

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday April 5, 2017 - 7 pm

Board Members present: Chair – Martin DeVinney; Board Members: Bruce St. Lawrence, Lynn Lersch, Robert Mincer; Dawn Kane - Code Enforcement Officer

Others Present: Don Marks, Jan Daum, Bharath Srinivasan of Distributed Sun; Marc Maser of Maser Engineering; Donald Sheive

Agenda:

1. Application #010217-SPR/J. Daum, represented by DSUN/SUN8 PDC LLC for Preliminary Site Plan Review for a proposed Solar PV Installation at 4450 Townline Rd. (AG)

Chair DeVinney opened the meeting at 7:02pm with a flag salute.

Board Members reviewed February 1st Draft Minutes and entertained a motion to approve as written. Board Member Lersch motioned to approve as written and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

1. Dawn Kane, Code Enforcement Officer, provided a summary of the application to Board Members, stating this was a Preliminary Review for a proposed installation of a Community Solar PV array system by DSUN, a division of SUN 8 to be located at 4450 Town Line Road in the AG District. Parcel Owner - Jan Daum, and Distributed Sun, LLC personnel Bharath Srinivasan as Senior Vice President; along with Marc Maser of Maser Engineering were in attendance to answer Board inquiries.

The Planning Board had met with DSUN/SUN 8 PDC LLC for a conceptual review in January and a Preliminary Review in February. The Planning Board had diligently gathered data research on commercial solar installations through contact with outside. Other municipalities, having successfully completed their project installations, provided information from which the board had compiled a handful of questions for those in attendance from DSUN/SUN8 PDC LLC. The Board's comments and questions follow with Mr. Bharath Srinivasan's answers:

1. Geo-Technical Soil Report will be required from borings taken onsite.

Distributed Sun will be using a screw- in piling, designed by a company in Canada, for use on all arrays on this 19-acre project. The pilings will be embedded 6-8 feet down and since they go through any composition, they will not need to do onsite soil borings.

2. How many arrays will be located on the proposed 19-acre installation?

On the location's 12-15% sloped parcel, there will be 3,000 arrays consisting of 35-40 panels.

3. Due to the installations' proximity to Rte.#245/Bagley Road corridor, what amount of natural buffer screen is planned in this location? Would it be feasible to reduce the number of arrays to allow more of a buffer?

Five feet of tree buffer will remain uncut on the eastern boundary of the property parallel to Rte. #245. It would not be economically feasible to reduce the number of arrays the capacity dictated as necessary from NYSEG.

4. What would be the saturation point of solar installations in this area of solar installations?

This would be a decision to be made by NYSEG as it depends on how much power will need to flow back to the grid. We currently are considering one more however, there has been nothing contracted with us yet.

5. Visual mock-ups may be required by any of the reviewing boards to provide visual impact studies. Referencing the protection of scenic vistas in our Master Plan, the Bagley Road Corridor spans approximately 2.5 miles from which this installation will be seen. What will this look like from a distance?

Mr. Srinivasan showed the Board multiple photographs of a bigger installation near Aurora NY which portrayed a similar slope of land and scenic vista from a distance for a visual comparison.

6. Whom will be benefiting from this solar PV installation? How large is the zone?

Anyone within a two-hour distance from the substations would be allowed to contract with Distributed Sun to receive the benefits of reducing their electric bill through NYSEG. The NYISO divides New York State into zones. Buffalo - Zone A, Rochester - Zone B, the Middlesex area - Zone C, Adirondacks - Zone D and Oneida and Cayuga County - Zone E.

This PV Solar installation unit, when completed could provide 850 households with the benefit of a guaranteed fixed 10% savings off their current electric bill, depending on the individual contracted length of term of lease up to 35 years. If farm exempt, it could reflect a deeper discount.

7. In a power outage from either a transient or permanent default, how soon would resolve be initiated? Who is responsible for local maintenance?

In a transient default to include a brown-out, resolve would be initiated within 10 cycles each amounting to 1/6 of a second. In a permanent default, resolve would be complete 5 minutes after the situation is deemed as stable. The system has a manual onsite shut-off as well as a recloser which provides remote control. Ongoing maintenance is provided by Schuler Haas of Rochester, an electric company which partners with our installations and addresses nearby maintenance service both inside and outside of the gate in the event of a power outage.

8. Final inspections with the Code Enforcement Office will be required for commissioning. Referencing the decommissioning cost and agreement with the property owner, who is responsible at the end of the term lease?

At the end of the 35-yr. lease, the property owner has the following options:

- a. Renew the lease and repower the system.
- b. Buy the system with certain deduction in devaluation costs with 85% of the system generation still available.
- c. We would remove the system within a 3-week span.

9. What protections are in place for decommissioning costs in the event of insolvency or failure, either business or material?

A Decommissioning Bond provides little protection at the end of the lease, since it is only as good as the quality of payments made. If bankruptcy occurs these payments would stop and the Bond would be worthless. Distributed Sun functions with a 'Board of Trustees' who in the event of insolvency would be responsible for providing access to this escrow amount for the act of decommissioning. This amount would be reviewed periodically and adjusted to reflect project devaluation over time. This procedure is legally identified as "bankruptcy remote," and protects the project and the landowner.

10. Who is responsible for Property Taxes based on the new assessment of the improved parcel? Landowner or Solar Company? Or both? What if the landowner sells the property during the term of lease?

The parcel's taxes would be assessed to the landowner, reflecting the same amount as if the parcel remained vacant land. Distributed Sun would pick-up the difference between the new assessment and the old assessment of the proposed site with new Tax ID's to reflect requirements by the Public Service Commission. The legal landowner would transfer all ownership and assessment to the new owner who would then be legally responsible to pay the parcel's taxes in the same way. Distributed Sun initiates a Pilot Program involving certain tax entities - the Town, School and County which reflects the integrated tax amounts paid over 15 years that the Solar Company is responsible for within that municipality.

11. What is the protocol for site access of Fire & Emergency vehicles responding to a 911 call?

There is emergency signage onsite at the entrance from Townline Road with all contact numbers. The landowner would also have access to the site. Inside the gate, there is a gravel maintenance drive surrounding the boundary of each array wide enough to accommodate a fire truck with vehicle turnouts every 500 ft. Some municipalities have required an additional local lockbox for Fire Department access.

The Planning Board advised those in attendance that after contacting the county, this application would require County review and would be reviewed once the application was deemed complete. Also noted, the Planning Board would provide both landowner, Ms. Daum and the agents from Distributed Sun with the date and time of the application once it was placed on the County agenda. The Board recapped the proposed Town schedule for required approvals, stating they would expedite all deadlines as soon as possible. The Board hoped to be able to write a recommendation to the Zoning Board of Appeals within the next week, if all legal and board inquiries were complete. Copies of the Town's Master Plan and Trancik Study were given to Mr. Srinivasan to review recommending they address the criteria listed on page 27 referencing the seven visual resources.

Without further discussion, the Board moved to adjourn. Board Member Mincer moved to close the Planning Board meeting and Board Member Lersch provided a second. All Board Members present voted in favor. Motion so carried.

Meeting adjourned at 9:05pm
Draft Minutes submitted by L. Lersch

Minutes approved on May 3, 2017