



Mr. Welch stated that there are two aspects, which was the location that was identified in the inner-connect request with the utility and if we move it a couple poles it would put at risk the entire thing. There's a question whether you're better off to add poles that have none or to put more poles in an area that has quite a bit.

Mr. Yager stated that he's working on a project right now that National Grid has said it's going to take us two years to get the switch gear and we kind of went out and looked around and we found switch gear. Yes there is a six-to-seven-month lead time on it, but it's there, it's available. Is National Grid willing to...you know how National Grid it; National Grid always gives you the worst-case scenario. 'Yup, we'll get you service, it's going to be 18-months' and they end up taking 6 to 8 months to get you service. So, if you're going to start construction this year and you go ahead and order the equipment now...both of the projects we have had installed here has taken about a year to construct by the time they are ready to be hooked up. The detriment isn't really to the project if you order your equipment now, what's the reality of it actually delaying your project once you source your panels, have your contractor mobilize to the site and actually start construction, finish construction, have everything stabilized and ready to be connected. What is your actual construction timeline?

Mr. Welch stated that they're expecting it to be four or five months.

Mr. Yager: When do you anticipate breaking ground?

Mr. Welch stated that they're working through some financing issues now, probably the beginning of the third quarter. We'd like to do it sooner, but it will probably be the third quarter. We've already told the landowner not to farm the land this year because we anticipate starting before the crop is harvested. August September...

Mr. Yager stated August/September timeline to start construction; like I said our previous experience with the two that have been built; which are of similar size from when they started to when they finished has been over a year. If you'd taken the six-month construction two months ago when National Grid gave you the...I mean how much of a delay are we really talking about. That's what the Board needs to consider from a community and aesthetic situation, is it something that the Board is willing to accept, if it is I'm fine by it, but I wasn't willing to make the call on my own without the Board weighing in.

John Corey, Chairman, stated that he understands and appreciates your position, but my concern is this is the pattern going forward, that the Town wants to see with any solar project, which is underground or pad-mounted hook-ups. I'm concerned that if we go ahead and change what we've asked for here because of the concern over cost and timing, I don't know what would prevent anybody else from coming back in and saying basically 'we deserve the same thing, we've got the same issue'. The Planning Board issued an approval with certain conditions and those were the conditions that we were willing to grant the approval on. We're going to lay-out a roadmap for how solar farms can be placed in Lysander and if you can bring a project to us that fits that road map, great, but it's not our concern whether we need to do things to make the project financially viable. That's not our concern, our concern is it has the least impact on the Town of Lysander from the standpoint of what we're looking for visually and otherwise. For me I'm just struggling.

Mr. Welch stated that he appreciates that and as a developer we always like having a roadmap knowing what exactly expected, perhaps it was something we missed along the way, but the evening of the SEQR approval and Conditional (Controlled Site Use) approval was the first time that I heard a discussion about wanting it underground. As you recall at that meeting we didn't know if it was possible and the condition was quite literally that we would make an effort to try and see if that was possible. It wasn't 'it must be that', it was you must attempt to look into it. So, we went out and tried to...

Mr. Corey stated that you made an effort and you say it wasn't possible, it was possible, you're just not willing to accept the condition under which it is possible and that is cost and time. But, you're right we did say best effort, I get that.

Mr. Corey asked if anyone else has a concern about what this might mean going forward for other projects.

Mr. Darcangelo stated that he think's Jack is right...I like these discussions because as you can see my opinion is being weighed by what I'm hearing. You're faced with something that you don't necessarily have control over, but quite honestly every project that comes in front of us faces that. A subdivision has issues with material, supplies and labor. I'm not sure we can take that into account. My initial thought was you made an effort and maybe that was what we were looking for, but quite honestly now that I hear the discussion, we don't have any control over those issues either, and if we start taking them into consideration we don't meet our mission and serve our community; we're starting to serve a project and I don't think that's our role. I'm certainly swaying towards that I would not be willing to not approve it without the condition setforth earlier.

Mr. Welch stated that he appreciates that perspective; our perspective is we're also seeing that a fairness that we persuade a project with a considerable amount of development money into it, negotiated a lease with the landowner who made expectations as well on land with revenue he's going to be able to generate on it on the assumption that the above ground inner-connect was permitted. It was permitted on other projects...would we have started the project, looked at it, put in an inner-connect request with the utility at the start with the other rules had if your new solar law requires this type of thing? That would be a different approach, but I view it a little as rules were kind of changed on us as we got deeper in the project.

Mr. Darcangelo concurred somewhat in the sense that something was asked of you that you did not anticipate, but that's no different when we ask for screening. It may be in excess to what you initially anticipated, now the issue with screening is it's not nearly as costly and it's not nearly as driven by the limited availability, but regardless it's something that's not necessarily in our Code, we take some liberty in what we require for screening and the visual aesthetics of the project, so that gets introduced through the review process, much as this did. I think that that again is a factor that we review things and conditions come up while we review and comments we get through a public hearing and this was something that I think other people had expressed interest in...the visual impact and this is something that we did request. I understand that it's difficult, I can see your side as well.

Matt Hunt stated that pointing out past projects leads directly to the point Jack is making about future projects and then they can cite what we did here to try to push future projects forward, so I don't really like that. I'm also not sure a best effort was given based on what AI is saying that there are other sources.

Mr. Yager stated that he's not an electrical engineer; I don't know the solar inner-connect process completely. The site I am working on is a large industrial site with (unclear) power needs...National Grid gave us a timeframe and, 'hey we can go out and source this elsewhere.

Mr. Hunt stated that he didn't hear anything about trying to source it elsewhere.

Mr. Welch stated that the way it's set up for community solar projects to inner-connect there are rules that we all have to adhere to and one of them is that the utility builds the inner-connect. They don't give us the option to go out and procure the equipment for them. They have to control the game in that respect.

Mr. Beachel stated that the consultant from National Grid...making the point that he's getting significant amount of feedback from residents that these steel boxes are much less appealing than poles. I do projects all over the country...I'd like to see the significant amount of feedback and which project he's talking about where people are saying we don't want to see the steel boxes, we're rather see poles sticking in the air. That doesn't make sense to me. You had me at the facts until that came into play, but I can take that up with him. I've already made contact with this individual.

Mr. Welch stated that he knows people have spoken about safety issues with the boxes.

Hugh Kimball questioned if anybody has come up with anything that can be done to make this more palatable to the Town, to us?

Mr. Welch stated that we obviously can't screen the top of it, but we can screen the poles with evergreen trees similar to what is at the other end.

Mr. Yager stated that in the long term that's not a great solution, as evergreens grow they end up being close to the pole and quite frankly National Grid will cut them down as they get close to the wires.

Mr. Welch stated that they would consult a landscape expert. You could pick what species would grow out and not up too far. The viability of the project is in question if we have to wait two years.

Mr. Corey stated that he doesn't get the sense that the Board is very favorable toward changing the condition, is that a fair statement.

Two Board members concurred.

Mr. Corey asked if the Board could do some further research.

Mr. Welch indicated that if the answer is not yes tonight, he doesn't need an answer tonight.

Mr. Corey stated that we have a quandry because what you're asking for is going directly against a direction we are trying to create in the Town. We can appreciate the fact that when you came into the process that wasn't an issue...the reason it came up is because when we saw the layout yours was the first one that was going to have all these visible poles.

Mr. Yager concurred stating that they were very close to the intersection is what it amounts to. It's a very visible location compared to the one on River Road that is right next to a hedge row of 60' tall pines. The one on Church Road, they stand out but they are set back into the site more so it's not like they're right at the side of the road.

Mr. Welch questioned what he can do between now and then.

Mr. Corey stated that you should go back to your team...

Mr. Yager added and National Grid, sometimes National Grid needs a push in the right direction...

Mr. Welch stated that it's hard to get National Grid to answer us...

Mr. Yager stated that it's difficult to get them to answer anyone.

Mr. Corey stated that right now it doesn't look good for your request, so see what you can do.

Mr. Yager stated that he does have one contact over at National Grid that I can reach out to that may be able to nudge people in the right direction, we'll say, and I'm sure they're willing to do that and make that call.

Mr. Welch thanked the Board for their time.

#### IV. OTHER BUSINESS

##### 1. Recommendation to Town Board Galehead Development

Solar Moratorium Extension Language to be considered, if the Town Board chooses to extend the current Solar Moratorium set to expire April 20, 2024.

Lucas Faria, Galehead Development, represented Baldwinville PV 1, which is owned by Galehead Development, who is asking if you could make a recommendation to the Town Board by adding grandfathering language:

*This section shall apply to all solar energy systems in the Town of Lysander which are approved after the effective date of this local law. Any solar energy system which received Controlled Site Use approval prior to the effective date of this local law shall be governed by the local law in effect at the time of approval.*

Mr. Faria gave a little background behind this request: we got the project approved in December, 2022. Since then, some of the conditions on the approval were finalizing the SWPPP (Stormwater Pollution Prevention Plan). We have had some back and forth on that and that condition has been satisfied..

Al Yager stated they you're in good shape on that, yes.

Mr. Faria stated that they have also been coordinating with utility to confirm their construction upgrade schedule because we want to line up our construction completion with their construction completion. They mentioned that they would be able to get their work completed within the next year or so, so as I was putting together the building permit application we realized that the Town was in an active moratorium for drafting a new Solar By-law. So, with that in mind I reached back out to the Town for where our project stood in that process and if there was any reason in a sense to retroactively have some of the projects that were already approved be a part of that new law criteria. It seemed like that was not the case based on the feedback that I got from members of the Town.

Mr. Yager stated that he believes by Town Law if you have an approved project, even if it hasn't been started, I don't believe we could change your approval unless there was a change in scope to the project. So, I don't think there's anything...I think we can certainly talk to the Town Board about adding language that doesn't void any previously approved project under the old Code. I don't see an issue with that and I don't anticipate the Town Board would ever consider doing something like that, it's not how I've ever seen that Board.

Mr. Faria concurred stating that he was under that impression as well, but our lawyer has advised us to ask in order to be crystal clear. Per New York Law, it would be better to have that language be in the new by-law, that way it doesn't raise any questions for any already approved projects.

John Corey, Chairman, stated that he certainly doesn't have any problem with putting language in, I think it actually exists both written and in practice, but it's not a problem.

Mr. Yager added that our Town Board Attorney typically would put this language in in any Local Law anyway that was passed and adopted, so I don't see a reason why he would not do it for this legislation as well.

Mr. Corey concurred stating that we can make a recommendation that language like this be added to the new Solar Code.

Mr. Faria stated that he appreciates adding that he hasn't seen a Draft of the Proposed Solar Law.

Mr. Yager stated that there has not been one issued for review, but we'll certainly forward it on to all the applicants that have been before the Board in the past so that they know what's going on.

Steve Darcangelo questioned if there was a time limit from the time someone gets approval to the time they have to get a building permit.

Mr. Yager stated that there's no sunset.

Mr. Darcangelo reiterated that there's no chance that his approval is going to expire.

RESOLUTION #1 -- Motion by Corey, Second by Kimball

RESOLVED, that at the request of the Town Supervisor, a formal recommendation be made by the Planning Board on the application of Galehead Development, on behalf of Baldwinsville Solar, Sixty Road, Baldwinsville, New York, seeking the following language be added to the Solar Moratorium set to expire April 20, 2024, if the Town Board so chooses to extend the moratorium:

*This section shall apply to all solar energy systems in the Town of Lysander which are approved after the effective date of this local law. Any solar energy system which received Controlled Site Use approval prior to the effective date of this local law shall be governed by the local law in effect at the time of approval.*

5 Ayes -- 0 Noes

Mr. Faria thanked the Board for their time.

V. ADJOURN

RESOLUTION #2 -- Motion by \_\_\_\_\_, Second by \_\_\_\_\_

RESOLVED, that the February 8, 2024 regular Town of Lysander Planning Board meeting adjourn at 7:28 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk  
Planning Board

p.m.