

*DRAFT / PROPOSED
FOR TOWN BOARD CONSIDERATION
SUBJECT TO CHANGE*

STATE OF NEW YORK COUNTY OF TOMPKINS
TOWN OF GROTON TOWN BOARD

X

In the Matter of Application of:

NY GROTON I, LLC

Applicant.

DECISION

*For Special Use Permit and Site Plan Approval
for a Large- Scale Solar Energy System*

X

LOCATION OF PROPERTY:

South Main Street, Groton NY 13073
Involved Tax Parcel: portion of 26.-1-25.22
Zoning: Rural Agricultural zoning district

APPLICANT(S) NAME:

NY Groton I, LLC
Lower Main Street
Callicoon, New York 12723

PROPERTY OWNER(S):

John F. Young
Susan M. Barnett
Julie R. Young
James R. Young
3105 North Triphammer Road Suite 1
Lansing, New York 14882

AGENT/REPRESENTATIVE:

Hodgson Russ, LLP
By Matthew Liponis, Esq.
677 Broadway, Suite 401
Albany, New York 12207

Filed with Town Clerk: Robin Carigan

Date Filed: **November __, 2024**

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John F. Young, Susan M. Barnett, James R. Young and Julie R. Young (“Owner”) is the owner in fee of certain premises located north of 801 South Main Street in the Town of Groton (“Town”), which consists of 102.2 acres of land situated within the Rural Agricultural Zoning District and identified on the Tax Map of the Town as Section 26, Block 1, Lot 25.22 (the “Premises”).

NY Groton I (South Main Street), LLC is the lessee of a portion of the Premises, which consists of 28 acres of land (the “Project Site”).

By application (“Application”) dated February 9, 2024, Applicant seeks a Special Use Permit and Site Plan approval to develop and operate a 5 MW AC Large-Scale Ground Mounted Solar Energy System (“Project”) on the Project Site.

In support of the Application, the Town Board duly considered the totality of the record as summarized in Schedule A.

PROJECT DESCRIPTION

The Project Site currently consists of fields and forested undeveloped land in a rural location on the North side of South Main Street north of 801 South Main Street (“South Main Street”).

The Project will consist of ground-mounted, solar photovoltaic panels mounted on a single-axis tracking racking system, designed to generate 5.0 MW of electrical power, and the Project will operate as a Community Distributed Generation (“CDG”) facility as prescribed in the New York State Public Service Commission (“NYSEG”) under the electric tariffs of NYSEG, and as a CDG facility, the Project will provide clean energy to the existing electric grid operated by NYSEG and offer local customers the opportunity to contract for this energy at or below current market rates.

PROCEDURAL HISTORY

The Town Board first considered the Application at its March 12, ~~2024~~2024, meeting. The Town Board initiated review under the State Environmental Quality Review Act (“SEQRA”), as required by 6 NYCRR Part 617. The project was classified as a SEQRA Type I action under 6 NYCRR § 617.4 (b) (6) “activities, other than the construction of residential facilities, that involves the physical alteration of 10 acres or more” requiring coordinated review with all other involved agencies. Accordingly, the Town Board issued a Notice of Intent to declare itself Lead Agency for the purpose of SEQRA review on March 12, 2024. The Town Board also referred the Application to the Tompkins County Planning Department (“Planning Department”) as required by General Municipal Law Section 239 -l, -m and -n on July 10, 2024. By letter dated August 9, 2024, ~~Tompkins~~2024, Tompkins County Department of Planning & Sustainability responded to the submitted application referring to General Municipal Law Section 239 -l, -m and -n preliminarily determining the proposed action will have no significant county-wide or inter-community impact. The final determination was received November 7, 2024, determining the proposed action will have no significant county-wide or intercommunity impact.

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Notice of intent to serve as lead agency, dated March 22, 2024, with an update to the DOT Region dated March 26, 2024, and an update to the letter heading dated April 2, 2024 was sent to the following involved agencies: Town of Groton Planning Board; Village of Groton; NYS Department of Environmental Conservation (“NYSDEC”); NYS Energy Research and Development Agency (“NYSERDA”); NYS Department of Taxation and Finance (“NYSDTF”); and the NYS Department of Transportation (“NYSDOT”). By letter dated April 18, 2024, NYSDEC determined that the submitting board could serve as lead agency.

Commented [LM1]: Did we notify NYSDAM and/or SHPO?

The Town Board members met the Applicant for a site visit on April 18, 2024.

The Town Board continued its review at its May 14, 2024 meeting.

The Town Board continued its review at its July 9, 2024 Town Board meeting.

The Town Board continued its review at its August 13, 2024 Town Board meeting.

The Town Board continued its review at its September 10, 2024 Town Board meeting. On September 10, 2024, the Town Board conducted a duly noticed public hearing, at which time the public was allowed to comment on the Application and Site Plan. The public hearing was closed on during the September 10th meeting. By letter dated September 24, 2024, the Applicant responded to the September 10, 2024 public hearing comments.

The Applicant mailed notices to all businesses and property owners within a one-mile radius of South Main Street #1 and #2 on October 11, 2024 via Click2mail.com USPS option. The notice stated that the Groton Town Board would consider and take action on the State Environmental Quality Review documents submitted to the Town Board. The Town Board continued its review at its October 22, 2024 Town Board meeting. At that meeting, the Town Board reviewed and completed Part 2 and Part 3 of the L-EAF, and determined that there will be no significant adverse environmental impacts from development and operation of the Project or approval (the “Negative Declaration”). In making its review as required by SEQRA, the Town Board took into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood of the Project. Moreover, the Town Board discussed the inclusion of appropriate mitigation measures, safeguards and conditions² as part of the project’s final approvals.

STANDARD OF REVIEW AND FINDINGS

The Town Board has discretionary authority to review and take final action on the Application under Town of Groton Town Code (“Town Code”) Town of Groton Local Law #1 of 2024 §4 Section 367.

² The conditions of approval discussed herein are set forth fully in Schedule B, which shall govern in case of conflict

Town of Groton Local Law #1 of 2024 Section 4. Section 367: Requirements and Findings

In granting a special use permit, the Town Board must consider each and every one of the considerations set forth in Local Law #1 of 2024 Section 4. Section 367.

Here, the Town Board finds that the installation and operation of solar energy systems as a special use is specifically authorized under Town Code § 367 Energy Production - Large Scale. As discussed below, the procedural and substantive requirements of Town Local Law #1 of 2024 Section 4. Section 367 relating to the review and approval of the proposed Site Plan have been followed and satisfied. After duly considering the application and record, the Town Board also finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of the Town Code or the Comprehensive Plan. Town Code Local Law #1 of 2024 Section 4. Section 367 considerations are addressed as follows:

Section 4. Section 367 of the Town of Groton Land Use Code is hereby amended to read as follows:

Section 367. Energy Production - Large- Scale

Section 367.1 Purpose. It is the purpose of this section

to advance and protect the public health, safety, and welfare of Town of Groton, including:

- a. Protecting our environment and resources for future generations by allowing alternative energy sources while minimizing the potential for negative impacts of Energy Systems on environmental resources such as agricultural lands, wetlands, streams, forests, wildlife, and other valued resources.*
- b. Managing commercial renewable energy development to provide a balance between energy needs that provide energy alternatives while respecting our rural agricultural landscape; and allow for alternative Landowner Income Stream.*
- c. Maintaining a balance between property rights of individual landowners, property rights and property values of adjacent landowners, and the rights of community at large.*
- d. Minimize the potential for unintended consequences of State and Federal energy policies that may not have considered the unique qualities and character of our community.*

367.2 Applicability

The requirements of this Section, as amended, shall apply to all Energy Systems installed or modified after the effective date of the local law to amend this Section 367, excluding general maintenance and normal repairs of such Energy Systems. Any repairs that are material in nature, in the judgment of the Town Board, shall be subject to the requirements of this law. The requirements of this law must be met and a Town Board Special Permit issued as required by this Section 367 unless otherwise exempt, prior to or simultaneously with the application for or receipt of any required building permits.

367.3. Definitions. *The definitions of Section 366 shall apply unless otherwise defined herein.*

367.5 Large- Scale Solar Energy Installations.

A large- scale solar installation shall include any solar photovoltaic cell, panel, or array over 4000 square feet on any one lot that has a primary function of transferring electricity to a public electric grid but may also be for onsite use.

367.6. Special Permit Requirements.

- a. A Special Permit shall be required for a Large- Scale Solar Energy System.*
- b. A Special Permit shall cease to be valid if Energy System is not fully operational within two (2) years from the date of the issuance of the Solar Permit In the event a Town Board Special Permit for a Large- Scale Solar Energy System ceases to be valid pursuant to this Section, any construction to date shall be deemed to be abandoned.*
- c. A Town Board Special Permit shall cease to be valid if a building permit is not issued within one (1) year from the date of the issuance of the Special Permit. A permit may be extended for up to a year by approval of the Town Board.*

367.7 Application Requirements for Large- Scale Solar Energy Systems

Large- Scale Solar Energy Systems are permitted through the issuance of a Town Board Special Permit, subject to the requirements set forth in Section 442 of the Town of Groton Land Use & Development Code and shall include the following provisions below. Notwithstanding anything in the Town of Groton Land Use & Development Code to the contrary, applications for the installation of a Large- Scale Solar Energy System shall be reviewed by the Town Board which can include approval, approval with conditions, or denial.

Application Requirements:

- a. Equipment Specifications: The equipment specification sheets shall be documented and submitted for all significant components, including but not limited to, photovoltaic panels, mounting systems, and inverters that are to be installed.*

Finding: The equipment specification sheet is included in the Site Plan on sheet C-600 and includes significant components including photovoltaic panels and mounting systems. Inverter specifications can be found on Site Plan sheet C-101.

- b. EPA TCLP Certification: All Panels to be installed shall have undergone EPA TCLP Certification and Documentation of such shall be provided to the Town Board.*

Finding: Details regarding the solar modules can be found in the Project Summary dated February 15, 2024 page 12 section 2.4.2. Prior to the issuance of a building permit, new detail sheets may be submitted for review and approval as technology of the panels may

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have improved since the initial submission to the Town Board.

c. Nameplate Capacity provide the nameplate capacity of the system for a one- year period.

Finding: The nameplate capacity of the system for a one-year period is 5.0 megawatts AC/6.82 megawatts DC.

d. Stormwater Pollution Prevention Plan (SWPPP): Shall be submitted regardless of the claimed soil disturbance acreage, meeting the requirements set forth in the New York State Department of Environmental Conservation SPDES General Permit For Stormwater Discharges from Construction Activity

Finding: A Stormwater Pollution Prevent Plan was submitted to the Town Board for review and approval by Timothy C. Buhl, P.E. (“Town Engineer”). In order to meet the requirements, set forth in the New York State Department of Environmental Conservation a SPDES General Permit for Stormwater Discharges will be required prior to Construction Activity.

e. A Decommissioning Plan in accordance with the provisions of this Section 367 and shall include a Panel End of Life Plan that includes but is not limited to replacement due to defect, malfunction, or upgrade by project proponent and any and all subsequent operators of the facility.

Finding: A Decommissioning Plan was created in accordance with provision of Section 367.10 and submitted to the Town February 26, 2024. The decommissioning process of the Solar Facility may commence for the following reasons: (a) Project Owner provides written notice to the Town of its intent to retire or decommission the Project for any reason, including the Solar Facility is damaged and will not be repaired or replaced, (b) the Solar Facility ceases to be operational for more than twelve (12) consecutive months, or (c) the expiration of the lease agreement with the Property Owner.

f. Host Community Agreement that is mutually agreed upon between the applicant and the Town Board. The requirement for a Host Community Agreement may be waived by the Town Board.

Finding: A Host Community Agreement may be mutually agreed upon between the Town Board and the Applicant.

g. Agricultural Activity. If an applicant intends to include agricultural activities in conjunction with Ground Mounted Solar, applications shall include a detailed site plan with the dimensions and clearances that define allowance(s) for access of agricultural equipment, facilities to maintain animal care and feasibility of agricultural related activities on the site. For buried utilities and conduit, 30 inches or more of soil cover is recommended to allow for adequate root growth for desired agricultural use.

Finding: The unleased portion of the parcel may be used for agricultural purposes at the discretion of the landowner. No agricultural activity is proposed in the leased area of the

solar field.

367.8 *Special Permit Standards (Large- Scale Solar)*

a. Height. Large- Scale Solar Energy Systems shall not exceed twenty (20) feet in height.

Finding: The Large-Scale Solar Energy System panels will not exceed 20 feet in height. The height of the fence surrounding the project will be 8 feet in height.

b. Setback. Energy System fencing shall be Seventy- five (75) feet from the side and back lot lines of the property owner's lot and Energy System panels must but be at least Twenty- five (25) feet from the fence to the closest edge of the panel. The front lot lines shall be One Hundred Fifty (150) feet from the centerline of the road to the fence.

Finding: The property setback from the side lot lines vary from 159.4' to 144.5' to the east property line. The setbacks far exceed the 75-foot required setback to the west property line. The rear lot line is 79.4 feet which also exceeds the 75-foot requirement. The property setback from the front and the road vary from 480.1 feet to 187.5 feet, which exceeds the 150-foot required setback. This information can be found on Site Plan sheet C-101.

c. Lot Size. Large- Scale Energy Systems shall be located on lots with a minimum lot size of 5 acres.

Finding: The Large-Scale Energy System detail of Lot Size can be found in the Project Summary on page 5. The Large-Scale Solar Energy System is located on a 102.2-acre lot area with a total lot coverage of 22.5 acres and a site coverage of 7.64 acres.

d. Lot Coverage. The enclosed or fenced in area of a Large- Scale Solar Energy System shall not exceed 75% of the lot on which it is installed.

Finding: As listed in the Zoning Analysis on Site Plan sheet C-001 the fenced-in area of the Large-Scale Solar Energy System is 22%.

e. Storage Batteries Systems. When Storage Batteries are included as a part of the Solar Energy System, they are required to be installed with an additional building permit and must be placed in a secure container or enclosure when in use. Battery systems requiring cooling, shall be placed on the farthest portion of the lot away from neighboring homes to minimize noise, unless other mitigating measures are arranged. Storage Batteries no longer in use, must be disposed of in a timely manner in accordance with the laws and regulations of the Town of Groton, Tompkins County, New York State, and all other applicable laws and regulations.

Finding: Storage Batteries will not be installed.

f. Fencing. All Large- Scale Solar Energy Systems shall be enclosed by fencing to

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prevent unauthorized access. Warning signs with the emergency contact information shall be placed on the entrance and perimeter of the fencing as required in the judgment of the Town Board. The type of fencing shall be approved by the Town Board and shall be a maximum of 8 feet and a minimum of 6 feet in height. All Fencing shall be interior to require Vegetation Visual and Sound Screening.

Finding: The Project will be enclosed by an 8-foot tall deer fence. The fence surrounding the project is a deer fence with pressure treated posts. The fence will blend in with the natural wooded surroundings. The fence will discourage large animals and trespassers from entering the site. Please see fence detail on site plan sheet C-602. Site Plan sheet C-602 also includes a signage detail which states emergency contact information to be placed on the gate and along the perimeter fence.

g. Utility Connections: To the extent reasonably practicable, all utility connections for any Large- Scale Solar Energy Systems shall be placed underground, depending upon the appropriate soil conditions, shape and topography of the site and any requirements of the National Electrical Code utility. Electrical transformers for utility connections may be above ground if required by the utility provider. For overhead powerlines and utility power pole installation, ensure that pole placement and the height of the wire will not interfere with the ability to access lands with harvest equipment. Buried Utilities along Town Right- of-Ways are subject to a Commercial Road Work Permit.

Finding: The utility connection will be through underground wires which run from the inverters and connect to the Point of Common Coupling. The connection consists of four (4) above ground utility poles that link to the Point of Interconnection and the New York State Electric and Gas (“NYSEG”) system.

h. Lighting: All Lighting on site shall be Dark- sky compliant. The Town Board may permit motion- activated or staff- activated security lighting around the equipment of a Large- Scale Solar Energy System or accessory structure. Such lighting should only be activated when the area within the fenced perimeter has been entered. Lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

Finding: There is no proposed exterior lighting for the project.

i. Notifications. Notwithstanding anything to the contrary in the Site Plan Review Law or SEQRA, any notifications required pursuant to the Site Plan Review Law or SEQRA with respect to any Solar Energy System shall be sent to all landowners within one (1) mile of the boundary of the parcel on which the proposed site is located.

Finding: Notification of a Public Hearing on the project were mailed via United States Postal Service regular mail to landowners within one (1) mile of the boundary of the parcel of which the project is located. Letters were mailed initially on August 22, 2024 and more letters were mailed to additional landowners on September 3, 2024 to complete the required mailing. In addition, the Applicant mailed notices to all businesses and property owners within a one-mile radius of South Main Street #1 and #2 on October 11, 2024 via Click2mail.com USPS option. The notice stated that the Groton Town Board would consider and take action on the State

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Environmental Quality Review documents submitted to the Town Board.

j. The project must be installed by a Qualified Solar Installer and shall be built, operated and maintained to acceptable Industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (“IEEE”) and the American National Standards Institute.

Finding: Prior to a building permit being issued, a qualified solar installer will be provided.

k. Inspections: The Town may cause to inspect all facets of said System’s placement, construction, modification and maintenance. Any inspections required by the Town Board that require specialized solar expertise and are beyond the Code Enforcement Officer’s scope or ability shall be at the expense of the applicant and/ or the operator of the System.

Finding: The Towns inspection of the projects placement, construction, modification and maintenance may be conducted prior to the project being energized, as well as while the system is operating.

l. Location: Large- Scale Solar Energy Systems shall not be located in the following areas unless otherwise approved by the Town Board in conjunction with the Solar Permit approval process provided in this section:

1. Areas of potential environmental sensitivity, including Unique Natural Areas as designated by the Tompkins County Environmental Management Council, flood plains, historic sites, airports, state- owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County, the New York State Department of Environmental Conservation or the United States Army Corps of Engineers; and

Finding: There are no areas of potential environmental sensitivity on this site, that are listed in Section 1. The only disturbance is the classification of Farmland as Statewide Importance. The permanent disturbance area is noted on Site Plan sheet C-501 as .43 acres. The Town Board in conjunction with the solar permit approval process will allow the location of the project to be on this site.

2. On slopes of greater than fifteen percent (15%).

Finding: Per site plan sheet C-200 slopes of the project site are no greater than fifteen percent (15%). The site will be final graded to 10% or less.

p. Other. The Town Board may impose conditions on its approval of any Town Board Special Permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under SEQRA.

Finding: The Town Board’s conditions can be found as schedule B of this document.

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q. Ownership Changes. If the owner or operator of the Large- Scale Solar Energy System changes, the Special Permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the decommissioning plan. A new owner or operator of the Large- Scale Solar Energy System shall notify the Code Enforcement Officer of such changes in ownership or operator within 30 days of the ownership change.

Finding: The Project Owner shall abide by the conditions set forth in this Resolution.

367.9 Financial Surety

Prior to the issuance of a building permit and every two years thereafter, the Large- Scale Solar Energy System owner and/ or operator shall file with the Town evidence of financial security to provide for one hundred twenty five percent (125%) of the full cost of decommissioning and removal of the system, which amount shall be subject to an annual escalator of 2%, and shall be revisited every five years to account for any adjustments in the projected costs of decommissioning. Evidence of financial security shall be in effect throughout the life of the system and shall be, in the sole discretion of the Town Board, in a bond or other form of security reasonably acceptable to the Town Board. In the event ownership of the system is transferred to another party, the new owner (transferee) shall file evidence of financial security with the Town at the time of transfer. Failure to keep a surety in place as required by this law shall result in the revocation of the Special Permit and the termination of the project unless and until such surety is restored; provided, however, that any lapse of a surety in excess of 180 days shall be deemed an abandonment of the project pursuant to Section 367.11 herein and subject to complete decommissioning in accordance with this law.

Any applicant for a Special Permit pursuant to this Section 367 shall provide written acknowledgment by the landowner of the decommissioning plan, which acknowledgment shall include authorization for the town or its representative to enter upon the land to carry out the decommissioning in the case it is not decommissioned in accordance with the plan.

367.10 Decommissioning and Removal.

A Large- Scale Solar Energy System which has been abandoned shall be decommissioned and removed. The Large- Scale Solar Energy System owner and/ or owner of the land upon which the system is located shall be held responsible to physically remove all components of the system within one year of abandonment. Removal of the Large- Scale Solar Energy System shall be in accordance with a decommissioning plan approved by the Town Board. A schedule of fines shall be approved and adopted by the Town Board to be imposed on the Landowner in the event there is a failure to comply.

Decommissioning and removal of a Large- Scale Solar Energy System shall consist of:

a. Physical removal of all above ground and below ground equipment, structures and foundations, including but not limited to all solar arrays, buildings, towers, blades, security barriers, fences, electric transmission lines and components, roadways and other physical improvements to the site related to the Large- Scale Solar Energy System;

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Finding: The Decommissioning Plan was provided to the Town Board for review and approval. As a condition of approval, the applicant must submit an executed Decommissioning Plan and post the required financial security prior to the issuance of a building permit for the Project.

b. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations,

Finding: Per Appendix 1 of the Decommissioning Plan, the disposal of solid and any potential hazardous waste, as well as all other project components, will be removed according to local, state and federal regulations.

c. Restoration of the ground surface and soil,

Finding: Per section 4.3 Site Restoration of the Decommissioning Plan the Project site will be restored to as natural a condition as possible, using native meadow grasses within one year of removal.

d. Stabilization and revegetation of the site with native seed mixes and/ or plant species excluding invasive species) to minimize erosion,

Finding: Per section 4.3 Site Restoration of the Decommissioning Plan the rehabilitated lands will be seeded with a low-growing species to help stabilize soil conditions, enhance soil structure, and increase soil fertility.

e. Upon petition to the Town Board, the Town Board shall permit the system owner and/ or landowner to leave certain underground or above ground improvements in place, provided the owner can show that such improvements are part of a plan to redevelop the site, are not detrimental to such redevelopment, and do not adversely affect community character or the environment.

Finding: Per section 4.1 Equipment Dismantling and Removal of the Decommissioning Plan all aboveground and underground electrical interconnection and distribution cables shall be removed and disposed off-site at an approved facility.

f. An estimate of the anticipated operational life of the system;

Finding: The Solar Facility is expected to have a useful life of thirty (30) years.

g. Identification of the party responsible for decommissioning;

Finding: Prior to issuance of a building permit the owner of the solar energy system shall enter into a Decommissioning Agreement with the Town Non-compliance with the Decommissioning Plan or failure to maintain the required security shall be a violation of the site plan approval.

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h. Description of any agreement with the landowner regarding decommissioning;

Finding: No current finding is applicable to this section.

i. A schedule showing the time frame over which decommissioning will occur and for completion of site restoration work;

Finding: Per section 4.1.11 Decommissioning Plan of the Project Summary the site decommissioning and equipment removal can take a month or more. A schedule of decommissioning events can be agreed upon in the Decommissioning Plan agreement between the Town and the Project Owner.

j. A certified and sealed cost estimate prepared by a qualified structural engineer or professional engineer, who shall be reasonably acceptable to the Town Board, estimating the full cost of decommissioning and removal of the system, including, but not limited to, the cost of solid waste disposal and the cost to clean-up any hazardous waste leakage on the property. No scrap value shall be taken into account for purposes of estimating these decommissioning and removal costs. The Town Board shall have the sole discretion to require a structural engineer or a professional engineer and regardless of which type of engineer is chosen, such engineer shall be licensed by the State of New York. The Town Board shall have the right, in its sole discretion, to have this estimate reviewed by an independent structural engineer at the system owner's and/or operator's expense;

Finding: Prior to issuance of a building permit the owner of the solar energy system shall enter into a Decommissioning Agreement with the Town. Non-compliance with the Decommissioning Plan or failure to maintain the required security shall be a violation of the site plan approval.

k. A financial plan to ensure that financial resources will be available to fully decommission the site.

Finding: Prior to issuance of a building permit the owner of the solar energy system shall enter into a Decommissioning Agreement with the Town. Non-compliance with the Decommissioning Plan or failure to maintain the required security shall be a violation of the site plan approval.

Town of Groton Requirements and Findings

The Town Board is authorized to conduct a site plan review under Town Code Local Law #1 of 2024 Section 4. Section 367 and must consider factors reasonably related to the health, safety and general welfare of the community. The Applicant has submitted information required under Town Code Local Law #1 of 2024 Section 4. Section 367. Upon review and deliberation, the Town Board finds Applicant's Site Plan to meet the requirements of Town Code Local Law #1 of 2024 Section 4. Section 367.

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DECISION

Based on the foregoing findings and after review of the Application and supporting materials, Applicant's presentations at the March 21, 2024, May 14, 2024, July 9, 2024, August 13, 2024, September 10, 2024, and October 22, 2024 Town Board meetings; after consideration of the comments made at the public hearing held on September 10, 2024; and after due deliberation:

BE IT RESOLVED that the Town Board finds that the Applicant has submitted all applicable materials, met all applicable requirements as set forth in Town of Groton Local Law #1 of 2024 §4 Section 367.

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RESOLVED that the Town Board hereby approves the Application and authorizes issuance of a Special Use Permit for the large-scale solar energy system in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions; and, be it further

RESOLVED that the Town Board hereby approves the Site Plan for the proposed large-scale solar energy system in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions, and authorizes the Town Supervisor or his designee to sign and stamp the Applicant's Site Plan; and be it further

RESOLVED that the foregoing Resolution(s) are subject to the conditions set forth in Schedule B attached to this resolution.

Voting Results

Motion to Approve: Town Board Member : _____
Second by: Town Board Member : _____
Roll Call Vote:

Town Supervisor Donald F. Scheffler _____
Councilperson Richard Gamel _____
Councilperson Sheldon Clark _____
Councilperson Crystal Young _____
Councilperson Brian Klump _____

Adopted by Resolution on the ____day of November, 2024.
By Order of the Town of Groton Town Board

Donald F. Scheffler, Town Supervisor

Attachments:
Schedule A- Administrative Record
Schedule B- Approval Conditions

Schedule A – Administrative Record

1. The SWPPP named “Groton I South Main street SWPPP” dated November 2023 submitted to the Town and Town Engineer on February 23, 2024
2. Town Board application packet dated February 26, 2024, containing:
 - a. Applicants cover letter dated February 26, 2024 requesting to be on the March 21, 2024 Town Board meeting agenda for initial review
 - b. Boundary Survey dated prepared by Bergmann Engineering (“Bergmann”) dated August 10, 2022
 - c. Draft Storm Water Prevention Pollution Plan dated November 2023 prepared by P.W. Grosser Consulting Engineering (“PWGC”)
 - d. Application fee check in the amount of \$4,500 dated February 7, 2024
 - e. Application for Special Permit – Preliminary Site Plan Review dated February 9, 2024
 - f. Site Plan Set 11x17” dated January 29, 2024
 - g. Preliminary Project Summary dated February 15, 2024 prepared by NY Groton I (South Main Street), LLC (“the Applicant”)
 - h. Draft Operations and Maintenance Plan dated February 15, 2024 prepared by (“the Applicant”)
 - i. Draft Decommissioning Plan dated February 15, 2024 prepared by (“the Applicant”)
 - j. Draft Fire Safety Plan dated February 15, 2024 prepared by (“the Applicant”)
 - k. Draft Long Environmental Assessment Form Part 1 dated January 26, 2023 prepared by PWCG
 - l. Agricultural Data Sheet
3. Town Board application packet dated April 30, 2024, containing:
 - a. Applicants cover letter dated April 30, 2024 requesting to be on the May 14, 2024 Town Board meeting agenda for continued review
 - b. Applicants cover letter including a response to Town Board member concerns made during the April 18, 2024 Site Meeting
 - c. Inverter Sound Study prepared by the Applicant
 - d. Meadow Community Solar overview prepared by the Applicant
 - e. Visual Study dated April 29, 2024 prepared by PWGC
4. The revised SWPPP named “V 2 Groton I_ South Main St North Parcel_SWPPP 5-28-24” dated May 2024 submitted to the Town and Town Engineer on May 28, 2024
5. Revised Site Plan set dated May 20, 2024 submitted to the Town and Town Engineer on May 28, 2024
6. The Full EAF dated May 2024 submitted to the Town and Town Engineer on May 28, 2024
7. Town Board application packed dated June 24, 2024, containing:
 - a. Applicants cover letter dated June 24, 2024 requesting to be on the July 9, 2024 Town Board meeting agenda for continued review, requesting the project be forwarded to the County of Tompkins for review, and requesting a public hearing for August
 - b. Visual Study dated June 21, 2024 prepared by StudioA.
8. The revised SWPPP HydroCAD model submitted to the Town Engineer on July 11, 2024
9. Town Board application packed dated July 29, 2024, containing:
 - a. Applicants cover letter dated July 29, 2024 requesting to be on the August 13, 2024 Town Board meeting agenda for continued review
 - b. Applicants cover letter Dated July 29, 2024 stating revised plans, revised SWPPP

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- and the Full EAF was sent for review.
- c. Revised Long Environmental Assessment Form Part 1 revised date of July 22, 2024
 - d. Revised Site Plan set dated July 22, 2024
10. The revised SWPPP HydroCAD model submitted to the Town Engineer via email on August 15, 2024
11. Town Board application packed dated August 26, 2024, containing:
- a. Applicants cover letter dated August 26, 2024 requesting to be on the September 10, 2024 Town Board meeting agenda for continued review and to set a date and time for a public hearing
 - b. Revised Site Plan set dated July 29, 2024
 - c. A copy of the County 239 Response letter addressed to the Groton Town Board
 - d. Memorandum addressed from the Applicant to the Town Board responding to the comments made by Tompkins County regarding the 239 Review
12. The SWPPP HydroCAD model and revised Site Plans dated September 18, 2024 submitted to the Town Engineer on September 20, 2024
13. Town Board application packed dated September 25, 2024, containing:
- a. Applicants cover letter dated September 25, 2024 requesting to be on the October 8, 2024 Town Board meeting agenda for continued review and approval
 - b. Memorandum addressed from the Applicant to the Town Board dated September 25, 2024 responding to the comments received from the public at the September 10, 2024 Public Hearing
 - c. Updated Erosion and Sed. Control detail plan sheet C-200 and C-201

Schedule B – Approval Conditions

1. Town Costs. Payment of all fees in accordance with the Town’s fee schedule and payment of any outstanding consultant fees.
2. Construction Schedule. Prior to issuance of a building permit, the Applicant shall submit a revised construction schedule to the Building Inspector.
3. Local Agent. Prior to issuance of a building permit, the Applicant shall designate a local agent and provide the names of other persons or entities having a vested or contingent interest in the solar energy system on the Project Site to the Building Inspector.
4. Decommissioning Agreement. Prior to issuance of a building permit the owner of the solar energy system shall enter into a Decommissioning Agreement with the Town Non-compliance with the Decommissioning Plan or failure to maintain the required security shall be a violation of the site plan approval.
5. Emergency Access. Prior to issuance of a building permit, the emergency response and safety plan shall be approved by the Building Inspector. The emergency response plan may be modified by a successor- in-interest in cooperation and with the consent of the Fire Department. The owner or operator of the solar energy system shall install a Knox Box or implement other commercially reasonable means to provide the Volunteer Fire Company access to the site in case of emergency.
6. Emergency Contact. Prior to issuance of a building permit, the owner or operator of the solar energy system shall identify a person responsible for responding to safety inquiries and notify the Building Inspector of the person identified.
7. Signage. Prior to issuance of certificate of occupancy or certificate of compliance, the owner or operator of the solar energy system shall install all required signage to the satisfaction of the Building Inspector.
8. Driveway Access Permit: Prior to issuance of a building permit, the Applicant shall comply with the condition of the County DPW to obtain a DPW Highway Access Permit for the driveway access off of South Main Street Ext. to the Community Solar Field.
9. System Maintenance. The owner or operator of the solar energy system approved herein shall maintain it in good condition and in accordance with industry standards.
10. Herbicides. Use of herbicides at the parcel in question to control plant growth in and around the Community ground mounted solar energy system and its components and equipment shall be prohibited, unless approved by the Code Enforcement Official
11. Operations and Maintenance Plan. Non-compliance with the project Operations and Maintenance Plan dated 9/30/24 as reviewed by the Town Board shall be a violation of the site plan approval permit.
12. Compliance with Site Plan. Non-compliance with the conditions and safeguards as shown on the project Site Plan shall constitute a violation of the site plan approval permit.
13. Compliance with Mitigation Measures. Non-compliance with the mitigation measures set forth in the SEQRA Negative Declaration shall constitute a violation of the site plan approval permit.

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14. Compliance with Project Summary. Non-compliance with the safeguards and representations set forth in the May 3, 2024 Project Summary shall constitute a violation of the site plan approval permit, except that any conflicts between the Project Summary and any other project approval document (e.g. approval resolution, Site Plan, and conditions set forth herein) shall be deemed to supersede and modify the Project Summary.
15. Ownership Changes. If the owner or operator of the Large- Scale Solar Energy System changes, the Special Permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the decommissioning plan. A new owner or operator of the Large- Scale Solar Energy System shall notify the Code Enforcement Officer of such changes in ownership or operator within 30 days of the ownership change.
16. NYSERDA NOI Approval. The Project Owner shall comply with those conditions set forth by NYS Department of Agriculture and Markets – Agricultural and Markets Law 305(4) Short Form Notice of Intent to Undertake an Action within in Agricultural District for Solar Energy Project Affecting Less than 30 Acres of Mineral Soils (MSG) 1-4
17. Landscaping Requirement. Prior to issuance of a certificate of occupancy or certificate of compliance the Building Inspector shall inspect the landscaping installed on site to ensure tree plantings and similar measures have been installed consistent with the approved landscaping plan. The height of the trees installed shall be at a height of eight (8) to ten (10) feet. The landscaping shall be reviewed specifically at the location of 390 Lick Street to assure there is adequate screening of the solar field from this location. The trees shall be monitored for 12 months, any trees that do not take root and survive will be replaced. There shall be an escrow provided to the Town for a duration of 12 months, for the surety of the Project Owner replacing the dead trees. At the end of the 12 months the remaining escrow will be returned to the Project Owner.