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TOWN OF OSWEGO
TOWN CLERK'S OFFICE

At a Regular Monthly Meeting of the Planning Board held in and for the Town of Oswego on the 20th day of January, 2025, at 7:00 p.m. at the Town Hall located at 2320 County Route 7, Oswego, NY.

STATE OF NEW YORK COUNTY OF OSWEGO
TOWN OF OSWEGO PLANNING BOARD

In the Matter of an Application by

Oswego II PV, LLC

For a Site Plan and Special Permit to Operate a 5.0 MWac solar farm at 7374 State Route 104, Residential-2 (R2) District pursuant to the Zoning Law of the Town of Oswego, New York

RESOLUTION

WHEREAS, Oswego II PV, LLC, a subsidiary of RIC Development, LLC (the “Applicant”) applied for a site plan and special permit to operate an up to 5.0 MWac solar farm (the “Project”) on property owned by Paul and Kathy Pelky located at 7373 State Route 104 (Tax Parcel No. 144.16-01-07) in the Town of Oswego’s Residential-2 (R2) Zoning District; and

WHEREAS, special use permit and site plan applications were submitted by the Applicant on or about July 1, 2024, together with a comprehensive packet of materials that included, among other items, a site plan, evidence of site control, a visual impact assessment, Full Environmental Assessment Form (FEAF) as required by the State Environmental Quality Review Act (SEQRA), Wetland study, Stormwater Pollution Prevention Plan (SWPPP), various state and federal agency determinations, a Coordinated Electric System Interconnect Review (CESIR) from National Grid, and a Decommissioning Plan, (collectively the “Application”); and

WHEREAS, all documentation contained in the Application was also reviewed in accordance with the Town’s Solar Regulations contained in the Zoning Law¹; and

WHEREAS, the provisions of GML §239 l & m were triggered by the Project and therefore the Application packet was provided by the Town of Oswego Planning Board to the County of Oswego Planning Department for its recommendation; and

¹ The Town of Oswego Zoning Law was amended to add a new Article XI-A, regulating solar energy systems in the Town of Oswego. (See, Local Law 2 of 2024, effective May 8, 2024).

WHEREAS, the County of Oswego reviewed the Project and in a letter dated October 21, 2024, recommended approval and offered comments related to vegetative buffering; and

WHEREAS, the Planning Board conducted a public hearing on October 21, 2024, which was duly advertised in the Town's official newspaper, and attended by several residents, many of whom were neighboring property owners; and

WHEREAS, many of the comments critical of the Project involved the perceived encroachment of the solar arrays on the viewsheds of the neighboring properties, particularly those living north of the Project along Germar Drive, portions of which abut the Pelky property and thus the site of the Project, while other property owners raised concerns related to surface water run off and potential flooding; and

WHEREAS, the Planning Board declared itself lead agency pursuant to SEQRA and began reviewing the FEAF submitted by the Applicant, considered the environmental impacts of granting a special permit and site plan approval and the Planning Board, having carefully considered such impacts and determined no significant impacts to the environment will occur as a result of the Project², issued a Negative Declaration on November 18, 2024, and the Negative Declaration was published in the Environmental Notice Bulletin on December 4, 2024; and

WHEREAS, an ongoing concern has been raised in relation to the entrance into and out of the site of the Project, which will utilize NYS Route 104 for egress and ingress to the Project, due in large part to the steep topography of the state highway and the limited viability of the Project's proposed driveway; and

WHEREAS, the Planning Board sought additional information from the Applicant related to the position of the New York State Department of Transportation (NYSDOT) in permitting the proposed location of the driveway, and the Applicant provided such additional information to the Planning Board by email dated December 20, 2024, and further supplemented by placing orange stakes along the highway to identify the exact location of the driveway entrance³

WHEREAS, the Planning Board has now considered the Application, as well as the potential environmental impacts associated with the Project, including the visual impacts should the Project be approved and now determines that it has sufficient information and supporting documentation before it to render its determination;

² The Planning Board did not conclude that all neighbors will not experience an impact, particularly visual impacts from the siting of the Project. However, there are mitigating measures that can be implemented to reduce or, in some cases, eliminate the visual impact. There has been no evidence presented supporting the potential flooding or water run-offs concerns. The Applicant has filed a SWPPP for the construction and operation of the Project.

³ As part of its application, the Applicant provided the Planning Board with a copy of its PERM 33-COM (Commercial Access Highway Work Permit Application and Checklist) submitted to the NYSDOT. The 113 page application provides additional details and safety plans during the construction and operation of the Project, the approval of which is solely the jurisdiction of the NYSDOT to grant.

NOW, THEREFORE, upon motion made by board member Judith Sabin-Watson and seconded by board member Kevin Velzy it is and shall hereby be

RESOLVED, that the Special Use Permit and Site Plan Application submitted by Oswego II PV, LLC is approved as submitted for the following reasons:

1. The Project is a public utility and the site plan is consistent with the provisions contained in Local Law 2 of 2024;
 - a. By its very nature, clean energy is a public necessity as proclaimed by the State of New York in its Clean Energy Standard and further codified in the Climate Leadership and Community Protection Act; and
 - b. Based on the environmental review the impacts on the community are minimal; and it is further

RESOLVED, that the Special Use Permit and Site Plan is approved subject to the following conditions:

2. The Applicant shall verify the nameplate capacity it is authorized to construct and operate up to 5.0 MWac; and
3. The Applicant shall enter into a Host Community Agreement consistent with Local Law 2 of 2024 with the Town Board prior to issuance of a building permit; and
4. The Applicant shall follow the Site Plan as submitted and approved herein, and presented in the Application during the construction and operation of the Project; and
5. The Applicant shall follow the visual impact assessment, including the supplemental visual impact assessment that was submitted as part of the Site Plan Application, to minimize the visibility of the solar arrays by the neighboring property owners, particularly as to those neighbors abutting the Project along Germar Drive the Applicant will utilize fast growing vegetation, consulting with the neighbors on type, of sufficient number to create a significant visual buffer of the solar arrays as viewed by those abutting properties ; and
6. The Applicant shall follow the landscaping plan and maintain the necessary and appropriate amount and size of coniferous trees to ensure that the solar arrays are screened from neighboring property owners, including routine replacement of such trees, and supplement said trees with additional or replacement trees for the duration of the Project, as needed, to address the reasonable concerns of the neighboring property owners; and

7. There shall be no parking allowed by construction workers on any roads within the Town of Oswego during the construction of the Project and the Applicant will secure a NYSDOT work permit and follow all safety measures required by the NYSDOT to reduce and minimize the impact on vehicles traveling along NYS Route 104 during the construction and operation of the Project, all consistent with the PERM 33-COM, Commercial Access Highway Work Permit; and
8. The Applicant shall provide the Town of Oswego with a copy of the construction schedule at the time the building permit is issued, with a copy of the construction schedule to the Planning Board; and
9. Prior to issuance of a building permit, the Applicant shall submit to the Town of Oswego Planning Board proof that a decommission bond or fund is established for the benefit of the Town and the property owner for the removal of the solar arrays and the return of the property to its pre-solar farm condition, and such bond or fund shall be periodically reviewed no later than every seventh (7th) year after issuance of the building permit to ensure the decommissioning costs are appropriate; the Town of Oswego Planning Board hereby reserves the right to increase the amount of the decommissioning bond or fund to ensure the decommissioning costs keep up with the actual cost of decommissioning the Project; and
10. The Applicant shall follow all applicable federal, state, and local laws and regulations governing the construction and use of the property as a solar farm; and
11. The Applicant shall pay all fees to the Town of Oswego associated with the review of the Application, the building permit for the construction of the Project, and associated costs.

The motion having been placed before the Planning Board for a vote was adopted by a vote of 6 in favor, 0 opposed, and 1 absent/excused in accordance with the following roll call vote:

MICHAEL DEHM, CHAIR	YES
FRANCES DELLAMANO	EXCUSED
KENNETH ELLSWORTH	YES
ERNIE MEARS	YES
BARRY PRITCHARD	YES
JUDITH SABIN-WATSON	YES
KEVIN VELZY	YES

CERTIFICATION

I **HEREBY CERTIFY** the above to be a full, true and correct copy of a Resolution duly adopted by the Planning Board of the Town of Oswego, on the 20th day of January, 2025, in accordance with the vote recorded above.

Dated: January 21, 2025



KRISTEN LANGE
SECRETARY
PLANNING BOARD



