



ZBA Meeting

Minutes

Tuesday, July 16, 2024 at 6:00 pm

Attendees: Chairman David Morse, Vice Chair Theron Seeley, Members
Dave Smith, Anthony Creaton, Steve Peck, Secretary Michelle Seeley,
Zoning Officer Thomas Hargrave

Guests

Donovan Smith, Erica Smith, Karen Kozlowicz, Linda Baird, Chris Baird, Joe Seeley, Gail Harris,
James Harris, Kelly Smith, Marty Meriwether, Mollie Messenger, Melissa Melko, Kim McPherson,
Richard Buck

1. Pledge/Call to Order/Roll Call

Minutes:

Chairman Morse called the meeting to order at 6:00 pm and led with the Pledge of Allegiance.
The Clerk then took Roll Call. All present.

2. Prior Minutes

Minutes:

A motion by David Smith, seconded by Theron Seeley to adopt the minutes as written was
adopted by vote.

Vote results:

Ayes: 5 / Nays: 0

3. Other Business Before the Board

a. #3 of 2024 concept plan

Minutes:

Chris Baird presented his plan to the Board for a 20'x22' 2 sided carport. He wants to build
the carport in front of his garage, due to limited space in the side yard. He is requesting an
area variance to accomplish this task. The Board will make a decision at the next meeting
August 13, 2024

4. New Business

a. Appeal 2-2024 Delaware Solar Area Variance

Minutes:

The Application is for a Solar Field off of Wixon Road. The applicant is requesting a setback
from the Western property line to be 55.4', The Southern Property line to be reduced to
38.2', and finally the Westerly property line to be reduced to 48.4'. In addition to the setback

requests, the applicant is requesting to wave the 1;1 tree replacement due to the cost of replacing trees. The applicant is removing 30 timber trees and 160 firewood trees at a value of \$1,668 and would like to plant 96 trees that value between \$15,000- \$18,000. This solar project will produce power directly for the Town of Campbell. The energy produced goes to the first need. During the Planning Board meeting a resident asked if the panels were made in the USA, there are only 23 manufactures of solar panels in the US, The plans have been modified to make the driveway an s shaped driveway to help with the visual, and the inverter has been moved as well for this purpose. There will be landscaping all around the solar field to protect the neighbors view. The Planning Board has received a visual study and DRS has not received any comments back from them, trees can be added or placed in specific locations based on those comments. The max output for this project is 2.5 MW. The decommissioning plan has been submitted and is a 30 year plan, which is the lifespan of the panels. After they are at the end of their lifespan they will be recycled or shipped to third world countries for use there. At this point they are 90% recyclable. These panels will move with the sun to produce the most electricity. The H Post that the panels are sitting on come out of the ground as do the foundations. If needed the driveway can also be removed and restored to its original state. There will be 4 poles at the entrance, all lines will be underground, except for these poles, for NYSEG. the meters will be mounted to these poles. DRS has done the storm water, wet lands, and endangered species studies, there are none of these present on this property. Will be planting several more trees than are being taken down at this location. The inverter will make noise but is almost inaudible at 150' so the neighbors should not hear it. These are "smart panels" which adjust for the wind and snow. If there is too much snow they will turn over. There will be a local company that will do snow and lawn maintenance. The site has 24 hour monitoring, if a panel is damaged the information is sent to the monitoring company and the issue is addressed. DRS has reached out to the Fire Department and would like to have a meeting with them about training, and will have a second meeting with the FD to walk them through the field for a visual study of the site so they are familiar with the set up. Dave Morse asked where the location of the variance is. Molly Messenger used the map to show him the exact location of the requested variances. Theron Seeley asked how much wattage would be lost if the variance was not granted. Molly Messenger stated that the project would be reduced by 1 MW if the variance is not granted. But that would open up a MW on the power line and another project could be started in the area. The plan is to use all available MW so they reduce the amount of projects. Dave Morse opened the public speaking portion of the meeting at 6:15 pm. Donovan Smith- Member of the E. Campbell FD is not aware of any talks or discussions with the Department. Mollie Messenger replied that they had sent requests to the FD. Mr. Smith has concerns about how rural the fire district is and even with Mutual Aid from other departments there may be issues getting to an emergency. Only one way in and out. Would like explanation of 12.7 part B in the Zoning Code. The Secretary suggested speaking with the Zoning Officer Thomas Hargrave. Mr. Smith is also concerned about the Comp Plan and keeping the rural character of the Town. He is unsure how even with screening Solar fits into the plan. He is not in favor of the solar plan. In addition he questioned if the panels were considered a hazard by the EPA even if they are dismantled.

Erica Smith asked if there would be another meeting because of the record rain and wind that occurred in the last 72 hours. Has questions about training and any amount of money that may be given to the Fire Department for that training. She would like to know what kind of trees would be used for screening, she would like to see something more vegetative for the animals since they would be losing grazing land. In her opinion no one wants to look at the project and many of her neighbors are more into looking at the openness of the area. She questioned why they were seeking a variance if it is stated in the law what the setbacks are. Shouldn't they build the project to fit the site instead of asking to grant a smaller set back. Mrs. Smith is a definite no on the project. In addition to those concerns, she is concerned about the noise of the project. She would like to know how many panels are going into this project. Mollie Messenger tried to answer some of the questions: The company has not been able to have an in depth conversations with the Fire Department but has tried to reach out. Linda Baird stated that she is with the Campbell Fire Department and the mail was coming to them, but that it had been corrected. The noise will be negligible after construction. After the project is finished 4-6 months the only noise will be the tuck going in and out 1 time per month. There are approximately 4,700 panels going into this project. 10-12 panels per row, they are approximately 6 sq. ft. The panels are on a rotational metal that will rotate to catch the best sun. Erica Smith asked about the noise from construction and was concerned about the people who work shift work being disturbed while the construction was happening. Mollie stated that she would be willing to discuss all of these issues to best serve the surrounding area. As for the vegetation, there has been discussion about using Willows and Forsythia as well as other plants to replace the trees being removed. The company is willing to work with local landscapers and possibly Cornell University to figure out the best type of plants to use. There is a plan to replant any vegetation that does not survive the initial planting, 18 months after the initial to ensure the maximum screening for the community. Karen Kozlowicz asked about the entrance to the project site, would the drive be gated? How High would the fence be, and would the Bear, Bob Cats ,and Deer be able to go over or under the fence. Would there be security cameras since there will be no lighting. Who would take care of it if they did? The Gate and the fence would be 8' high and would be woven so the animals cannot climb it. There have been no issues at other sites with the animals trying to climb the fence or getting stuck in it. There will be signage to keep trespassers out. The company will hire a local agent to maintain the property and respond if there is a tree that falls on part of the fence. This is also the process with the decommissioning plan. This will not be put back on the Town or its employees. Karen Kozlowicz asked if there would be a back up agency other than the volunteer fire department if there is an injured animal. Will the company pay for training and for the time spent when the Fire Department is called out for emergencies at the site? Once the site is set up and the project is sold will the other company honor the contract that Delaware River Solar has agreed to? Has there been any exploration of other ways to do this other than using rural or agricultural land? Would the Town consider an extended moratorium to consider alternatives. She is a no on this type of project. Mollie responded that the Solar company will pay for training but can not answer as to whether they will pay for emergencies. As far as honoring the contract, the new company will be under the same

obligations as Delaware River Solar. That is part of the decommissioning and site plan. Richard Buck explained that this project would be grandfathered in. The Clerk explained that there had already been over a year of moratoriums and were several meetings that were open to the public and were well advertised, very few residents came to the meetings. Another Local Law would be needed to set a new moratoriums and these projects would be grandfathered in. Kim McPherson is concerned that her property value will be affected by the field, and that the pine trees will cause issues with her property. She does not see where the solar field will benefit her, or lower her energy costs. Chairman Morse, explained to the public that while he understood their concerns, and had been on the other side of the bench, the job of the ZBA is to follow the law, and to make a decision on the application based on the merits of the application and what if any variance the law would allow. The Clerk explained that while the wildlife and trees were important that is not the question the Board needed to answer. The question is how moving the setbacks closer to the property line would affect the neighbors, and what would the loss be to the project if the setbacks were not granted. The DEC and other environmental agencies would need to deal with the wildlife and environmental issues. Vice Chair Seeley stated that the issue was not whether the project would be going in, but how large it would be. Jim Harris stated that his home was within a stones throw of the project and wanted to know what would be done to help with his view. What is the effect on wells and will there be monitoring of the water. Mr. Harris parks his equipment on the other side of the line sometimes because he used to help take care of the site.

Mollie Messenger will set a time to talk with the Harris' and go over the issues. They could discuss the equipment parking and would be happy to monitor the water that feeds the Harris well. Joseph Seeley asked if Delaware River Solar was working on this project while the law was being written. If so didn't they know the setbacks during the process. Why was the project not designed to fit into the allowable area? Wasn't Mr. Buck involved in the law writing process since he is the Town Attorney and is supposed to represent the Town. In His opinion this being the first project it would set precedence and should not be allowed. If the Town allows this to go through the town has wasted all of the money they have spent with the lawyer and consultants to create the law because they will have to allow this type of variance for every project. There was no comment from Attorney Buck or the representative from Delaware solar. Linda Baird She seconded Joe Seeley's feelings and stated that she is on the Planning Board> This project and the other one have been before that Board multiple times and that the Company knew the setbacks before they started the process. Mrs. Messenger stated that the project has not changed and has always needed a variance. Linda Baird reiterated that she felt that the Town had spent a lot of time and money with the moratorium and the lawyer to write the law, and that the first project would not be the right time to deviate from the law. Each project that follows could then expect to be granted a variance. Richard Buck stated that the variance would not set precedence because it should be based on the property and would be based on a case by case need. Linda Baird stated that she understood, but each project would have a lawyer that would come in and would argue extenuating circumstances. A setback for a house is 75' and she does not understand why the solar company would get preference over the residents. Ron

Morse said that it comes down to who pays the taxes on the land. The neighbors who have lived there all their lives have no say because some fast talking lawyer could come in and get the board to grant a variance that is the worst thing that could happen. Getting a variance to cut the distance almost 70' should not be allowed, 4 or 5 feet is one thing but 70' is too much. Gail Harris asked if the setback variance would allow the project to be 38' off her property line. Mollie answered that to be clear it would be 38' from the property line. Mrs. Harris said she did not want that and would like a no vote. At 6:58 Chairman Morse closed the public hearing portion of the meeting. Theron Seeley made a motion to have a local landscaper or botanist come in and evaluate the area for plants that will thrive, at Delaware River Solar's expense. The motion was seconded by David Smith and passed unanimously. A Motion by Theron Seeley to have Delaware Solar provide to the ZBA a breakdown of what the loss/gain of the project would mean in KW and percentage wise if the variance is not granted. Seconded by David Morse and adopted by unanimous vote. A meeting was set for September 17, 2024 to give a decision on the variance.

Vote results:

Ayes: 5 / Nays: 0

5. Old Business

6. Announcements

7. Adjournment

Contact: Michelle Seeley (Townclerk@campbellny.com 6075278244) | Minutes published on 08/13/2024, adopted on 08/13/2024