

**TOWN OF JACKSON  
PLANNING BOARD MEETING  
November 14, 2023**

The Town of Jackson Planning Board met on November 14, 2023 at 6:30 pm at the Town of Jackson Town Hall. The following people were in attendance-

**Board Members:**

- Kelly Donahue
- Amy Maxwell
- Erik Vandenberg
- Mark Mahoney
- Steve Chuhta
- Tim Thomas

**Others Present:**

- Jay Skellie
- Victor Ciaccia and David Norbut of Norbut Solar
- Sharon Dunn
- John Tully
- Gary Ackley

**OCTOBER 3<sup>RD</sup> MINUTES**

A **motion** was made by Mark Mahoney and seconded by Amy Maxwell to approve the October 3, 2023 meeting minutes as written. Motion carried in favor 6-0.

**NORBUT SOLAR FARMS**

Chair Donahue opened the floor for Norbut Solar's Victor Ciaccia and David Norbut to speak on their solar application. Board member Steve Chuhta questioned if the application package included the \$10,000.00 non-refundable application fee, as he does not feel the site plan application is valid until the fee is received. Norbut Solar Project Manager Victor Ciaccia stated the check will be coming. David Norbut, owner of Norbut Solar, stated that the company is fully prepared to send the check but wants to understand the particulars of what is required of them before they do.

Victor Ciaccia spoke to explain the application they put forth to the Town of Jackson is for a Utility Scale Solar Farm on 88, 90, and 92 Ackley Road, tax map #232.-1-27, currently owned by Gary Ackley. He stated that Norbut Solar is a solar company based out of Rochester, NY that currently has 1,800 acres of solar farms on land that they purchase outright, which sets them apart from most USSEF companies in NYS that lease the properties they use. The project they are proposing in the Town of Jackson is a 19.7-MW facility that would be divided into 4 separate interconnections on 4 separate parcels. This would require a major subdivision of the current 188.4-acre lot into 4 lots and remaining lands, 4 of which (that total to 139.74 acres) Norbut

would purchase to install a roughly 5-MW facility on each lot. The application package provided includes a viewshed analysis of the project, Victor explained, with solar panels reaching a maximum of 15 ft. high. Victor pointed out that some of the land being used is NYS Agricultural and Markets protected land and they are aware of the qualifications to build in those areas. They would not be building on prime agricultural soils.

[Gary Ackley enters at 6:36 pm]

David Norbut further explained that their company uses remaining lands at many of their projects to grow crops and raise cattle. They recently were approved a subdivision in the Town of Hebron for a solar project where they plan to farm the extra acreage. He added that they want to incorporate a seed mix into the soil so that it will someday go back to an agriculturally productive land. At this point, David and Victor asked if the Board had any questions.

Board member VandenBerg asked why they are dividing the 139 acres into 4 lots, as opposed to keeping it one large lot with one large facility. Victor stated that this was for distribution purposes, so that the solar farm can qualify for Community Distributed Generation solar to hook up into the local grid. To hook up into CDG solar, the Public Service Commission requires tax map ID #'s to verify the solar farm is 5 MW's or under. Victor continued to say that each Solar Farm would be run by 4 different companies under the one parent company of Norbut. Board member Mahoney expressed confusion over this, as in his opinion if there are 4 separate companies and 4 separate sites, this would require 4 separate applications. David Norbut stated that NYS dictates they have to do this in order to qualify to distribute electricity back into the local community. He stated that his company needs to get some sort of project approval from the Board prior to subdividing the land and purchasing it. Board member Maxwell pointed out that putting forth a site plan application before purchasing the property seems premature. David stated there is a Proof of Purchase contract included in the application package that shows their intent to purchase the property. He added that with solar projects they've done before they never purchase the land prior to approval. David said they are here tonight to kick off the review process and ask questions, as they want to work with the Town to get to the finish line.

Board member Mahoney stated the Board is not in a position to deny the project or tell them they can't build there, but they need to be sure they give this project an extensive review to ensure the wellbeing of the Town. Supervisor Skellie stated that what the solar company is looking to understand, is if whether or not the conditions of approval set forth by the Planning Board would be so erroneous that they may decide it's no longer worth it. Board member Chuhta stated 4 different companies would require 4 different decommissioning plans. Victor Ciaccia stated that there is a decommissioning plan included in the package. There is also a full subdivision package they are applying for as designated agents of the current owner. Each site would be Jackson Solar 1, 2, 3, and 4. He stated that all conditions, including the decommissioning plan, would be tied to the parent/project company of Norbut, but that each site would be independent of each other.

Board member Mahoney stated that the first and only other solar project the Town has had took a long time, due to the original project company not being forthright with the Board over what they were trying to do. David stated that they are NYS residents out of Rochester, who are here ultimately for the land and not just solar. He sees the land as a long-term investment that they want to reclaim and regenerate the soil. He stated that they have certain parameters to meet themselves according to the market and that in the past, Towns have over conditioned projects.

Board member Mahoney stated that they would hire a firm, most likely Barton and Loguidice, to conduct an engineered review of the project application that the applicants would have to pay for. David stated that Barton and Loguidice makes them nervous but they will do what the Town asks. He further explained that they are trying to build the project as opposed to selling it off. They want to help local utility by going the way of local distribution and have already received approval from NYSEG to connect. Board member Chuhta asked why build solar if what they want is to cultivate the land. David stated that the solar is a means to pay for the 50 acres they wish to use for wood and to create an ongoing sustainable project with healthy soil, crops and animals. He stated that the solar facility will always be there but will shrink from its original size and will not ever be able to expand.

Chair Donahue stated that the Board needs to look at the subdivision application. The Board confirmed that the subdivision would indeed be major as it is 4 lots and remaining lands. Victor agreed and stated that a form would need to be signed and sent to the County Planning Agency to designate the Town Planning Board the lead agency for SEQR review. Board member Donahue stated that all documents would need to be reviewed by the Town Attorney.

David and Victor agreed to send the Town visual simulations of the viewshed from the property. Supervisor Skellie stated that they need to work with the Town to ensure the viewshed is the least invasive to nearby properties as possible. Victor stated that they want to know exactly how the Board feels about visibility and work with them. Board members all agreed that the view from Hedges Lake may be a problem. Resident John Tully spoke at this time to encourage the Planning Board members to view the property themselves, as long as it was permitted by Mr. Ackley. He stated that not just the houses would be impacted, there may be a watershed concern as well. Resident Sharon Dunn asked if the company would end up selling the project. David answered by saying no because the land is theirs, and where other solar companies would be flipping, they would not. Norbut builds and runs the operation. Board member Maxwell asked what would happen if solar eventually implodes on itself? David stated that would not happen as the State is already in too deep of a financial commitment with billions invested already. He added that even if the State said no more solar, by then they would already be up and running. He invited Board members to a tour of their facility in Rochester. The Board thanked Victor and David for their time.

## COMPREHENSIVE PLAN UPDATE

Board member VandenBerg had a preliminary conversation with potential members of the Comprehensive Plan Committee. He stated that he wishes to get some younger people involved in comprising the plan.

## NEXT STEPS FOR PLANNING BOARD

Chair Donahue stated that the Board needs to start looking into the next steps for Town projects. The Clerk agreed to make copies of the Site Plan bylaws for Board members to review. The Board also needs to discuss the possibility of a Renewable Energies law. Chair Donahue agreed to gather information for this.

A **motion** was made by Steve Chuhta and seconded by Mark Mahoney to adjourn the meeting at 7:50 pm.

Motion carried in favor 6-0.

**Next Meeting:** Tuesday, December 5<sup>th</sup>, 2023 @ 6:30 pm

**Adjourned:** @ 7:50 pm

Respectfully submitted,

Molly Dixon, Town of Jackson