

CITY OF OSWEGO

PLANNING BOARD

October 6, 2020

**MEMBERS PRESENT:** Daniel Breitweg, James Scanlon, Matthew Bacon, Cory Moshier, Brit Hallenbeck, Kim McPherson, Jeffrey Hinderliter, and Chairman Freeman.

**MEMBERS ABSENT:** None.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday October 6, 2020. Roll call was duly noted.

A motion to approve the minutes of the September 2020 meeting was made by Cory Moshier and seconded by Daniel Breitweg; minutes unanimously approved.

Chairman Freeman made a motion that all actions taken tonight are excluded, exempt or Type II actions for the purpose of the State Environmental Quality Review Law unless otherwise stated. Motion seconded by Daniel Breitweg, unanimous approval.

## NEW BUSINESS:

1. Subdivision Review & Approval – 103 Fifth Avenue, Case 20-122; to allow for the expansion of the 262 West Seneca Street parking area to allow for the installation of additional parking and drive-thru for credit union, Section 40-13.

**DISCUSSION:** Chairman Freeman said they have additional information that came through today so there are new agendas on their packets. He said this is because the Oswego County Department of Community Development, Tourism and Planning made some statements about the first couple of items on the agenda. Daniel Manning, architect for Oswego County Federal Credit Union was present for the discussion. Mr. Manning said the Oswego County Federal Credit Union recently purchased two properties on the west side of the city. He said they purchased 262 West Seneca Street and 103 Fifth Avenue. He said the purpose of their purchase is to create a branch on the west side of the city. He said the current 262 building has three commercial tenants in it at 4,800 square feet and has 40 parking spaces. He said it is listed as two stories but the lower floor only has utilities in it. He said the second building is a single-family home and the dimensions are 30x210'. He said it is located in a Traditional Neighborhood 2 Zoning District. He said 262 is located in a Traditional Business district. He said he is seeking approval for a re-zone as a result of re-subdivision, a site plan review and approval, and a special permit approval because they wish to add a drive-thru. He said the existing building is 4,800 square feet and the Oswego County Federal Credit Union would like to occupy the entire structure as is with the existing footprint. He said the entrance onto NYS Route 104 will not be changed at all. He said the north side parking lot will remain exactly the same. He said they are going to take four parking spaces and create two ADA compliant parking spaces. He said on the west side they are giving up seven parking spaces to add on a drive-thru that will have two drive-thru lanes and an accessory drive-thru to access the backside of the building. He said right now the parking is on the south border. He said they are seeking approval to take 94x30' of 103 Fifth Avenue and add it onto 262 West Seneca Street in order to reinstate the parking spaces they are losing as a result of the drive-thru. He said there will be 11 parking spaces on the new south border of the property if the re-subdivision and zone change approval is granted. He said that will leave 116x30' for 103 Fifth Avenue. He said out of those 11 parking spaces there will be two parking spaces that will be given an access easement to 103. He said the Fourth Avenue driveway apron would access both 262 and the two spaces that are given access easements to 103 Fifth Avenue. He said the 103 Fifth Avenue building will not be changed or affected. He said there will be a lawn area and access stairway reinstated in the backyard of 103 and a small retaining wall would be added to make up the changing grade that occurs from the existing parking area to the 103 south property line. He said they are proposing to move the apron onto Fourth Avenue over to the center of the new parking area. He said there will now be 41 parking spaces if the subdivision and zone change approval is granted. He said the existing building is remaining mainly unchanged. He said the only thing they are doing is right now there are three tenant spaces and they each had their own gable. He said they are going to remove the two outside gables and keep the center gable and that will be the main entrance to the building. He said the hours of the drive-thru will be Monday and Tuesday from 9-5:00 and Wednesday through Friday from 8:30-5:30. He said the CEO, Bill

Carhart is anticipating five new hires next week and at full occupancy the building could end up having 20 employees working there. He said the entire parking lot will be re-surfaced, re-landscaped, and re-stripped. He said they are maintaining the existing curb cut on 104, the existing site granite, and the existing site lighting. Jeffrey Hinderliter asked their proposed drainage for the additional parking in the new apron. Mr. Manning said right now the entire backyard of 103 Fifth Avenue is blacktopped so they are actually reducing the amount of driveway and adding some lawn. Jeffrey Hinderliter asked if they were introducing some curbing along there. Mr. Manning said they are adding curb along both sides. He said there is existing curbing there now. Jeffrey Hinderliter asked if there is curbing now on the existing driveway at 103. Mr. Manning said right now there is no curbing on the driveway. He said there is curbing only on Fourth Avenue and then it stops. Jeffrey Hinderliter said they have existing asphalt but they are introducing curbs so they are now restricting water from being able to sheet flow. He asked if they are anticipating on containing the water on the property of the credit union and adding structure over there and running it down the driveway. Mr. Manning said right now this is totally taken care of. He said right now the existing runoff does run to the street and there is a structure right at the base of the apron. Jeffrey Hinderliter said his concern is the existing asphalt that services the driveway to 103 is able to sheet flow and find its way to grass and does not enter the roadway. He said now we are adding curb, repaving it and raising the grade so that water if it is now going to be sent down that new apron there will be a chance for icing. Mr. Manning said 103 goes to the street. He said right now there is a structure that picks up all the water that comes off of the site. He said if they would like them to add another structure at the upper part before it hits the street they would be happy to do so. Jeffrey Hinderliter said that would be his preference. He said he would like them to try to catch their water on their property before it crosses into public space. Chairman Freeman said the two parking spaces he is talking about for 103 are in the back. He said their drawing also shows a proposed driveway off of Fifth Avenue so they'll actually have three spots. Mr. Manning said yes. Jeffrey Hinderliter asked if that property is currently a rental. Mr. Manning said he believes it is. Jeffrey Hinderliter asked if the Credit Union is planning on maintaining it as a residential rental. Mr. Manning said he believes that is Mr. Carhart's intention. He described the interior of the building. He said they are creating a separate entrance and exit vestibule. He said there will be four front offices and the remainder will be considered back offices. He said there will be four tellers and a generous lobby area. He said there will be a mezzanine area that will be above the manager's office and the back offices. He said there will be a drive-thru teller, a work room, a room for safety deposit boxes, and two lanes of drive-thru teller with a canopy. He said the masonry is in really good shape and there is new roofing. He said they will get rid of the blue. He said the overall exterior appearance will be improved. Chairman Freeman asked if there were any questions from the public and no one came forward. Jeffrey Hinderliter said due to the comments that they received from the county they recognize that they had to change the motions that they were making and include a subdivision approval. He said by doing so that triggered three ZBA variances that will be required because they are moving the back lot line and they don't have that separation any longer. He said the first items on the agenda deal with the property at 103 Fifth Avenue. He said there is another set of actions that they will address later in the agenda for the actual credit union building and what they want to do there.

**DECISION:** Brit Hallenbeck made a motion for subdivision approval. Motion seconded by Daniel Breitweg, unanimous approval.

2. Site Plan Review & Approval – 103 Fifth Avenue, Case 20-122.1; to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision or parcel. Credit Union will provide two (2) dedicated parking spaces, Sections 280-35 thru 280-37.

**DECISION:** Matthew Bacon made a motion for site plan approval. Motion seconded by Brit Hallenbeck, unanimous approval.

3. Advisory to the ZBA – Area Variance – Minimum Lot Area – 103 Fifth Avenue, Case 20-122.2; to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision of parcel, Section 280-13 (C).

**DECISION:** Brit Hallenbeck made a motion for a favorable advisory to the ZBA. Motion seconded by James Scanlon, unanimous approval.

4. Advisory to the ZBA – Area Variance – Maximum Lot Coverage – 103 Fifth Avenue, Case 20-122.3; to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision of parcel, Section 280-13(C).

**DECISION:** Chairman Freeman made a motion for a favorable advisory to the ZBA. Motion seconded by Cory Moshier, unanimous approval.

5. Advisory to the ZBA – Area Variance – Minimum Rear Setback – 103 Fifth Avenue, Case 20-122.5; to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision of parcel, Section 280-13(C).

**DECISION:** Brit Hallenbeck made a motion for a favorable advisory to the ZBA. Motion seconded by James Scanlon, unanimous approval.

6. Advisory to the Common Council – Proposed Zone Change TN2, Traditional Neighborhood 2 to TB, Traditional Business – 103 Fifth Avenue, Case 20-122.4; Section 280-94(A).

**DECISION:** Cory Moshier made a motion for a favorable advisory to the Common Council. Motion seconded by Daniel Breitweg, unanimous approval.

7. Site Plan Review & Approval – 262 West Seneca Street, Case 20-123; to allow for the renovation of an existing commercial property into a credit union with a drive-thru facility, Section 280-35 thru 280-37.

**DISCUSSION:** Mr. Caraccioli said a SEQR motion was made at the beginning of the meeting. He said he wants to be clear that the prior actions and this action fall under a Type II.

**DECISION:** Chairman Freeman made a motion for site plan approval. Motion seconded by Jeffrey Hinderliter, unanimous approval.

8. Advisory to the ZBA – Special Permit Use – 262 West Seneca Street, Case 20-124; to allow for a drive-thru facility, Section 280-17(B).

**DECISION:** Matthew Bacon made a motion for site plan approval. Motion seconded by Cory Moshier, unanimous approval.

9. Site Plan Review & Approval – 300 & 400 Kocher Road & 1050 Rear East Seneca Street, Case 20-126; to allow for the construction of a ground mounted solar facility, Sections 280-35 thru 280-37.

**DISCUSSION:** Curt Nichols, engineer with Delta Engineering and Mr. Krul, landowner were present for the discussion. Mr. Nichols said he is representing Summit Solar Capital Group. He said he is there by himself because his client is in quarantine. He said this is a ground mounted solar project to be located in the Industrial Zone on Kocher Road behind Lowe's. He said it will cover roughly a 25 acre site on a 47 acre parcel. He said the entrance will be off Kocher Road. He said this site is a large agricultural site. He said East Seneca Street is to the northwest and there are a lot of wetlands behind East Seneca Street. He said there are both NYS DEC wetlands as well as federal wetlands. He said the DEC wetlands are largely located to the southwest and south and to the northwest is a large federal wetlands. He said the original drawing had a set of solar arrays next to the federal wetlands. He said they have been advised by their wetland scientists as well as Mr. McGann that this wetland exceeds 12.4 acres and is likely to be taken as jurisdictional control by the Department of Environmental Conservation. He said they don't have the time to go through the exercise of having that jurisdictional decision made. He said they are going to go ahead and assume that the wetlands to the northwest will be DEC wetlands eventually. He said that means they need a 100 foot buffer from that wetland. He said that means that set of arrays cannot be constructed. He said the result of that is they are changing the site plan. He said what he has for them tonight is a complete Planning Board submission including an environmental assessment form, a short form of EAF and a narrative letter explaining why they did this. He said this changed everything. He said it changed the disturbed area, the storm water calculations, and a lot of other things. He said the only change is the deletion of that set of arrays. He said they are still at 5 MW AC. He said it is not the fixed tilt arrays that you are used to seeing. He said the more current thought is to use tracker arrays which are oriented in north/south rows and they track the sun as it goes from east to west. He said it is much more efficient and you get a longer day of power production over the duration of the day. He said it's a good site. He said it is a relatively open site and it is south facing which makes it more attractive. Jeffrey Hinderliter said in Section 280.63 it states that they need to meet the lot coverage requirements of the zone in which it is installed. He said if this is in an Industrial Zone the table of bulk uses states that lot coverage is 35%. Mr. Nichols said they can give them that. He said the question is how it is calculated. He said the tracker panels are much smaller than the fixed tilt arrays. He said when it is calculated at the noon position when it is totally flat it ends up being something like 15% or less. Jeffrey Hinderliter asked what the table on the bottom right says. Mr. Nichols said the parcel acreage is 47.39 and the project acreage is 24.5 acres. Jeffrey Hinderliter said in his mind the project acreage is 24 acres out of 48. Mr. Nichols said he doesn't know how they calculate coverage. Jeffrey Hinderliter said their previous plan was 59.6% coverage based the numbers in that table. Mr. Nichols said the project area is the area within the fence. He said it includes the roads, the panels, and the grass in between the panels. He said the worst case is at the noon position when they are absolutely flat and the calculation is about 15% lot coverage. He said that includes roads, concrete pads and everything. Mr. Caraccioli asked if that calculation is for the 24.5 acres or the 47.39 acres. Mr. Nichols says he's not sure. He said he thinks it is for the 24. Jeffrey Hinderliter asked if it is

in any of the documentation. Mr. Nichols said it was in the first couple but it is not in this one. Jeffrey Hinderliter said the reason he asks is because if that is the case then that is an additional variance that is required. Mr. Nichols said they do have a slight amount of intrusion to a Class A wetlands area and in this case the intention is to flood proof the panels which means the lowest portion of any operable panel with the exception of the post that holds it up will be 3 feet above the base flood elevation. Mr. Caraccioli asked what led them to present this as a Short Environmental Assessment form. Mr. Nichols said they didn't think it met the threshold for Type I. He said the only thing that would throw them into Type I would be the site impacts and they don't think this rose to the definition of site impacts being structures and facilities. Mr. Caraccioli questioned what other involved state agencies they have heard from. He said they identified the DEC. He said federal wetlands may or may not trigger Fish and Wildlife which is a potential involved agency. He said the County Highway Department would be involved with the road cut. Mr. Nichols said they already have the 239 Review. Mr. Caraccioli asked if they have received anything from the DEC. He asked if there's going to be a SWPPP. Mr. Nichols said yes. He said they tried to intentionally sidestep the DEC by staying outside the 100 feet. Chairman Freeman asked who is going to be their ultimate customer. Mr. Nichols said National Grid is the buyer of the power. Chairman Freeman asked if they have a contract with them. Mr. Nichols said he doesn't know. Mr. Caraccioli said that will be an important part of this. He said National Grid is a fine company and very responsive to any questions that any municipal board he has ever been involved with has raised but there is a connectivity study that National Grid requires any solar farm to conduct. He said it is a minimum of 90 days before that study comes back to the company to determine whether it's feasible to connect to the grid. He asked Mr. Nichols if he knows where they are in that stage. Mr. Nichols said generally that is concurrent with Planning Board work and it all sort of gels at the end. He said there will be no step forward until all the permits are in place. Jeffrey Hinderliter said they show two structures to house equipment. He said the plans say if applicable energy storage system. He asked what the intention is. Mr. Nichols said the intention is to leave that door open right now. He said if they do go to energy storage they will need to come back here. He said that involves a tractor trailer full of batteries. Jeffrey Hinderliter said that is his main concern. He said if those are going to be present on the site that would greatly change his discussion on the site. Mr. Nichols said right now there are no plans for it. Jeffrey Hinderliter said he will not appreciate it if they give approval and they get halfway down the line and they want to add it. He said his approval would be contingent upon there being no energy storage. He said if that changes they would need to go back to square one. Mr. Nichols said he thinks that is an acceptable contingency. Mr. Caraccioli said there are no plans for the energy storage. Mr. Nichols said no. He said at one time New York State was compensating these firms to do that but that has dropped and they don't have any intention of making that expenditure if there is no compensation for it. Mr. Caraccioli said this Board is used to making a decision rather quickly. He said they have a lot of staff that does quite a bit of digging into these projects. He said he'd like to say right here and now that they are nowhere near making a decision on this tonight or probably not even the next meeting. Mr. Nichols asked if there was a possibility of getting a public hearing next month. He also asked if there will be a meeting in December. Jeff McGann said there are no meetings in December. Mr. Nichols asked if there is a chance they can get a public hearing next meeting and possibly initiate SEQR. Mr. Caraccioli said he doesn't see why they couldn't have a

public hearing. Jeffrey Hinderliter said this is a first for the city. He said there are smaller solar projects but nothing of this size. He said they need time to look long and hard at this. He said when it comes to land use and these facilities in particular he wants to make sure they have the full scope of what this is - the shelf life, how long this is intended, and what happens when it decides to get shut off and dismantled then what are their plans for that. Mr. Nichols said the good thing about solar development is there is very little concrete. He said these are literally posts in the ground holding the frames and once you pull them it reverts back to agricultural condition. He said if you do go through the decommissioning plan requirement it generally requires the solar customer to submit a bond. He said that is not in the City's solar zoning ordinance so he doesn't know how that will lie. He said he isn't going to volunteer his client to put up a bond if he doesn't need to. Mr. Caraccioli said even though it is not in the solar component of the law the Planning Board and the Zoning Board have the right to attach reasonable conditions to approvals and that would certainly be one for this particular type of use. He said he's pretty certain that Mr. Nichols' client is going to be pursuing a PILOT agreement through the IDA. He said the IDA's conditions require proof of a decommissioning arrangement of some sort. Jeffrey Hinderliter asked if the Board were to vote and approve the site plan, what does that do for this project. Mr. Caraccioli said it would get the local municipal approval out of the way but they would still have to have the connectivity study. He said to be candid he wants to know that the DEC is okay with this given the nature of the wetlands nearby. He said it may be the same Class A flood plain that runs down to the other Krul farm where another separate project was approved by the Town of Scriba. He said in that case the DEC weighed in and SHPO weighed in. He said that is less than a mile from this site. He said he would like to see the same level of scrutiny applied to this project as was in Scriba. He said he doesn't know if there any neighbors that would complain or weigh in but they will find that out in the public hearing. He said in the Scriba project, the neighbors on Carson Drive had a lot to say and as a result of that the company ended up changing the arrays. He said he doesn't think that they have that situation here but he is reluctant to say that this is the final plan. He said in the Town of Oswego project, it was proposed as a 5 MW project. He said they got the connectivity study back from National Grid and National Grid said they would not allow a 5 MW but the most they would do is a 2.2 and the project got scaled back. He said if National Grid says they can't build that big they will be back because it'll change the entire site plan. He said he wants to make sure they do this right. He said this is the first case of this size and magnitude. He said it is probably the best place in the City of Oswego to place a solar farm but he wants to make sure it is done properly because these things have a life of 20 to 30 years. Jeffrey Hinderliter said no public have shown up tonight but he knows that his office has dealt with a few questions on it. He said he thinks it would be best to wait until they hear public comment before rendering an approval. He said he would suggest tabling this to let them get a public hearing, get further down the approval process, and see more documentation. Mr. Caraccioli said this is clearly an unlisted action. He said the applicant has submitted a short Environmental Assessment Form. He said they also have to go through the changes that were submitted tonight. He said the County has weighed in however because the project has changed it is his recommendation that they re-submit it to the County. He said he has no problem with holding a public hearing next month. He said they can set the public hearing and send out notices to neighboring property owners. He asked if this property borders the Town of Scriba. Mr. Nichols

said yes. Jeff McGann said they did send out information to them. Daniel Breitweg said he thinks that some of the neighbors don't understand the size and magnitude of the project. Mr. Caraccioli said the way these are usually done is there is a significant amount of buffering. He said there's virtually no issue with glare. Jeffrey Hinderliter said part of their duty is trying to look at the highest and best use of land. He said in addition to that the decommissioning and disposal of 14,000 arrays and what they do with them when they fail. He said if you go back decades when different manufacturers were building mills and factories with no forethought that they were going to contaminate the ground underneath and now the State spends millions of dollars every year to clean up brownfields and put other things on them. He said he thinks they should try to learn from those experiences as they wade into new technologies, new practices, and new ways of doing things. He said his biggest concern was the energy storage systems. He said the State is trying to regulate them the best they can, mostly reactively rather than trying to be proactive. He said he thinks the magnitude and the newness to the community warrants them to pause. Mr. Caraccioli said he would strongly recommend that the Planning Board declare themselves lead agency for this unlisted action. He said they can table the matter but also with the knowledge that they will schedule a public hearing for next month and notify the neighbors. He said because of the nature of this they need to be able to publish this and the size of this project. Brit Hallenbeck said you don't own the view. Mr. Caraccioli said you don't own the view but there is, and this won't be an issue, an environmental concern with view shed. He said they will hear about that perhaps in another couple of months if a particular project comes to light that he just heard about today. James Scanlon said it would be nice to see something similar to be able to know the size this will be. Mr. Caraccioli said there are some in Rome, Camden, and Sandy Creek. Mr. Nichols said the problem is going to be finding a tracker farm. He said this is very new technology. He said most of the farms out there would be called fixed tilt. He said even though they are a little more compact as far as acreage goes the power production just isn't the same. Brit Hallenbeck asked how long each individual one is. Mr. Nichols said 6.4 feet long. Brit Hallenbeck asked when they are flat at noon how much space is between each row. Mr. Nichols said he can't say because it varies. He said probably 12 to 15 feet. He said there is a tremendous amount of green space in the tracker type array. Jeffrey Hinderliter asked what the plan is to maintain the green space. Mr. Nichols said they were just talking about that. He said there may be pumpkins there. He said otherwise it will be mowed. Mr. Krul said the panels will run parallel to the road and will not face the road so unless you're standing on the road looking back you're not even going to really see them. Mr. Caraccioli said there are not any that are up within a 10 mile radius right now. He said there are a lot that have been approved. He said on the Frank Krul farm there is a 5 MW and that is going to take up pretty much that entire valley that you see. Brit Hallenbeck asked what the highest point off the ground is that any of these structures will be. Mr. Nichols said generally about 12 feet however due to the flood plain they are going to be artificially raising them so it might be more like 15 feet. Brit Hallenbeck said nothing there will be taller than a one story building. Mr. Nichols said correct. Brit Hallenbeck made a motion to establish the Planning Board as lead agency for this unlisted action, James Scanlon seconded the motion, unanimous approval. Chairman Freeman made a motion to schedule a public hearing, motion seconded by Jeffrey Hinderliter, unanimous approval.

**DECISION:** Chairman Freeman made a motion to table this case. Motion seconded by Jeffrey Hinderliter, unanimous approval.

Brit Hallenbeck made a motion to adjourn, unanimous approval.

Approved: \_\_\_\_\_

Richard Freeman

Planning Board Chairperson

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Jeff McGann

Planning Board Secretary