

**TOWN OF JACKSON
PLANNING BOARD MEETING
JANUARY 5, 2021**

The Town of Jackson Planning Board met on January 5, 2021 at 7 pm at the Town of Jackson town Hall. The following people were in attendance-

Board Members:

- Amy Maxwell
- Mark Mahoney
- Irene Headwell
- Nick Rowland (GoTo)
- Steven Chuhta
- Kelly Donahue
- John Tully

Others Present:

- Town Clerk, Tammy Skellie-Gilbert
- ReJean DeVeux
- Adam Fishel (GoTo)
- Steve Long
- Steve LeFevre
- William Zeppetelli
- Laura Zeppetelli
- Sharron Dunn (GoTo)

Minutes

A motion was made by Steve Chuhta, seconded by John Tully to approve the December 15, 2020 meeting minutes as written. A motion was made by Mark Mahoney to amend the minutes to add two items that were left out of the original minutes and postpone the approval of the minutes until the February 2nd meeting, seconded by John Tully. Motion carried in favor 7-0.

WILLIAM & LAURA ZEPPELELLI

William and Laura Zeppetelli were in attendance with a sketch plan for a minor subdivision located on Bowen Hill Road, parcel id # 248.-2-28.1. They are seeking approval to subdivide 3 +/- acres from their 57.556-acre parcel. The new lot will be gifted to a family member for the purpose of constructing a single-family dwelling. The drive way for the new parcel will be off of Bowen Hill Road, as well as a right of way off of the adjoining Arlington Way. Mr. and Mrs. Zeppetelli have all the paper work and are waiting on the survey.

PAULINE LAPOINT/BORREGO SOLAR

The planning board was given updated maps and an updated EAF part one. The updates included changes on d 28 and removing figure 13, referencing the Southern Bluets on the EAF. Steve LeFevre stated that the last know Southern Bluet in the area was in 1927, so it is not an issue.

Mark Mahoney stated that the planning board has not seen any documentation from the DEC with approval for the storm water runoff. Steve LeFevre said that the DEC Storm Water Pollution Prevention Plans (SWPPPs) are attached to part one of the EAF. It has been reviewed and approved by the DEC. Mahoney also questioned if they have received approval from National Grid. Steve Long said they have permission from National Grid to tie into the power lines.

Chair Maxwell asked about the existing pond on the property. Mr. DeVaux stated that the ARMY Corps of Engineers classified the area as being isolated wet lands, which they have no control over. However, Borrego plans on leaving the plans as originally stated and leaving the pond as is. The existing pond will be outside of the fenced in solar area.

Mahoney asked, that because there is no Town of Jackson code enforcement, who will be in charge of keeping the project in check during construction and once finished. Mr. LeFevre reached out to the NYS Division of Building Standards and Codes which replied stating that the kind of permit that is required for proper enforcement of the Uniform Code is not necessary for solar systems that are not directly connected to any building. Mr. LeFevre suggested the town hire an independent engineer to oversee the project, at the applicant's expense.

Steve Chuhta questioned if the project sells will all conditions the planning board puts in place on the project still be enforced. Mr. LeFevre stated that all conditional approvals stay with the project no matter who the owner of the project is. Mr. DeVaux also responded stating who ever purchases the project has to stay with all conditions in the lease agreement as well as any conditions set by the board. If the new owners wish to make any changes at all to the project it must be approved by the planning board before any changes are made.

Chuhta asked what would happen with the lease and conditions if the property was sold. Mr. DeVaux confirmed that if the property sells then the lease stays with the property. There will be one property owner and one lease owner. Whoever owns the lease also owns the solar facility.

Mahoney asked what leverage the town has to be sure operations and maintenance (O&M) are being maintained as approved. Mr. DeVaux said the town can set up a performance bond or separate escrow account to be used if proper maintenance is not followed. Mr. LeFevre

recommends the board have a lawyer draft a performance bond or an escrow agreement for O&M and the town board would have the authority to use it if needed.

Mahoney suggested the town have three separate bonds for the solar project. One for an engineer to oversee during and post construction of the project, one for O&M as well as the decommissioning bond. Chair Maxwell stated that we should ask the lawyer we have already hired to write up the bonds and include in them who and when the money can be accessed if needed. Tammy Skellie-Gilbert, town clerk, said that the planning board should discuss it with the Town Board to get their approval to have the lawyer write up all three bonds.

Chuhta asked for clarification on the dollar amount they have the decommissioning bond estimated at. Chuhta used the example of the cost of trucking to the waste station and what if, when it comes time to decommission, that distance is farther and will cost more than originally estimated. Mr. DeVaux stated that the amount shown on decommissioning bond is set with a 2% annual inflation rate and a 25% buffer on top of the total amount as well, with the amount being reviewed every five years. Mr. LeFevre said that the board could make one of the conditional approvals be to review the decommissioning bond after the first year for cost of inflation as well as wage rates. Mr. Long and Mr. LeFevre both assured the board that the amount of the decommissioning bond is substantially higher than other bonds they have seen and written.

The board discussed making a full list of their conditional approvals. Mahoney suggested we have Mr. LeFevre write them up and then the board have a special meeting to go over the list to come up with a finalized conditions of approval for Borrego Solar. After discussion the board agreed to have a special meeting in two weeks to do part two of the SEQR and discuss and finalize the conditions of approval.

A motion was made by Mahoney to postpone the adjournment of the public hearing until February 19th, 2021. Motion seconded by Tully. Motion carried in favor 7-0.

A special meeting is scheduled for Tuesday, January 19, 2021 at 6 p.m. for the purpose of discussing the Borrego project.

Next Meeting: Tuesday, January 19, 2021 @ 6 pm

Adjourned: @ 9:20pm

Respectfully submitted,

Victoria Ruggles

Town of Jackson, Planning Board Clerk