

PRESENT: Poney Carpenter, Ann Chaffee, Steve Givin, Dan Walker

OTHERS PRESENT: Henry Hansteen, Enfield Councilperson and Planning Board Alternate, Alan Teeter, Code Enforcer, Ann Rider, Enfield Town Supervisor, Beth McGee, Enfield Councilperson.

Dan Walker called the meeting to order at 7:05 p.m.

Ann Chaffee made a motion to accept the minutes of the January 4, 2017 meeting. Poney Carpenter seconded the motion. Minutes passed unanimously.

Dan Walker noted the large number of residents in attendance for the public hearings. He invited them to apply for membership as a Planning Board regular or alternative member. There were no "takers".

Dan Walker opened the Public Hearing for the APC Towers and Verizon Wireless, to construct a public utility monopole telecommunications facility on Fish Road at 7:10 p.m.

Corey Auerbach, Attorney of Barclay Damon and Robert Wilson, Engineer, presented the application material for telecommunications facility on Fish Road. Permit documents have been presented to Alan Teeter, Enfield Code Enforcer with copies to the Planning Board. Owners – Dale and Florence Laue, Tax map no. 8.-1-13.4. The project involves the construction of a 115' monopole (with a proposed 4' lightning rod) and placement of 12 panel antennas and related equipment. [General application for Site Plan Review: applicant AOC Towers, Morrisville, NC and Plans: C& S Engineers, Syracuse, NY.]

They pointed out that the facility will be unmanned, surrounded by a wire fence, access road built up from a current "farm" road, lights within the facility will be on a timer. The facility will cover areas of "data coverage" not in existence now and create areas for future coverage.

The size of the equipment used to build the facility will be of "standard size" for construction. The Tower will be delivered in different sections.

Dan Walker opened the floor for public comment and questions. Questions asked:

- How long is the lease for the property? 5 year terms for 40 years.
- Tower decommissioning who takes responsibility for this? APC Towers are responsible for removal of the tower if decommissioned.
- How long will installation take and when? 4-6 weeks, depending on the weather and probably late 2017 - 2018.
- Have the neighbors been notified for the project? Yes, this notification is part of the Town of Enfield Site Plan Review law.
- How will roads be taken care of when construction and delivery starts? They will work with Enfield Town Highway Supervisor, Army Corps of Engineers and the DEC. This involves not only Fish Road but the access road they will be constructing to the facility.
- Has or will a "Curve Cut" permit been applied for from the Enfield Town Highway Supervisor. Yes.

- Is there a “Road Use Agreement” in place in the town? Dan Walker answered that no there is no Road Use Agreement. He will place a notification in the Environmental Review for the company to coordinate work and repair concerning roads with the Enfield Town Highway Supervisor.

Dan Walker closed the public hearing at 7:30 p.m.

Dan Walker stated he had called the Department of Planning, Tompkins County (TC), regarding the application for “239 Review”<sup>1</sup> since the project is 500 feet of a County/State Route 327. This is decided based on the property tax parcel the project will sit on. He will be meeting with Scott Doyle, of the Department of Planning TC on Friday, February 3 regarding the review. The Planning Board will discuss the SEQR (State Environmental Quality Review Act) form submitted by APC Towers at the March 7 meeting.

Dan Walker opened the Public Hearing for the Delaware River Solar Farm at 7:35 p.m.

**Peter D, Joh, and Michael Sullivan, Engineer**, presented the application material for the Delaware River Solar (DRS) community solar photovoltaic facility telecommunications on Podunk Road. Permit documents have been presented to Alan Teeter, Enfield Code Enforcer with copies to the Planning Board. The facility involves the developing, installing and operating a 2.0 mega-watt AC community solar photovoltaic facility. The proposed site for the facility would be on approximately 11.51 acres of undeveloped land in the Town of Enfield near Podunk Road (236 Podunk Road). They are seeking a Negative Declaration (determination not to have significant adverse environmental impacts) for the project. The facility is looking to power up 400 homes. They will be “marketing” to Enfield residents to sign-up for solar power access. If they do not receive enough participants “sign-ups” within Enfield they will go outside of the community for participants. Delaware River Solar will have a web-site where participants can sign-up and they will hold “informational community forums”. There is no cost to sign-up for the project. The facility will be surrounded by fencing. A temporary access road will be put in place for construction of the facility and removed after the project is constructed.

Dan Walker stated that a SWEPP (Stormwater Pollution Prevention Plan) will be needed for the project.

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<sup>1</sup> NYS [General Municipal Law](#) (§239 l, m & n) requires that communities in Tompkins County refer certain development applications, proposed zoning changes, and comprehensive plans to the Tompkins County Department of Planning and Sustainability for review, comment, and recommendations before taking final action. In evaluating projects for countywide impact, the Tompkins County Department of PLanning and Sustainability uses a review framework based on criteria in state law, including compatibility with the County’s Comprehensive Plan.

Municipalities are required to submit all application materials which the local board will utilize in making its decision 30 days prior to the date when local action is anticipated and can do so via this referral form. Tompkins County will issue a letter making a determination of no impact, recommended modification or denial to the municipal contact within 30 days of the receipt of the full application. Local boards must vote with a supermajority (majority plus one) to approve a project without integrating a County recommendation. <http://www.tompkinscountyny.gov/planning/community-planning>

Dan Walker opened the floor for public comment and questions. Questions asked:

- Is the DRS working the Town of Newfield for installation of solar facilities and do they have PILOT (payment in lieu of taxes) agreement with them. Yes, they will be installing solar facilities in the town and have PILOT agreement with the town. Newfield has not “opted out”<sup>2</sup> of the New York State solar property tax exemption. The Town of Enfield has “opted out”<sup>3</sup> of the NYS solar property tax exemption. Beth McGee, Enfield Councilperson, stated she is working with Jay Franklin, Assessment office of Tompkins County, regarding the “opt out” option and interpretation of the “opt out”. Tompkins County is working on how to tax solar panels in regard to residential vs. commercial.
- Will chemicals be used to control landscaping within the solar panels. No, pesticides, herbicides will be used in controlling landscape under the panels.
- The facility will be unmanned. Once or twice a year, or on a “as needed” basis a representative will check on the facility.
- How is the decommissioning of the solar panels handled? The DRS is the responsible party for any decommissioning of the solar panels.
- How far are the setbacks? Setbacks from neighbors are 50 feet and 300 to 400 feet from the road. The facility will be located behind the house located on the property.
- Is there capacity in the electrical grid for the solar facility? Yes, they have to apply for the setup of the solar farm through NYSEG. DRS is located in approximately 6 counties in New York State. Households will have a certain amount of capacity allocated to them based on the usage of electricity they currently use. DRS will have 3 different programs one, five and ten year programs. The first year customers will receive 25% off their rate. Rates are not regulated like NYSEG.
- Will there be any adverse effects to the land in regard to the solar panels? DRS is working with the DEC/Environmental. They were told there is a species of White Eared Owl designated as endangered is located in the area.
- What type of jobs will be available and will they be handled locally? The installers for the facility will be a mix of local and in-state. They will subcontract out for the work and materials

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<sup>2</sup> May 15, 2012 - Following a public hearing, the Legislature adopted a new Local Law Opting Out of Section 487 of the New York State Real Property Tax Law, which allows for an exemption of any increase in value due to construction of a solar, wind, or farm-waste energy system. The vote was 10-4, with Legislators Frank Proto, Pam Mackesey, Carol Chock, and Dooley Kiefer voting no and Legislator Nathan Shinagawa excused. The Legislature's action notes that the opt-out measure comes in anticipation of development of the county's first large-scale commercial windfarm, Black Oak Windfarm, in the Town of Enfield, and that it is the Legislature's intent to encourage developers of such large-scale energy installations to negotiate payment-in-lieu-of-tax (PILOT) agreements in good faith with affected taxing jurisdictions. The Ithaca City School District and the Town of Enfield have already elected to opt out of the Section 487 exemption.  
<http://www.tompkinscountyny.gov/news/local-law-adopted-opting-out-state-real-property-tax-law-solar-wind-exemption>

<sup>3</sup> Wind Energy Law Local Law #1 – 2009 Page 28 SECTION 3: SECTION 487 TAX ELECTION – Pursuant to Subdivision 8 of the New York Real Property Tax Law, the Town hereby declares and determines that no exemption under said Section 487 (as now exists or as hereafter re-codified or amended) shall be applicable within the Town with respect to wind energy systems or farms. The Town reserves the right to enter into an authorized PILOT agreement with any Person in connection with any such wind energy system or farm.

needed for the facility. There will be no permanent employment opportunities. A landscaper will be needed for the maintaining the facility. A cleaning crew will be needed to clean the panels, including snow removal. There are companies now in business that do this cleaning. A local engineer will be placed on call for any maintenance needs that occur.

- How does billing occur for participants? DRS will bill and NYSEG will show credit from DRS. A resident stated that NYSEG does “hand generated” spread sheets for solar panel owner credits currently. DRS assured the residents that do computer generated spread sheet billing.
- Why is DRS chosen vs. any other local solar company? No answer as to why company was truly chosen. Economics could play a part in the choice of companies. NYSEG has a limited capacity so companies have to sign up in the “Q System” to apply for usage.
- When will sign-ups start? The project will not start until all permits have approval.
- How many panels will be installed? A total of 8,000 panels will be installed.

Poney Carpenter stated his approval of the project is based on standard rates, local construction involvement, profits of long term energy usage, less usage of fossil fuel.

Dan Walker closed the public hearing at 8:15 p.m.

Dan Walker pointed out that there were no property boundaries indicated on the site plan. Dan Walker asked for the boundaries to be added also showing the adjoining properties to the Plat Map and e-mailed to him. He has included the DRS application for “239 Review” with his meeting (above mentioned) on February 3. The Planning Board will discuss the SEQR (State Environmental Quality Review Act) form submitted by DRS at the March 7 meeting.

Dan Walker opened the Public Hearing at 8:15 p.m. for the Commercial Retail Development; stand alone dry good store to be located at 2124 Mecklenburg Road by The Broadway Group, LLC, Huntsville, Alabama.

DeAnna Hyche of the Broadway Group and Radoslav Nedkov, CEI Scranton, Pennsylvania introduced the above Site Plan Application. The total site area is 1.568 acres. She stated that the “store” is designated as a convenience location not a destination location. It is a “general variety store” not all groceries. Construction for the store will be locally hired. A estimated 10 – 12 people will be hired for employment in the store. They will be adding a 4,000 cubic yard fill area and move the driveway from the original designated area on the east to an area on the west side. This answers the concern the Planning Board and the DOT (Department of Transportation, NYS) had about the location of the driveway and the view to enter Mecklenburg Road safely. The existing tree lines will be left on both sides of the store. The lighting for the area will be located on the store. The construction in concern with Mecklenburg Road/State Route 79 is in compliance with the DOT.

Dan Walker opened the floor for public comment and questions. Questions asked:

- Why can't DeAnna Hyche state what the name of the store is? It involves the confidential clause of her client. The Broadway Group will maintain the store for the first year to insurance all warranties, etc. are covered. A new owner will “step in” after the first year.
- There was comment that it was felt that this store would be a great benefit to the community.

- There was concern regarding “foot traffic” to the store. Would that be addressed by placing in sidewalks? Sidewalks are not part of the construction for the store. There is a liability concern regarding sidewalks. There is not an area to place sidewalks in. A suggestion of making the driveway entrance larger to address pedestrian traffic coming in and out of the location. It was also wished that maybe property owners could work together for solution of safety along the highway.
- Should there be concern about “moisture” problems in the building? The facility is a metal building, high level of insulation. They have not had previous problems with any of their other buildings.
- Will the house on the property be taken down and is there a possibility of recycling the house by local contractor? DeAnna Hyche replied that the time line for taking the house down was very tight. It included allowing the residents time to move out. She invited Norman Smith to contact her regarding the house for recycling of building materials.
- Will there be lighting along the road in connection with the store? No the store will not place lighting along the road. Dan Walker stated that light poles are not paid for by New York State, they would have to be placed and paid for by the town.
- Could solar panels be used on the roof of the building? DeAnna Hyche said she could suggest this to her clients along or possibly signing up for solar usage through one of the solar farms.

Dan Walker closed the public hearing at 8:55 p.m.

Dan Walker state he has included the Broadway Group application for “239 Review” with his meeting (above mentioned) on February 3. The Planning Board will discuss the SEQR (State Environmental Quality Review Act) form submitted by the Group at the March 7 meeting.

Poney Carpenter made a motion and seconded by Ann Chaffee to adjourn the meeting. Meeting adjourned at 9:00 p.m.

Respectfully submitted, Sue Thompson, Recording Secretary