

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
RE: APPLICATION SUBMITTED BY SUN EAST DEVELOPMENT – SPECIAL USE PERMIT
NOVEMBER 10, 2020 – 6:00 PM

Chairman Ronald J. Beach, Jr. called the Special Meeting before the ZBA to order at 6:05 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502.

Other ZBA members present were: Vice Chair JoAnn Mammone; Jeffrey Dingman; Angela DeMichele; and Robert Wasyleski (who attended remotely via Zoom. Absent was and David M. Pasick (excused).

Also present were project attorneys representing the Towns of Schuyler and Herkimer, Kevin Murphy, Esq. and Christopher Baiamonte, Esq. (Wladas Law Firm), and several members of the public and Schuyler Town officials, including Rodney Dodge, Joseph Juliano and Dale Dodge.

Bette Szesny served as Recording Secretary.

Chairman Beach led the assembled members in the Pledge of Allegiance to the American flag.

Chairman Beach stated the sole matter of tonight's meeting is to act the pending application submitted by Sun East Development, LLC, who is seeking authorization for Sun East's Watkins Road Solar, LLC to construct a solar farm off Watkins Road. Sun East proposes to construct an approximate 20 megawatt photo metallic solar farm that would be located on approximately 172 acres in the Town of Schuyler, with the remainder located in the Town of Herkimer. The project is proposed to be constructed in the Town of Schuyler located off Watkins Road on tax parcel 112.4-1-1.1, and 112.4-3-8; and tax parcel 112.2-3-16.1 on Sokol Road in the Town of Herkimer. One is zoned R-A and the other is zoned C-T; solar farms are a permitted use in each zone, subjected to the requirements of the Town's 2017 Solar Ordinance. In February of this year, after declaring it would act as lead agency for environmental review purposes, the ZBA issued a negative declaration for the project. Post-February, the town, with assistance of its engineer, secured all the revisions and clarifications proposed by the Town's retained engineer, CT Male. Also post-February, the ZBA & the Town of Herkimer jointly reached agreement with Sun East regarding the terms and requirements of the site decommissioning plan and the site decommissioning agreement. The decommissioning agreement requires the applicant to post sufficient financial assurances so that if necessary the towns could jointly decommission the project at no cost to the towns. Two public hearing sessions were held on this application in July and August, and several submissions were made to this Board for the Town. Members of the public commented on their concerns regarding what was known as oak Hill Road, the road which was bisected by construction of the Thruway and its use since that date. Potential impacts on the natural environment, concerns about possible impact on human health, and potential impacts on the character of the community were heard. This is not a public hearing and the Board will not be accepting any additional public comment. The board needs to consider two issues: is there any need to revisit the February negative declaration; and the Sun East application.

Chairman Beach then polled the Board members for their input and/or to entertain further discussion on this project, also stating Mr. Pasick was unable to attend due to suffering a broken arm today which required surgery under anesthesia; and as well, Mr. Wasyleski is under quarantine due to exposure to Covid so is attending remotely via Zoom.

No comments or discussion among the Board members regarding the proposed application were elicited.

Chairman Beach then read aloud the Resolution to amend and reissue the Negative Declaration in its entirety. A copy of the resolution, entitled: "Town of Schuyler Zoning Board of Appeals Supplemental Resolution Reaffirming SEQRA Negative Declaration in the Matter of the Sun East Watkins Road Solar Project," is attached to these minutes.

Motion by Chairman Ronald J. Beach, Jr., seconded by Jeffrey Dingman to accept the SEQR Negative Declaration; all members voted affirmatively, as polled by voice vote. Motion carried.

The Resolution Granting Site Plan Approval, Issuing a Conditional Special Use Permit for the Sun East Watkins Road Solar LLC Solar Energy Project," was then read aloud by Kevin Murphy, Esq., (legal counsel on behalf of the Towns of Schuyler and Herkimer for this project). A copy of this resolution is attached to these minutes.

Chairman Beach asked if any of the Board members had any questions regarding this resolution. JoAnn Mammone asked if anything had been received on the hookup agreement; Mr. Murphy replied the agreement has not yet been received, and no construction can commence until or unless the agreement has been received.

Chairman Beach stated an immense amount of paperwork has been generated to ensure adequate checks and balances regarding this project have been ascertained.

Motion to approve the application by Sun East Development with issuance of a special use permit was entertained by chairman Ronald J. Beach, which was seconded by Angela DeMichele; all members voted affirmatively, as polled by voice vote. Motion carried.

MINUTES APPROVAL: OCTOBER 1, 2020 PUBLIC HEARING

RE: APPLICATION SUBMITTED BY JOHNSON'S AUTO BODY – SPECIAL USE PERMIT

Motion by JoAnn Mammone, seconded by Angela DeMichele to approve the above referenced meeting minutes; all members voted affirmatively, as polled by voice vote. Motion carried.

ADJOURNMENT

There was no further business to come before the ZBA; therefore, a motion was made by JoAnn Mammone and seconded Angela DeMichele to adjourn the meeting. All members voted affirmatively as polled by voice vote; motion carried.

Chairman Beach adjourned the meeting at 6:26 PM.

– Bette Szesny, Recording Secretary

ATTACHMENTS:

Town of Schuyler Zoning Board of Appeals Supplemental Resolution Reaffirming SEQRA Negative Declaration in the Matter of the SunEast Watkins Road Solar Project

Resolution Granting Site Plan Approval, Issuing a Conditional Special Use Permit, and Authorizing the Issuance of a Building Permit for the SunEast Watkins Road Solar LLC Solar Energy Project