significant benefit to these insects. Pivot also plans to allow sheep grazing, and will be working with United Agrivoltaics, who in turn works with local and regional grazers. As proposed, the project occupies 22 acres of a 95-acre property. They already have permission from National Grid to tie into the 3-phase line along Sweet Road that will back feed to the Southwood Substation.

J. Sutphen asks if Pivot has provided an overlay of the prior project compared to the new one. This is not available on the large maps, but K. Coursen has a small copy of the previous proposal for comparison purposes.

C. Fahrenkrug asks if Pivot is proposing 2-megawatt station. It is rated at 4.25 megawatts at peak performance.

Chairperson Smith notes the difference in the layout from the previous proposal. It is now pushed back away from Sweet Road, and would be taking out some of the trees in the tree line. The bigger difference is the hay field to the north-there is a lot more coverage in this application from the last one; she feels that the first field is even more visible from Sweet Road. There are now two access points as opposed to one road before. Pivot could run an access road through the property if this preferred, but they are trying to minimize the disruption to the array. A neighboring landowner suggested this change as it is drawn now. Chairperson Smith notes that while this is admirable, it is in direct conflict to what Ag & Markets suggests as far as disruption of farmland goes. She further explains that farmland correlates to soil type. There is only so much of this prime farmland available, and this is the most efficient soil type for farmers to use. Town Code says that 50% of prime soils on the parcel can be used for solar, and NY Ag& Markets is specific-their preference is to avoid this.

K. Coursen notes that there are subdivisions that have been built on prime farm soils.

Pivot explains that there is a decommission in place that returns the land to agriculture at the end of life of the project. Mr. Osuchowski owns some land adjacent and they can ensure that 20 acres of land are always available to be farmed if necessary.

Chairperson Smith asks how many projects has Pivot decommissioned previously. They have not had to fully decommission any systems yet. Pivot has been installing for about 13 years, and the systems are designed to last about 25 years.

Chairperson Smith asks who the herdsman for United Agrivoltaics would be. Pivot explains that the care of the sheep will be contracted to a grazing operation. Caleb Smith is the proprietor of the company and works with grazers around the state.

J. Shaheen asks what was the thought process to utilize the northern field, rather than the field to the south of Stacer's property. Gordon stated that recognizing that it is a residential property

with a pool, and the other side is a commercial paving company makes the northern field a less sensitive location. Some of the soils there stay very wet so that the northern field is not the highest quality, from a farming standpoint, according to the landowner.

K. Coursen asks J. Dunkle if he sees any major issues with the new location. J. Dunkle explains that the storm water will need to be analyzed further. There should be a grazing plan that over grazing and compacting of soils does not occur. These considerations would be viewed as part of an Operations Plan down the road.

C. Fahrenkrug asks what the acreage of the array itself will be. The array will measure approximately 22.1 acres or 800-900 thousand square feet, including the fenced area.

J. Sutphen asks for more information about the “set aside.” Pivot would include a deed restriction/agricultural easement stating that the property is only to be used for agricultural purposes. It would be on a different parcel owned by the applicant. The land would not be able to be sold for housing purposes etc. for the life of the project.

K. Coursen confirms that 25 years is the warrantied life of the panel, the useful life of the panels could extend well beyond that. Pivot confirms, and says that it is possible that this could be renegotiated and extended, but it is hard to know what the energy market will look like in the future.

C. Fahrenkrug asks what the mean time between failures is. This information gives a statistical evaluation of how often something is going to fail, and can be used to weigh costs and other factors. If panels are underperforming then they are replaced, and ideally, repurposed.

K. Coursen inquires where the labor for installation will come from. Typically, they will work with a general contractor who will source local labor. Pivot has an internal operations management team that is responsible for maintenance. They have quarterly service inspections, and the grazer is also responsible to make them aware of anything that does not look right.

C. Fahrenkrug asks if the panels are required to be REACH compliant or similar. The concern here would be the materials in the panels. There are standards in place; Pivot can send copies to the Board for the models that are currently being used.

K. Coursen asks where the panels are manufactured. Most recent models are coming from Korea. They actively source against materials coming from China due to human rights issues.

Chairperson Smith says that she is a little disappointed that this proposal is on the same parcel because one of the issues that was brought forth last time was the issue with the view shed. The Town’s Master Plan dictates that as alternative energy technology is promoted, there needs to be a balance.

Pivot feels that we need projects like this as they contribute to the NYS power grid. It takes a mix of residential, commercial, community and utility-grade installations.

J. Runner speaks on the view-shed analysis. The “macro” considers the visibility within a mile or so from the project. It is primarily limited to the parcel itself-the existing vegetation does a good job of screening naturally. Feels that supplemental screening combined with the existing natural screening will alleviate concerns. There is very limited residential development adjacent to this project.

K. Coursen asks Pivot to explain “community solar.” NYS has two programs; one is for low to moderate-income subscribers. Under that option, the project has to have a significant percentage of subscribers that would benefit from the project. The second is remote crediting, which includes a discount on your energy bill. You can sign up at any time to either project. There may be a waiting period for an available project. Typically, the discount is 10%. If there are enough subscribers in the town of Pompey, then others could benefit from this. Subscribers get the discount for the life of the project, as long as they are a subscriber.

C. Fahrenkrug notes that NYS previously ran a program in the 1990s where private energy generators were paid premium rates for developing energy plants but they declared bankruptcy when later energy prices paid were discounted. NYS was then not able to recoup for the premiums paid. He wants to make sure that everyone understands exactly what the process is and what the benefits are.

Pivot explains that there is a lot of NYS oversight as well. The discount is contractual for the life of the project. Right now, consumers do get two bills if they are subscribed to community solar. It is imminent that consolidated billing is coming down the line.

D. Bargabos asks for confirmation relative to voting on anything tonight. There is no voting tonight, this is just a preliminary information session.

Chairperson Smith explains that this is a Tier 3 solar application, and therefore the applicant first comes to the Planning Board, presents, and then the Planning Board makes a decision/referral to the Town Board whether the project is a good fit. The Town Board’s duty is to decide if there is an overlay. Farm zoning, as it stands, would not allow for a large solar project like this. A solar overlay zone would make this a permitted use. The Town Board would have a public hearing and vote to make a zone change for that entire parcel. If it is approved, then the applicant comes back to the Planning Board for a site plan review. This is where we will discuss what it looks like, screening, what the fire department needs and other specifics as necessary.

K. Coursen further explains that the overlay allows the property to remain what it was originally zoned for. The overlay allows for the usage temporarily, but then when the overlay use is done it goes back to what it was originally zoned for. The parcel will remain the same underlying district.

D. Bargabos confirms that the referral is a non-binding referral- the Town still needs to make the final decision of whether to grant the overlay district.

Chairperson Smith confirms for the residents present that normally at this point we do not take comments, as this is not a Public Hearing. The board members have been given packages from Pivot to dissect and contemplate.

J. Sutphen notes that any documents received thus far should be posted on the website.

Comments were submitted on the web via Zoon-these questions should also be saved for the Public Hearing and will be addressed at that time. This is just a time for the board to meet with the applicant. The Planning Board does not usually have a public comment period, but the Town Board does.

Chairperson Smith makes a motion to adjourn the meeting at 7:25 pm, K. Coursen seconds the motion. All are in favor, none are opposed. The meeting is adjourned.

Respectfully Submitted,

Sarah LoGiudice
Secretary to the Planning Board
Town of Pompey