

Town of Caroline
Planning Board Meeting
March 11th, 2021

Minutes

- 1) Decided that Barbara, Michelle, and Val would serve on the Zoning Committee. Bill and Wil will continue to work on the battery energy storage sections. Once the battery material is done, depending on Town needs at the time and Bill and Wil will either join the Zoning Commission (would require a new resolution by the Town Board) or continue on as a partial Planning Board (would best be done with one additional member appointed by the Town Board).
- 2) Modifications to solar sections of draft law:
 - a) Section 4: Decided to keep the definition of Small Solar Energy Facility as is (did not add in language specifying on-site usage).
 - b) Section 5.6 (new sub-section inserted): Added the more stringent licensing requirements and plan requirements recommended in the Tug Hill Report.
In drafting the final language, added a line that "These requirements complement, not replace, requirements listed in the Site Plan Review Law."
 - c) Section 7.5(c) and Section 8.5(d): Kept the height requirement at 20 feet.
 - d) Section 7.5(d) and 8.5(j): Changed lighting requirement to replace mention of IDA "standards" (which don't exist as such) with reference to the IDA-IES "Five Principles for Responsible Outdoor Lighting" and added language requiring use of IDA-approved (or equivalent) fixtures. Added language that target lighting level is low: no ambient lighting to low ambient lighting. In committee discussion, it was suggested that the same language migrate to any new Site Plan Review Law.
 - e) Section 8.5(c): Increased the setback of a facility from a non-participating property that has a single or multi-family residence to 200 feet (the recommendation in the Tug Hill Report). Added language for a 0 foot setback from participating property lines and a 0 foot setback from a parcel with a similar-scale solar facility.
 - f) Section 8.5(l): Did not add language that specified more detailed screen planting requirements (e.g. percent coverage, etc.).
 - g) Did not add language specifying a maximum lot coverage.
 - h) Added an operation requirement that the Code Officer be notified if there is an outage of at least 6 months (this alerts the Town to the possible need to negotiate a maintenance plan or proceed into decommissioning after a year of outage).
Final language drafted became Section 8.7(b): "Permittee shall notify the Code Officer if for any reason there has been a lack of production for six (6) months. Notification shall occur within two (2) weeks of passing the six-month mark."

- i) Section 12.2(a): changed the automatic trigger of decommissioning due to a “lack of production for 6 months (or for 12 of any 18 months)” to a one year trigger that allows for a longer-duration outage if there is an agreed maintenance-plan arrangement with the Review Board.
 - j) Section 12.2(c): Added “enclosures other than container structures” and “concrete pads” to the list of items that may be allowed to remain post-site restoration (on a case-by-case basis, as approved by the Review Board).
 - k) Section 12.2(d): Added mention of reusing in regards to recycling options.
 - l) Section 12.2(e): Added an exception to the “no beneficial use declaration” to allow the disposal of something by beneficial use declaration if it is approved by the Review Board at the time of the application.
 - m) Added a requirement for remediation and restoration of top soil, as per the recommendations in the American Farmland Trust report.
Final language drafted became Section 12.2(g): “Soil and vegetation shall be remediated to return the parcel to its original condition prior to construction, including an adequate layer of topsoil where existing topsoil has been removed or eroded. Decompress, regrade and repair drainage structures and mitigate topsoil deficiency as necessary to restore the site after decommissioning.”
- 3) Added a new section (Section 13) on transfer of a permit and/or sale of a facility. Language is rough now, to be fixed by the Town lawyer. The intent is that if a permit is transferred (say, during construction) or the facility is sold sometime after completion that all the permit conditions, agreements, obligations, etc. transfer to the new owner. This requirement exists in the ORES regulations for large facilities.
I found the language Wil had come up with while researching battery system recommendations—it had already been inserted into the law, as Section 11.7(i). I’ve copied it to the new Section 13 so that the lawyer can pick and choose between. The language is: “If the owner of the battery energy storage system changes or the owner of the property changes, the use permit shall remain in effect. The successor owner or operator assumes in writing all of the obligations of the use permit, Site Plan approval, and the Decommissioning and Site Restoration Plan. A new owner or operator of the battery energy storage system shall notify the Code Officer in writing of the change in ownership or operator within [30] days of the ownership change. The use permit and all other local approvals for the Battery Energy Storage System will be voided if a new owner or operator fails to provide written notification to the Code Officer in the required timeframe. Reinstatement of a void use permit will be subject to the same review and approval processes for new applications under this Local Law.”
- 3) Section 9.2: Approved the change in wording that removed reference to amount of area over which a change occurs (relevant to solar facilities but not as relevant to battery facilities) and instead included exemptions for improvements for efficiency or a change in battery housing as not needing further Review Board review.
 - 4) By unanimous vote, approved removing battery-related material from this law, instead putting battery material in a separate law.
 - 5) Bill will implement the above mentioned changes to the solar siting law. Wil will proof-read. The law will then be sent to the Town Board.