

PLANNING BOARD

Town Hall 1375 Ridge Road Lewiston New York
Thursday – July 15, 2021

Present: Baker, Conrad, Lilly, Taczak

Absent: Burg, Waechter

Presiding: Bill Conrad, Chairman

Conrad: Good evening everyone. I want to welcome you all out to the July meeting of the Town of Lewiston Planning Board.

Roll Call

The first item on the agenda was a site plan review/special use permit solar array, Caldwell, 2481 Saunders Settlement Road.

Steve Long, Borrego Solar, Marc Kenward with Urban Anthony Consulting Engineers, we're the Engineers for record. We're assisting Borrego with the Site Plan approval for the subject site, 2481 Saunders Settlement Road. The proposed project will construct and operate a 5-megawatt ground mounted community solar system at 2481 Saunders Settlement Road in the Town of Lewiston. It is located on the north side of the road approximately 2,400 feet deep road from Chew Road. The site historically has been used as actively tilled farm land. For the last 2-3 years the northern portion has remained (fell) and is reverting back to brush. The project site area is on a 97.6 parcel of land. It has 441' of frontage on Saunders Settlement and is approximately 3,960' deep. The project encompasses approximately 25 acres on the southern portion nearest Saunders Settlement Road. The 2 fenced arrays total 13.5 acres. There is .828 acres of access driveway from Saunders Settlement Road, .25 acres of permanent top soil storage and 24 acres of vegetative screening along the south and west sides of the arrays. No tree clearing is needed. Access to the fenced array will be by way of a 20' wide crushed stone driveway off of Saunders Settlement Road that follows the same alignment as an existing 11' wide gravel driveway that extends all the way to the storm water pump stations at the rear of the property. Poles and electrical wires needed for the interconnection with National Grid are now placed along the access road way south of the neighbor's property. In our initial plans it was out by the road but we have since been able to modify the site plans because we can use the existing electrical lines that run back to the storm water pump stations.

Masters: Are you saying the pole farm will not be there at the 31 side?

Kenward: It will not be off, before it was right off of 31. That is eliminated. It's moved to the back. Utility scale solar projects such as this are allowed and regulated in the Town of Lewiston Zoning Code. They are allowed in the rural residential districts. This project is in a rural residential zoning district. The proposed site lay out is designed and laid out in accordance with the Town of Lewiston Solar Energy Zoning Code, Section 360-220. The requirements include a minimum lot size of 5 acres and a maximum lot area of 100. This project is 97.58-acre lot. The Code requires a minimum front set back of 700' and the proposed Saunders Settlement Road front is 834'. The required minimum side setback is 100' and the proposed minimum side setback defined here will also be 100'. The required minimum rear setback is 100' and the proposed rear setback for this site is 2,161'. There is also a minimum required setback to existing dwellings. The Code requires 250' to any existing dwellings on the subject parcel. The distance to the land owner's residence is 621'. The Code requires 700' to any existing dwellings on adjoining lots. The distance to the nearest dwelling on the adjoining lot is 709'. Lastly the Code requires 500' to any existing structures on any adjoining lots. The distance to the nearest structure on the adjoining lot is 538'. The maximum height from grade is 20' from grade and this site the maximum height is 12'. The Town Code and Zoning Code also requires provisions to reduce potential visual impact. As I mentioned a moment ago vegetative screening in the form of 9 – 10' high evergreen trees are proposed on the south side of the site and along the western side of the south side array. In addition, we are usingscreening slats. I have a cut sheet in my application package that looks like this. These screening slats are proposed for almost the entire fence line that's facing the public or a side so it's the south side, the west side, the east side and the north side of the arrays. The construction of the facility is environmentally friendly and only minor amounts of excavation grading work are required. Some minor and limited grading is proposed in the area of the two equipment pads so they are at least 2' above the existing grade. Wetlands are present on the site. The impacts are limited to a minor amount of NYS DEC buffer area on the north and east side of the proposed arrays. Upon completion the site area within the fence will be planted with a meadow grass. The remainder of the site outside the fence that's disturbed will be planted to a honey bee cover of clover. During construction the project will generate approximately 50 vehicle trips per day, 25 arriving, 25 exiting. This includes construction related deliveries and employees. Once it is in operation it will generate no traffic, no noise, no neighboring receptors and no adverse glares. There is also no night time site lighting proposed. Maintenance activity is limited to mowing up to 2 times per year and an occasional visit by electrical service technicians. Since we were here last month, we did revise the site plan. One of the major revisions I noted was relocating the pole farm to further back on the property just north of the south array. We have extended the hedge screen slats on the northern fence array to completely cover all the north, east and west facing fence lines as well as the south line. Relocating vegetative tree screening along the south side has been moved now closer to the fence. We've also added a row of shrubs along the west side of the entrance driveway. The end of the fence out to the road. Those are the box wood. They are green all year round. I have box woods in my yard that are 50 years. I also have updated visual simulations. We got them the other day and I didn't think it would be prudent to mail them. I could just bring them tonight. That's all I have for the moment. We are open to additional questions and comments.

Conrad: We'll open it up to the residents first. If anyone wants to speak, please stand up to the mic and introduce yourself with your name and address.

Jeremy Genter, 2471 Saunders Settlement Road, right next to the property. I also have pictures showing what some of the things will look like from the different views that I have of my yard. If you want to check them out. They should have descriptions on what I'm going to go through here. The concerns I have with the project is the proposed driveway is 5' away from my property line. It's 8' away from my driveway. The driveway pollution and the noise possible trucks every 5-10 minutes coming in and out. Workers going on lunches, dust on my house, property and fence. The driveway is going to be 20' drive but will have almost a 90 degree turn at the back corner of my property. The damage to my fence is imminent. My property in general I'm worried about with the equipment and everything else coming in and out. I would suggest they move the road to the east side of the property with the S in the back of the pictures that I showed in my pictures there. They have some barns and things like that. There is no reason why they can't move the driveway to the east side of the property where there are no houses and S it back through to the location in the back. All supplies and storage directly behind my home and garage. There will be noise constantly from construction of the panels and construction of the field for up to a year. They have a year to build this thing. The lot right behind my property there, right behind my fence, that is where they will be doing all the construction of these pieces and so on and so forth. Constant noise, constant people talking, constantly trucks moving in and out. They're also proposing a dump site there for the dirt. Top soil storage, dump truck noise from dumping and slamming gates, moving dirt directly behind my house. I work out of my garage part time doing things and I'll have to deal with the noise constantly. The drainage plan, the storm water goes to the pump. Extra storm water will be going to these pumps. Who will be paying for the pumps, also excess water and drainage goes in there the school and reservation? Excess water will back up drainage. All storm water goes to the pumps. Last time I knew there was only one pump working and it floods all the time. All the rain water goes to the front of the house and goes down the road to the east and then comes back to a ditch and then everything collects back at that pump house. Then the pump house floods the reservation and it comes through by the school and the reservation so there will be excess run off from the panels. Maybe minimal is what they say but I would expect there would be a lot more than what the pumps can handle or what the pump can handle. I don't think the tax payers should have to worry about that. What is the Fire Code? I spoke to a person at Lewiston #2. He said they won't even take trucks back there nor do they have the proper equipment to extinguish the fire. Also, there is no gate at the end section of the solar field. What about an evacuation of the school? What happens if my kids are home and alone? Who will evacuate them since they can't drive? What happens if this thing starts on fire? If someone sets it on fire or someone shoots a panel or something like that. Who is going to be in charge of that? Who is going to come and do something? There is no gate on this back section for emergency vehicles. How are they going to get in that section of solar panels? If there is a sign ordinance, there is a proposed sign that will be in front of my driveway. It will be blocking my view to get in and out of my driveway. Where is that going to be or if they move the road further down that won't be an issue. The span of construction, what type of span will be used

as I can see the entire field of my back yard and all of my back windows. I have a 2-story house. I have a 6' fence. I'm 6.5', I can see over the top of everything. My grade is a little bit higher where my house is. I can see the entire field. There is no screening where you will be doing all this construction and these pads and the cleanup pads and everything else. All that noise and everything is going to be seen, heard, everything. It's right behind my house. You can see in the pictures there is a fence and you can see where the pad is proposed. Will there be a plan or bond for the installation of trees, a 2-year plan, a 5-year plan, money set aside in a bond to take care of mowing and general maintenance etc.? What about snow plowing? Where would the snow go as it's next to my driveway and my yard. They will have to plow the field for access and such I would hope. Where is the access snow going to be pushed to or pushed to the side? Where is that going to wind up? Is that going to flood out my yard because you have to plow this driveway. You have to put snow somewhere when you plow it. Is there a decommissioning plan with bonds set aside with inflation attached? When the project ends that will become a mess. Will they take items below the ground such as wire conduit, or they just stay underground and become waste forever? A lot of these decommissioning plans I'm aware only take the top sections or pieces, the fencing and such and all the wire and conduit stays in the ground? The proposed 900 acre one is. They only take the sections and are leaving everything underground.

Seaman: We require complete removal of all components.

Genter: Is there a power line easement? I have an easement on my property of 20' for each side of the power line. Is there an easement there? What's the deal with that? I don't know. The drawings show the fence is 7'. The Code says 8'. I don't know what's going on with that. I don't know the reasoning behind that. The reflection of the sun, the panels will be pointing directly at my house facing all of my northerly windows, patio etc. Walking in and out of my house will be a reflection. How do you stop the reflections from going in my second story windows from the moon and also the sun? There is a reflection on a full moon night, I will be able to see the array of the moon through those panels I would assume, maybe not. Why does the road go from 20' down to 10' towards the end of the project on the north side? How will a fire engine or emergency vehicle navigate this especially when it goes over a drain pipe in a ditch? There is also a drain pipe in there. Is it rated for a fire truck or what? It goes from 20' down to 10' in the back. I did notice there is an LLC Company according to this sign that's going to be at the end of my driveway. Being an LLC Company do they stock this company in full? Who will be responsible if this LLC company is dissolved or gets levy for improper practicing etc. or gets sold or what have you. Who is going to pay for that? An LLC can be diminished and become something else. Where is the fire code for these panels and the wires that will be surrounding my house above and below etc. What type of equipment will the firemen have to use in case of emergency? What type of chemicals will be emitted if panels are shot up or destroyed or set on fire? There might not be a big chance of these things catching on fire on their own but someone may set them on fire or shoot them or something to that effect. That happens all the time to the pump house back there. I once had some tree stands and stuff back there that was made out of wood and it constantly got set on fire. What's going to stop anybody from doing that to these.

Mrs. Genter: Or using them for target practice because that happens often back there.

Genter: They also shoot up the pump house.

Mrs. Genter: On a daily basis that happens.

Genter: The new code states the project should be 100' from any property line. I don't know where that lies. An out of state company comes and sets up and leaves, no local employment, nobody to care about what type of work they do and leave behind for 20-25 years. The box woods shown on the plan, box wood is non-native to Western New York and only grows 1-2' in a very long time period as we just talked about. The screening will provide no coverage what so ever. Could this planting be a different species or a different planting there if they do leave the driveway in that area? I would rather them have the driveway on the other side. Box wood only gets 3-4' in several years. The gas line, there is a gas line back there. It seems like every one of these projects is built on or near a gas line. It's a major gas line. Where is the protection of that? I would hate to see that blow up. Our property values, everybody is concerned about property values. They might not go down a lot or whatever.....but instead of maybe 200 people wanting to buy my house, now we're restricted to 2 people wanting to buy my house. I don't want to buy a solar panel house. I wouldn't do that. I don't think anybody on the Board would want to live near solar panels? I might be wrong but that's what I got. Thank you.

Conrad: Is there anyone else that wants to speak either for or against the project? State your name and address please.

Linda Kroening, 2435 Saunders Settlement. I have a couple of questions about this gas line that is a 12" gas line high pressure. How close do the panels come to the actual gas line? It doesn't say on the map how far away it is. The other issue I have is all the heavy equipment. I've been on the farm 35 years but we discovered when it went through the gas line, when we had some tile put in, the gas line was not 12' in the ground. It wasn't even 5' in the ground. If it's that close to the ground and you're going to have all this heavy equipment back there to rework the ground, there could be a problem with that with the gas line. It doesn't say how far or how far away it is from the gas line. We've had an on-going problem with the reservation over 35 years I've lived in the house with the reservation people coming and shooting at all times of the night. That's a question whether they're going to shoot these panels up and start a fire. It's close to the gas line.

Conrad: Thank you Mrs. Kroening. Anyone else?

Genter: I was wondering with the dirt berms, there's one located on the side and one on this side. Why couldn't we take the dirt berms and put them in the front so the houses...and then plant the trees on top of the dirt berm to cover them up even more so we don't have to see that? Being on the second story that will give me even more protection there too, rather than leaving it on both sides. Why not use it as a berm and make it a planting structure?

Morgan Edwards, 2459 Saunders Settlement Road. I had a question about the vegetation and the trees that they will put up to try and block this. Will the Town have a property maintenance agreement with the owner if they don't maintain the shrubbery at all times? Will there be a penalty for that?

Conrad: Anyone else? Any questions or comments from the Board? We'll get back to the developer in a moment to answer some of the questions.

Lilly: There seems to be a question about the gas line. Is that something that can be answered? How deep is it and where in relation to these panels and posts are going in to the ground? Maybe we can answer that question. Obviously, you would know where you're putting these posts in.

Long: There is a 50' wide easement that's designated in yellow. The easement is centered, so the center of the easement is the gas lines and it's 25' each way. We're outside of that by just looking at it 25' where the posts are going to go.

Conrad: You have to have an agreement with National Fuel?

Long: No. If we're not in their easement we don't. The line is in the middle and the easement is 25' each way to protect the gas line. We're outside that another 25'.

Kenward: The fence line is about 10' off the easement line. The panels are another 20'.

Conrad: There is concern about heavy vehicles?

Long: We're not proposing to go past that gas line. Where the road goes down to 10' we're not changing that. We had that road looked at by the Fire Dept. and they are okay with that. We've created a turnaround at the end so they can go at the end and turn around. They approved the road we designed.

Kenward: I spoke to the Fire Inspector about the road and he was okay with bringing it up to the drainage culvert as long as there was a turnaround the fire truck could turn on and go back out. The north array has no electrical equipment in it other than the conduit wires to gather up the electricity and bring it to an equipment pad on the south side of the drainage ditch. The only reason there is a 20' fence over here is for mowing access.

Long: There is a gate to access the panels. We just wouldn't have a vehicle access. There is a gate. You won't drive in there but there is an opening so the Fire Dept. could get in there. For Fire Dept. concerns, we train them. After these are installed, we train the Fire Dept. with what to do. Typically, these electric fires heat up the unit. The panels aren't going to catch on fire. It has to be a very, very high temperature for them to catch on fire. For that to happen is very minimal.

Conrad: I think the big misunderstanding is there is that there are no batteries.

Long: There are no batteries.

Conrad: The batteries are usually the big issue. They are what creates the fire and noxious fumes and all the media attention. We don't allow any batteries on any of these in the rural residential areas because of that fact. The likely hood, they may get shot up. I don't think they will be catching on fire. I've got 60 in my back yard. If you want to come and take a look.

Long: Just to answer a couple other questions, the road that we're using, we've applied to the State for a.....driveway permit. The Town needs that road. They go in and out of there to use the pumps.

Conrad: Let's throw the question out there, the question was asked would the owner....I don't know what the Town's position would be either as far as if that road was moved to the east side. Could it be moved? Would the Town care? Access is access as far as the Town's trucks are concerned. Is that a practical question? Would the owner consider moving that or would you consider having that moved? It would solve a lot of issues I would think.

Long: What distance do you feel is appropriate?

Genter: (map) They have this piece of land here. Instead of the driveway being here why can't you have the driveway here and have the S come back here? Put this pad over here.

Long: So, the Town can use that then?

Genter: Sure, why not?

Long: The Town doesn't have an easement to use it now. If we move it.....

Conrad: It's a valid question.

Genter: The Town only plows that once or twice a year. The pumps aren't used in the winter time. You would need to plow all the time.

Long: We would never plow in the winter. It's not maintained in the winter. If the Fire Dept. needed it plowed, they could ask us to plow it but we don't plow the roads. We don't maintain them in the winter. When we do our calculations to see how much yield we get from these we consider snow and snow melts. So, to go out and maintain these every time it snows, it's not practical.

Genter: If it's not producing 25% then it's.....

Long: That's taken in to account in our calculations. We take weather data from all over the State and that's what we use to figure out how much these produce. To go maintain these and shovel off snow every time that's not practical.

Conrad: Would you consider approaching the owner? Is that a practical question? The Town only has a verbal agreement now. Are we opening up a can of worms? It sounds like it would be in the owner's best interest really. It could solve a lot of issues.

Lilly: I think the relationship the Town has right now with their pump is their relationship regardless of what goes on here. I think this neighbor is really going to be affected by the traffic going in to put this solar farm in. That fence that this gentleman has, his existing driveway is a beautiful driveway. It's constructed well and everything but unfortunately this neighbor is going to take a heavy hit with this construction going on. Would Borrego be willing to put the road on the east side to do the construction?

Conrad: With just construction access.

Long: A temporary construction access?

Conrad: That's a good idea.

Long: I actually think that's doable. I can ask the land owner. We're not going to use it any more than the Town does. Once it's constructed, we will use it 3 times a year, that's it.

Lilly: Your other farms there was no access road, you had to construct it from day one. This project right now if you use that road, you don't have any construction cost in putting that road in.

Long: We have to improve it to meet Fire Code and widen it from 11' to 20'.

Lilly: What I see here is a solar farm that's meeting all the requirements. You have almost 200 trees. You meet all the guidelines. Unfortunately, this gentleman is going take a hard hit. Of all the other solar farms that have been constructed, this gentleman is the closest one to trucks within feet of his fence.

Long: During construction we utilize a road that's I guess to the east, I can talk to the landowner about that. I think they would be willing to do that. It's temporary so once construction is done....

Conrad: It would make a lot of sense. It would take a lot of issues of their plate and it would be the neighborly thing to do.

Long: I think it's a good idea and I think the land owner will be agreeable to that. It's temporary. It will be there during construction and then take it out.

Genter: The construction pad? If you have trucks pulling in and out of this place, where is one to go when another one is coming in?

Long: Typically, the construction we're dropping off, panels, it's usually one box truck or large truck a day. There's not like a bunch coming in.

Genter: No disrespect, I don't see it happening. Logistics now and the construction and everything else going on down the road at the school, and when school kicks on, all that other traffic that's there at the college....

Kenward: 50 trips a day, 25 in and 25 exiting.

Genter: Where do you guys live?

Kenward: What does that matter?

Genter: You don't live on the road.

Kenward: I'm familiar with your road. The traffic on the road, it's what we generate during construction, 25 trucks in and 25 out. 1 or 2 trucks a day maximum.

Donna Stevens, 2445 Saunders Settlement Road. My question is why does it even have to be a temporary road? This lady is benefiting from that. Let her have all of the road. Let him leave that road for just the pump house and let them have their big road. If it has to go from 11' to 20', he's going to have this little bit that's going to be considered his property because of them having them increase the road. Let it go on her road. If she wants this let her take it, not us.

Conrad: Does anyone else from the Board want to speak?

Lilly: Hopefully we've resolved the issue with the gas line not being on the project and there is an easement correct and also the Fire Inspector is okay with this plan.

Masters: I specifically talked to him about the 10' because I questioned that. He said they will not, if something happens back there, his action plan would be at that last turn around and then they would take the hose back there.

Lilly: That's not an issue then?

Masters: He was 100% signed off on this design.

Lilly: How about the gun fire in to the panels? That's not going to create an issue?

Long: There is nothing we can do about it.

Lilly: I understand there is nothing you can do about bad actors but it won't cause....

Conrad: It won't start a fire.

Lilly: That's what is important, we can't do anything about that.

Long: It won't start a fire. We will know if they are being shot at. There are sensors.

Conrad: Even the one I have at my home with the 60 panes, there is an app on my phone that I can see what every panel is putting out power wise and things like that. If the road is moved then we won't have an issue with fence repair and the dust. Even if you do have, you probably will have a water truck on site, wouldn't you?

Long: As part of our SWPPP we have to. You have run off and you have dust. You have to control it.

Conrad: What was the concern with the Fire Code? There are no batteries so there is no need for chemicals to put any fire out. I think you answered the gate question. The sign is a requirement of the Town for fire access should there be a brush fire...

Genter: As long as it's moved there won't be an issue.

Conrad: Do they have to have, the sign they proposed identifies not just the address but the solar and all of that?

Masters: All I'm concerned about is the street number for 911 service.

Conrad: Maybe you can make your sign a little smaller.

Long: To be honest we've never put a sign but I understand for the 911.

Conrad: Just like a house.

Masters: Well, you did put a sign up because there is one in front of my house.

Long: Ok, we don't typically though. But I understand the 911 makes a lot of sense.

Conrad: Make it small, just the numbers and keep it simple. That way it's not offensive. As far as snow removal.

Long: We really don't maintain it in the winter unless extreme conditions.

Conrad: We understand. The decommissioning bond includes.....a percentage increase.

Long: That was submitted to the Town Engineer for review.

Conrad: In 25 years whatever the cost is now, that has been reviewed....

Camie: The decommissioning estimate we received we were very comfortable with the numbers but they did take in to account salvage value of the project which my understanding is this Board determined salvage could not be included.

Kenward: There was a revised decommissioning in the second submission round.

Camie: We don't have that one, the one we have still has salvage in it. We just need to make sure we see it. It should agree with the same numbers, the same cost should be in there.

Kenward: There was no salvage value and there was also added cost for disposing.

Camie: Not in the package that we had. Maybe we didn't see it yet.

Masters: Just so you're aware the actual sign that they have proposed is only 18" tall.

Seaman: With regard to the decommissioning bond, typically the way these are approved is that they would be approved contingent on the engineer or the attorney myself retain the decommissioning bonds. We do require removal of everything. The engineers generally look at the cost if it makes sense. This is how much it's going to cost to remove this in 30 years from now. There is also a 5-year review, every 5 years we review it. If something changes, all of a sudden it costs a lot more money to get rid of these panels or something 5 years from now, they change their mind and it's going to go up. Typically, the way this goes although we're discussing some of the things in the bond, typically it's the approval is conditioned with the engineer and attorney sign off on the decommissioning bond. The other question there was a question about maintenance of trees moving forward. That is similarly laid out in the code. They have a special use permit which is what they end up achieving if this is approved. It's a permit to run a solar facility on that land. That's reviewed on a yearly basis and it's written in the code that they need to maintain the application. They need to maintain everything that they say they're going to do through this process. If in fact they don't, your Building Inspector will go out there and put a stop order on them and tells them your use permit has been pulled. You can't generate electricity anymore on this project until you comply with what you said you were going to do. That's one of the things the Town did when they revised their solar law specifically to make it very clear that there are yearly inspections with vegetation in the area and if a lot of things are dying off it's going to be fixed or they will lose their permit. So, it will be fixed. That's through the life of the project.

Conrad: It's also in the O&M manuals as far as maintaining it.

Long: Yes, we go there twice a year and we check the trees. We mow the grass and check the trees and replace any that are dead or dying.

Conrad: That's pretty typical.

Lilly: Some of the other questions that the neighbor brought up was the fence height and the reflection off the arrays. Can we put that to some sort of conclusion?

Long: If the fence height is 8', then it has to be 8'.

Seaman: It does say 8'. I just looked it up.

Long: We can change that.

Lilly: What about the reflection?

Long: We did a glare study. That was submitted to the Board. That was in the initial package back in April. They looked at receptors around and on the road; and residences.

Conrad: It's typically depicted as the reflectivity as a pond. That's how I've heard it described in layman's terms.

Long: They are coated with reflective material.

Conrad: They are meant to absorb solar arrays, not reflect them.

Long: It's not like a mirror. It's a dull surface.

Conrad: There is small but it's very little. Mine don't reflect that much. I'm out there near mine all the time. You really don't see a lot. The back of the panels face me.

Lilly: Property values is a question that has been brought up. I don't know if there is a real answer to that. I don't know if anybody else would like to answer that? The information that I've collected which isn't any scientific stuff is that during the construction it might not be the best time to sell your house. But as the dust settles, the market will remain steady for what it's worth. That is about as much as I can put forward. You might not want to sell your house while all the construction is going on. But after the landscaping is done and the dust settles and people come accustomed to seeing these solar farms on every corner like Tim Horton's we will probably realize this is the way it's going to be. You can check with a real estate agent and see what their feedback is. The land scape planting berm, are you going to create a staging area, stripping the top soil?

Kenward: What we're proposing is to have staging in the storage area on the south west quadrant of the array. The topsoil would be stripped and piled to the east side of that. The top

soil for the staging area will be stripped off and stock piled in to about a 2-3' high mound, maybe 4' to the east of that staging area. We'll have to seed it right away, stabilize it with mulch and seed it. The geotextile goes down and some crushed stone goes down. The crushed stone helps keep the dust down, clean crushed stone. When the construction is completed the geotextile stone gets removed, disposed of offsite, the top soil gets put back and is seeded. We have another current top soil stock pile over here on the east side, sandwiched in-between the property line, wetlands, fence line and the drainage ditch. That will be permanently seeded. That shows on the grading plan to be about a 3-4' high pile. The problem with trying to put a berm across the south side and plant trees on that, that disrupts the drainage pattern. Pretty much from the back yards of the houses north all slope downward to the north to this drainage ditch. This drainage ditch does not go to the back of the property. This drainage ditch here between the 2 arrays flows to the west. The south array would sheet drain in to the wetlands and those wetlands I guess eventually get to the back of the property. I believe the intent of the pump station when it was put in and correct me if I'm wrong Tim, is to prevent flooding more so to the east of the pump stations. The Town goes back there every day, 7 days a week, 365 days a year to turn them on and turn them off. They are manually operated. That driveway essentially in the winter time is plowed every day so the Town can get back there to turn them on and turn them off. That is my understanding of it. I know this because our surveyor's spoke to the guy from the Town when they were back there looking at the property boundary of it.

Mrs. Genter: I have 365 of camera footage showing that they're not back there every day.

Genter: There is no reason for them to go back there every day. They don't go back there and they do not plow it every day.

Kenward: This is what we were told.

Genter: You're mistaken, I live there.

Masters: They are back there quite often because the pumps are manually controlled. They are there more in the spring then they are in the fall. Obviously in the dead of summer they are not going back there every day. Just depends on how much water is coming down from that Bridgeman Road basin to that pump. There are 2 large pumps back there. We just had one re-built. They are manually turned on and turned off and highway has to do that. Middle of summer, middle of winter probably not that often. Spring and fall, more often.

Lilly: Would there be any way to construct a berm for landscaping planning behind the immediate neighbor's house? Behind his white fence and there is a stone road and then there is a future greenhouse proposed.

Kenward: My concern is that it alters the drainage plan. It's all sheet flow. We wouldn't want to create a berm and then start changing the water pattern. We're trying to maintain an

existing drainage pattern. That is the intent of the town's solar code. In general, that is solar farm construction in NYS is to maintain existing drainage patterns.

Lilly: Even a berm that is 75 lineal feet I think could be placed in there somehow.

Long: We've been required to do a lot of berms bumped up 3' and you try to plant plants and they don't survive. It's really tough to get the plants to survive. They definitely survive better on native soil.

Conrad: There are certain widths you would have to go to establish a plateau. I've done it with hotels and things that I've done years ago with that.

Kenward: We don't have enough soil that we are going to remove. I don't think we have enough soil to build a berm unless we focus it in one spot.

Conrad: Where is the specific area that you are talking about sir, about where you are suggesting the berm?

Genter: My fence is 6' high, I'm 6.5'. I can see over it. I can see that whole area. This pad that they want to put is directly behind my house and my barn where I work out of sometimes. When they're working back there, it's not different then you and I talking right now. There is nothing there that will shield all that noise and construction.

Long: That is temporary. When they bring the big materials in, when they bring the panels, the first 3 months and then after those are installed there are electricians putting wires. There's not a lot happening after the first 3 months in the pad area.

Conrad: Could you place something temporary there? Some sound buffer or screen or something just for that period of time. I'm trying to think of a compromise.

Long: We screen it during construction so I think that's a possibility to put a fence up or something like that.

Conrad: I think we talked about the pad itself being moved out.

Genter: Move it behind the greenhouse. If they do the road where I proposed, it would go here and then you could put the S here and go back and put the pad here. It will be shielded from me. It won't bother this neighbor.

Long: We can do that. It's temporary, I'll discuss it with the land owner.

Lilly: You're proposing the box wood, where is that exactly positioned? There is a large white fence and when that ends, where would these plantings be?

Kenward: The box woods are proposed for the area where his fence ends. It ends just to the south front line of his house, in there.

Conrad: Could you switch that to something larger?

Kenward: In the landscaping plan I indicate the maximum height of box woods is and I believe it's 4-5'. They do grow vertically very well if they are allowed to grow vertically. Box woods are easy to trim and keep trimmed low. I was thinking that it would be a 3-4' height kept to.

Lilly: I just envision screening as being larger.

Taczak: I'm thinking more like arborvitaes or something. I have a hedge that is 10' high. They were 1.5' high when I planted them.

Kenward: Does the Town Code allow that? The height of hedges at a certain distance back from the road. You don't allow a 6' fence all the way up to the front line, do you?

Genter: The fence has to be 4' from the house forward.

Masters: From the front line of the house forward can only be 4' tall.

Kenward: That's why I proposed box woods because they can be kept at that height.

Masters: We don't regulate land scaping.

Conrad: We try to keep native species too.

Lilly: I would suggest the Hikki yew. That's an evergreen and I think they would withstand that environment. It would create a square type hedge where the box wood that you're proposing I think is....these would be square as well. I guess I would ask what the homeowner might want there. Not that it's on their property but...

Genter: If they move the driveway then I won't need it.

Kenward: It would still have to be 20' wide for permanent access.

Long: The concern is how many trucks going in and out right during construction. There will still be the same amount of trucks, just the driveway will be wider. We will do the temporary construction access to the east. I just have to make sure Joe is okay with that. The driveway where it is now, that will be 20' wide because the Fire Dept. needs access there. It has to be widened. If that's the case that it's wider do you want shrubs, what kind do you want?

Genter: I want something bigger than box woods. A yew or something like that.

Lilly: The whole idea is screening. This one particular neighbor is going to be impacted pretty heavily.

Conrad: I think that pretty much covered everything that was discussed. Good job everybody. Camie, do you want to discuss SEQRA?

Camie: Just a minor update when it comes to SEQRA for this one. The Coordinated Review period ended on July 7, 2021. We are currently preparing Part II & III for review by this Board. I do not have Part II & III at this time. The review just ended a few days ago.

Conrad: We can leave the hearing open.

Seaman: You can leave the public hearing open again. That's it for today I would think. They have some additional submissions that we anticipate for next month. SEQRA Part II & III would likely be done and ready for the Board to review next month. Pending on your submissions and the Board's feelings at that time there may be an opportunity to make a motion.

Conrad: We will leave the public hearing open. Do you have the marching orders? You know what you need to do? Anything else from the audience? Any neighbors, anybody have anything else to add? John Jacoby, our Town Board member.

Jacoby: If they are going to build a temporary road why can't they just make that a permanent road? Then you wouldn't have to widen the existing road.

Conrad: Do you want to ask the owner if that is possible?

Long: Once it's constructed it's not going to be used any more than it is now. To maintain it, 2-3 times a year. The road will be a little wider but there will be no more traffic.

Genter: Just saying if you do it now there will be two 20' roads.

Kenward: No, the temporary access doesn't have to be 20'. It could be 10'-12'. I think we are going to try to use that existing access road.

Conrad: The issues that are there presently as they exist will revert back to what they are post construction. I think the biggest issue was to get the construction trucks and vehicles and dust and noise away from your home.

Jacoby: The pads will be moved right?

Conrad: Yes. Thank you.

The next item on the agenda was site plan review revisions/special use permit, Ridge Road.

Conrad: Introduce yourself again and refresh us on your project.

Chris Georgiadis: I work with Next Era Energy Resources,

Drazen Gasic with LaBella Associates.

Conrad: Just a refresh.

Georgiadis: We are hoping to develop a 5mega watt solar project at 2645 Ridge Road, Ransomville, New York. The project is 900' near the closest home. There is significant vegetation that surrounds the project. There's not a lot of impact. Earlier on I guess the biggest concern from the community was that we had a road coming off Moore Road and we had changed to road to come off of Ridge Road. That's why we don't have anybody here tonight.

Conrad: I'll open it to the Board for any comments.

Taczak: Where are we with the clean up?

Georgiadis: We hired Environmental Consultants, WSP to work with us on the clean-up. It's starting to be kicked off. We haven't fully gone through the process of doing the clean-up yet because during our last meeting you were going to be able to condition it with a special use permit. Clearly, we're going to get it done. The reason we honestly asked for a condition is of the significant cost. It would be helpful to have the understanding that we have a special use permit in hand so that we can go ahead and clean everything up. Tim actually walked the property with me and was very helpful and everything that needed to be cleaned up. I concur we will fulfill all those obligations.

Lilly: Would it be inappropriate if I asked what the significant cost is, what that dollar amount exactly is? If it's inappropriate then it's inappropriate. Just wondering what significant means?

Georgiadis: It's a lot.

Lilly: \$20,000., \$50,000.?

Georgiadis: No.

Baker: Higher or lower?

Georgiadis: The issue really boils down to scrap value and how much we could actually get back off the scrap. There is a lot of metal on the property. We don't have, again it's an estimate that we have. We don't fully know how much we are going to be able to recover from all the scrap metal that's on the property. The price can significantly change.

Masters: Is it over \$50, and under \$100,000.?

Georgiadis: You're close.

Lilly: That is significant. Never the less it has to be cleaned up. It's been accumulating for so many years that this is where we are now.

Conrad: Are you considering a specialized environmental concern for the cleanup?

Georgiadis: No. We are sending out a team to make sure there aren't any environmental concerns before we do the clean up because everything has to be taken to a land fill and the land fill has to approve of all the items before we dump it. Everything is being checked. That's why we hired an environmental consultant to come in and do it for us.

Conrad: The decommissioning plan, has GHD reviewed the decommissioning plan?

Camie: Yes, it has salvage value. Otherwise, it's accurate. They've done 2.5% inflation for 30 years but they did include the salvage value.

Gasic: The salvage values were included per the new solar law that was established. The solar law stipulates that salvage value has to be included.

Baker: How did you determine the salvage value?

Gasic: We broke it down in the calculation that, it's in the updated calculation that we provided. We've had it consistently for this application. We've broken down both the cable lengths and metal weight associated with the potential scrap value that is currently for the raking as well as the metal that's in the panels themselves and that's broken down in the estimate as well.

Georgiadis: During our last discussion the salvage value wasn't a question. It was the cabling that we had stated that we were leave and you quickly corrected us and said that everything needed to be removed. In the updated decommissioning

Baker: That's understood. I guess.....the major concern though is the disposition of the panels themselves and whether there is a salvage value to that or there is a cost. How do you know, tell me, I need to look at your 30-year crystal ball because I

Georgiadis: Based on the salvage value, it's not realistic to present to a Board a net zero decommissioning. The salvage value actually would have been equated as a gain for the Town based on the metal at the time. Looking at the specific items it was realistically to identify a number that would equate to the cost of the project so that the salvage value would be 2.5%.

Baker: I'm not talking about the metal, the salvageable metals, the copper and steel, I'm talking about the photovoltaic panels. Is it going to be a liability to dispose of them or is it going to be a credit because they will have some salvage value? That is the issue and because I'm not trying to dwell on this but that's really a large amount of money one way or the other.

Conrad: Currently they are disposed of as hazardous waste.

Gasic: It's the modules themselves and tablets are going to be disposed. Most of that will be recycled because the glass can be reused. It's really just the membrane portion that gets disposed completely. There is a recycling portion to it that can be reused but there is no salvage....

Baker: There is a processing cost and stuff goes one way or the other after it's processed.

Gasic: There is no salvage return on the actual modules.

Baker: Is that the current practice today?

Gasic: It is the current practice to have them recycled, a good portion of it being the glass reused.

Baker: There's not much value in recycled glass I don't think. What about the rare elements that make up these photovoltaic panels? What happens with that stuff?

Gasic: Most of the metal is being reused.

Baker: Steel heavy metal I'm talking about.

Conrad: The elements that are used to make the photovoltaic panels, if you read about them, it's not just glass that can be thrown in to asphalt. As far as I know there is only one center in the US right now that can even handle that type of panel and do anything with it. There are transportation costs just for that. Transportation costs now are staggering. I work in the construction industries, so does Ken. It's just one of those things that you can't not account for. There is a lot of things and you can massage the numbers to make it look great and make it look terrible depending on which side you want to argue. The glass, it sounds like it's an over simplification of the process and the byproduct or the end product of the recycling. It isn't something you can go and make a park bench out of it, it's not that simple.

Gasic: I agree with you. It's the same concept as the recycling of tablets, flat screen monitors. There is still a recycling component to it.

Baker: There usually is a bond attached to do it 30 years from today.

Gasic: We're not taking a salvage value with regards to the modules.

Baker: I guess it's just a very debatable subject. The cost of the recycling has to be less than the value of the product when you're done.

Camie: Your salvage value on your decommissioning does provide a \$5. per module salvage value.

Gasic: The actual module would be the racking that's behind the module. There is a racking component metal that's behind it that keeps them together.

Camie: I have a number under racking as well.

Gasic: That's the physical posts that go in to the ground. There are beams behind the modules too that keep them in place. The racking is the physical steel of the I-beams that go in to the ground. We can change the wording on that if it makes it better?

Camie: I just wanted to be suremodules and then I have a \$5. per module salvage value. It is a little confusing being stated that way. It might be worth-while to clarify that language that it's not the actual module. It's the associated portion of the racking that's associated with the modules.

Conrad: Any other comments or questions from the Board?

Lilly: You mentioned the road coming off Ridge Road to service the project. Off Moore Road, you're not going to have anything on Moore Road? You still have access for the pole farm? Isn't the pole farm still positioned back there?

Georgiadis: There won't be any heavy vehicular.

Lilly: It's just to get access to the pole farm?

Georgiadis: Yes, the National Grid trucks that you see driving around.

Lilly: That's the extend of it on Moore Road?

Georgiadis: Yes.

Lilly: The trees and the shrubs? They will still be there, right?

Georgiadis: Yes.

Gasic: We're also proposing some additional screening there.

Seaman: Real quickly to revisit the decommissioning concepts, again those issues are tough, what's going to happen 30 years from now with the photophilic cells? We don't know, but the Code does require them to revisit the decommissioning bond every 5 years. It also, I'm not an engineer. We have engineers that review the decommissioning plan and it has to meet approval. In terms of what the current state of disposal of these things are, we should be able to rely on GHD to be able to give us the thumbs up and the Town Board to ultimately to say yes, this is the correct amount of money at this time. Five years from now that may change and we will revisit it 5 years from now.

Baker: Is it an issue now to dispose of these units? Is it a big issue in this country the disposal of these units?

Conrad: There are no local facilities. There is one facility in the United States that does it. That's what I read and seminars and training. I've done a lot of education on your kind of stuff. There is a lot to know out there. We are trying to do our best.

Masters: The ones that will fail first are the roof tops because they've already been up there for 5-10 years. The solar farms have only been in Niagara County for 2 years. The ones that will fail first are the roof top ones. We're going to know what the outcome is in some point in time.

Conrad: We're trying to be fair and we're trying to be educated on all this stuff. Hopefully we can move forward one way or the other. Tim, do you have anything you want to add? Camie is the SEQRA ready for this?

Seaman: Have you heard any update on your Federal Wetlands permit? Is it still in the works?

Chris: Still in the works.

Seaman: With regard to the new area that you are leasing that's going to retain the screenage; I saw the image you sent over.

Chris: It's an elementary image I get it.

Seaman: If we go through SEQRA and negative dec this and they do a recommendation, there will be a lot of conditions on it. There will be a federal wetlands condition. Right now, you don't have a legal documentation to say you have the rights to keep that screening yet. I understand you are waiting for the process to move forward a little bit. There are going to be a number of conditions ultimately on you getting a building permit. Those are ones that are specific to you guys and then the clean-up. We can work on SEQRA if you want.

Lilly: This site naturally has a lot of deciduous trees and it's thick and dense. The landscaping plan isn't as intense as some of the other plans. It does satisfy everyone their landscaping plan? It does for me because of the natural setting. You have some trees back on Moore Road, the pole farm, it seems acceptable. Tim is there any other guidelines?

Masters: If you're asking my opinion? My opinion is no it's not acceptable. I personally would want more trees on the Moore Road side and I personally would want more screening up by the Ridge Road end but that's just my opinion as a person who has been involved with some solar approvals already.

Lilly: The solar arrays are how many feet from Moore Road?

Masters: In my mind it's not so much the solar panel that is going to be an issue it's the pole farm. They did add screening on the west side for that neighbor and the neighbor was happy with what they are providing.

Lilly: Which is a quantity of how many trees?

Masters: I want to say 5 or 6.

Gasic: There is also poles on the other side of the trees that we are saving. The utility poles are right there as well. It's essentially poles, trees, poles.

Chris: The reason the trees are placed where they are is solely, the biggest reason is because of this neighbor right here. We've spoken to them several times about those trees.

Conrad: You can see what great lengths we went to with the previous neighbor.

Chris: I'm going through it on other projects. I know landscaping is a big deal especially in Niagara County. As a developer you see a site like this and I would encourage developers to develop sites like this because of the natural vegetation.

Masters: I don't have a problem with the natural vegetation. What I have a problem with is it seems like we are allowing, I always call it the West Virginia setting in Lewiston. If you go past my house on Swann Road, what you're going to see is a driveway that they say is butterfly mix in the front. It's grown tall which is exactly what was planned and approved but it looks like West Virginia now on the front of my property. It's not a delightful entrance when you pull in. That's how I look at these. My own personal opinion, I see West Virginia when I look at Moore Road and the pole farm and the driveway that has these couple trees on the left-hand side. My personal opinion is if I was the Zar of Lewiston you would do a beautiful landscape planting all around that to make it look nice, not necessarily to screen it because you're not going to screen the transformers. I would make you do the same thing on the Ridge Road side to beautify the entrance when a person is coming in saying look this is the part everybody sees. They are not going to see the panels in the back. That's just my opinion. I'm not on the Board but Ken asked my opinion.

Chris: I agree with you. The only problem besides....the trees there on Moore Road is we have to stay clear 30' around those poles per the utility company. We can't place anything within

this radius so they have accessibility to it. We kind of snugged them right behind the trees trying to save as much of the trees we could besides just that point of access. Even the point of access we used the existing clearing that's there and we're just cutting off some of the branches. We're keeping the gap that is there. That's the gap we are using to get in.

Masters: Do you have to put the pole farm in east and west as opposed to north and south?

Gasic: In this scenario we do because it's the utility company that's telling us the positioning of the poles. It's not like we get to choose the orientation of them. On the other side of the road....the current layout, before we had all this being removed in order to get back there. We kept moving the road as much as possible. This is based on us walking the site as much as possible to find the little amount of clearing that we have to do. Unfortunately, the aerial with the clouded lines is not representedif you walk this route, it's really the minimum amount of trees to clear and keep the existing openings out there.

Seaman: With a lot of clearing, you have to do for the clean-up too.

Lilly: I'm fine with the landscape plan. These gentlemen have been here a few times. I think they want to get this approved pretty soon here and we need to tell them if they should have more trees or shrubbery or anything of that nature.

Baker: The last time you were here we talked about different folks on the Board had different copies of the drawings or no copies. You were going to clean-up your drawings and submit a pre-final set if you will. It didn't happen. Including the project schedule and all that jazz.

Chris: The drawings that were submitted last time....

Masters: May 21st is the latest drawing.

Baker: This is July 15th.

Gasic: In the revision block it says 7/7/21. Do you have the one that says 7/7 on the revision block?

Chris: The only thing that was updated was the drawingwetland information.

Baker: Everyone should have the same document here.

Chris: I can have them to you tomorrow.

Baker: I'm not demanding it. I'm just saying if you feel you are at some point very close to completion it would be good to get that all organized in to a document set instead of us.....I think it would benefit you too. You know exactly where you stand. Things could be marked up

and finalized and right now just dealing with separate pieces of paper each time you come in. I'm confused.

Taczak: We were ready to go and then you guys decided that we're not going to do a presentation this month and you pulled it. Then you came in last month and said we gave you the plans. There was never a meeting because you guys decided not to come in to see us. We never got the "latest" updated group of plans.

Masters: You should all have the May set.

VanUden: We had the agenda. Everything was all set. You had your packets, then they pulled it.

Masters: You should all have the May set. You do not have June.

Gasic: I believe the reason we tabled was just because we were doing a cleaning coordination during that time.

Taczak: I understand that because to me that was paramount before we even started.

Conrad: Camie why don't you go ahead with the SEQRA and go through the different parts.

Camie: Do you want me to read the items in Part II or just the large items in Part III?

Conrad: It's up to the Board. Do you guys want to hear everything?

Camie: I won't read all the sub items. I'll read the main item and identify any large or moderate impacts and that's what we covered in Part III. That should give you a good picture.

Item 1, impact on land, proposed action may involve construction on or physical alteration of the land for the proposed site. This was obviously a yes. There is no moderate to large impact identified.

Item 2, impact on geological features. Proposed action may result in modification or destruction or inhibit access to any unique or unusual land forms on the site. The answer was no.

Item 3, Impacts on surface water. The proposed action may affect one or more wetlands or other surface water bodies. The answer was yes.

Item 4, Impact on groundwater. The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. Answer is no.

Item 5, Impact on flooding. The proposed action may result in development on lands subject to flooding. Answer is yes but no moderate to large impact.

Item 6, Impact on air. The proposed action may include a state regulated air emission source. Answer is no.

Item 7, Impact on Plants and Animals. The proposed action may result in a loss of flora or fauna. The answer is yes. No moderate to large impact.

Item 8, Impact on Agricultural Resources. The proposed action may impact agricultural resources. The answer is yes. We did not identify any moderate to large impacts.

Item 9, Impact on Aesthetic Resources. The land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. The answer is yes. No moderate to large impacts.

Item 10, Impact on historic and archeological resources. The proposed action may occur in or adjacent to a historic or archaeological resource. The answer is no.

Item 11, Impact on open space and recreation. The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. The answer is no.

Item 12, Impact on critical environmental areas. The proposed action may be located to a critical environmental area. The answer is no.

Item 13, Impact on transportation. The proposed action may result in a change to existing transportation systems. The answer is no.

Item 14, Impact on Energy. The proposed action may cause an increase in the use of any form of energy. The answer is no.

Item 15, Impact on noise, odor and light. The proposed action may result in an increase in noise, odors, or outdoor lighting. The answer is yes. No moderate to large impact.

Item 16, Impact on human health. The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. The answer is no.

Item 17, The proposed action is not consistent with adopted land use plans. The answer is no.

Item 18, Consistency with community character. The proposed project is inconsistent with the existing community character. The answer is no.

That is the end of Part II. The items that were identified as yes were discussed in Part III. Any questions before I move forward?

Impact on land and surface water:

The proposed action may result in increased erosion from the physical disturbance of the land during construction. However, the project is required to have an approved Storm Water Pollution Prevention Plan (SWPPP) which requires the installation of appropriate stormwater controls to mitigate the potential for erosion and drainage impacts.

The proposed action will impact approximately ??? acres of federal wetlands. The project will require a permit from US Army Corp of Engineers and may be subject to any regulatory requirements to mitigate impacts to wetlands.

Impact on agricultural resources:

The project will convert agricultural land within an agricultural district to a non-agricultural use. However, the solar panels will be installed on pole screw foundations which minimizes soil compaction and limits the overall impact to farmland. In addition, the project will be required

to file a Notice of Intent with the NYS Department of Agriculture and Markets (NYSAGM) to further evaluate and mitigate any adverse impacts identified by the NYSAGM.

Seaman: Have you filed a Notice of Intent?

Chris: Yes. Our application is done. It takes 45-day process. I will tell you this though, the way the process works is you look at the soil identification map and this project, the only portion of the project that affects any kind of sacred soil is right along Ridge Road right here where the road comes out. The likelihood of anything happening is very minimal.

Seaman: Is it in an Ag District?

Chris: Yes, it is.

Masters: Ag and Markets was a hiccup on mine. It took almost 2 months before we could move forward on mine because of Ag and Markets.

Seaman: I just know that Ag & Markets in other projects and municipalities have issued letters that are scathing to say the least. I guess, I think it might be difficult to move forward with the SEQRA process without having a comment from Ag & Markets on it, when you're having a Board consider SEQRA without even having Ag & Markets Dept. comment. I would have anticipated the Notice of Intent would have been filed quite a while ago.

Conrad: Dept. of State is asking for comments now on putting solar farms in to.

Camie: I have the letter Ag & Markets following the SEQRA Coordinated Review, which was not scathing. They only perform a cursory review. Cursory review of current project suggests the proposed location consists of soils outside the mineral groups 1-4. Therefore, the project site appears suitable provided it's consistent with Dept. guidelines.

Seaman: Based on that letter I'm comfortable moving forward.

Conrad: Tim you said the application wasn't complete to them?

Camie: This is their SEQRA comments on the coordinated review.

Chris: We also have to file one too.

Camie: It does state that they have to file a Notice of Intent and provides a phone number and so on if you have any questions regarding the Notice of Intent process.

Conrad: So, you don't see any issues that they might receive when they do their application?

Camie: No, not at this time. Nothing in their letter seems to indicate negativity on the project but obviously it states that their process has to be observed as well.

Conrad: You think it's academic would you say?

Camie: Yes, we know for a fact that Ag & Markets has okayed solar projects on farm lands. Unless this one has a specific unique issue, I can't see why they would speak out against this.

Seaman: They seem to be changing their positions regularly. The fact that this project is not within the soils 1-4 category makes all the difference in the world.

Masters: Well, mine was the first one in Niagara County so when Ag & Markets was hit with that and NYSERTA nor Ag & Markets knew what to do with the language in there, then Ag & Markets sent back to Mr. Denk at the DEC a really bad letter saying we are not going forward with this. I had to call the DEC ultimately with the solar company and go through everything and then he said there was a misunderstanding. It 2-3 months to get through that process. It wasn't the Town that was holding it up, it was the argument between DEC and Ag & Markets. NYSERTA was caught in the middle too because they said the application had to come from NYSERTA and NYSERTA said we don't even know what you are talking about. Hopefully now that we are farther down the road 2 years, and more have come along, and everybody has their act together. It was not a pleasant thing that's for sure.

Camie: Anything else on that? I will keep going.

Impact on aesthetic resources and community character.

The proposed action is substantially different from current adjacent land use. However, the solar energy system is a permitted use under the Town zoning.

Impact on noise, odor and light.

The proposed action will result in an increase in odor and noise from heavy construction equipment. However, the related impacts are temporary and limited to the construction and installation of the solar energy system. After construction there will be no odor or noise impacts to the operation of the solar energy system.

Camie: That is the end of the items discussed.

Conrad: Thank you. Any questions for the Town Engineer? The public hearing was left open at the last meeting according to the minutes. We don't need to leave this open do we?

Seaman: If you are prepared to do a recommendation on SEQRA and a recommendation on the special use permit and site plan approval with conditions today we could do that.

Conrad: I want to ask one question before I poll the Board and find out which way you all want to go with this. On the decommissioning plan, again I'm going from the minutes, I was not here last month. I apologize for my absence. The issue on removal of the underground wire, that's in your decommissioning plan now, correct?

Gasic: Everything is being removed.

Conrad: I did not have a chance to review that today. What's the Board's feeling on how we move forward? There are a number of conditions that I'm finding in the minutes that will have to be addressed. How does the Board feel over all about either keeping the public hearing open moving along as we have been or taking action?

Lilly: I don't know if I have any questions. Do we have enough members here tonight to move this forward?

Conrad: We do, we have a majority.

Lilly: Do we want to go through the conditions?

Conrad: Just a few that I wrote down, you need the Army Corp. of Engineers agreement in place. The clean-up agreement has to be, you have the clean-up agreement but I would say that before a permit be issued that it has to be executed.

Masters: The actual building permit you're saying?

Chris: Yes.

Conrad: I would put that on as a condition. Your Ag & Markets application has to be completed with a positive response. Camie, would you agree with that?

Camie: Yes.

Conrad: That's all I have. Does anyone else have any other conditions that we should mention?

Baker: I would like to see the complete updated finalized documents.

Conrad: You're not ready to take action is what you're saying basically?

Baker: I think it could be conditional assuming they can produce that.

Seaman: You won't see it. It will be produced for the Town Board. It won't come back here.

Baker: How can we approve it if we don't have it?

Conrad: That is why I'm asking if everyone is comfortable.

Baker: I guess I'm not comfortable.

Chris: The only additional change to the July was that we added the wetland delineation to the top of the site plan, that's it.

Baker: I don't remember seeing a project schedule. Was there one included in the drawing set?

Chris: Yes, under general notes.

Baker: I don't have the drawing set anymore. I think I left mine behind.

Taczak: I'm comfortable with making a decision with the restrictions and conditions.

Conrad: First of all, we have to close the public hearing.

A motion to close the public hearing was made by Taczak, seconded by Lilly and carried.

Seaman: I have a motion I will read for you.

Based on the information submitted by the applicant and the information set forth in Part II & III of the EAF the Planning Board recommends a determination that there will be no significant environmental impacts and hereby the adopts and issues a negative declaration on the SEQRA was made by Lilly, seconded by Taczak and carried.

Motion to recommend the special use permit/site plan approvals was made by Taczak, with the following conditions:

- 1. Fully funded decommissioning bond in substance and form acceptable to the Town Attorney/Town Engineer prior to issuance of a building permit.**
- 2. Continued compliance with Town Code.**
- 3. Pilot agreement with Town of Lewiston agreed to and executed prior to issuance of a building permit.**
- 4. Solar energy system to be constructed and operated in accordance with NYS Dept. of Ag & Markets Guidelines – Guidelines for Agriculture Mitigation for Solar Energy Projects.**
- 5. Proof that the extra land used for screening will be under lease for the life of the project must be shown prior to issuance of building permit.**
- 6. Proof that property has been sufficiently cleaned/remediated to the code enforcement officer's standards prior to issuance of building permit.**
- 7. Proof that the project has received appropriate licensing/permits relative to federal wetlands.**

8. Proof that the Notice of Intent has been filed with Ag & Markets.

Lilly: Will you be able to meet those before it meets the Town Board?

Seaman: This would be for a building permit. This will allow them to get approval for the special use permit, do everything they need to do in terms of State funding when they get that. Go get these things in order before they go to Tim for a building permit.

Lilly: They can't go on the agenda.

Seaman: The Town Board would approve it with the same conditions.

Conrad: Are there any that would be abefore the Town Board?

Seaman: Prior to issuance of a building permit. I have them all conditioned on the building permit. They can go ahead and get their approvals because that's important that the applicants get their approval so they can get their NYSERTA money and all the State money.

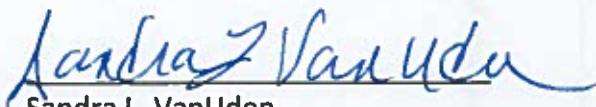
Motion seconded by Lilly and carried.

Masters: Your next stop will be the Environmental Commission before you get to the Town Board.

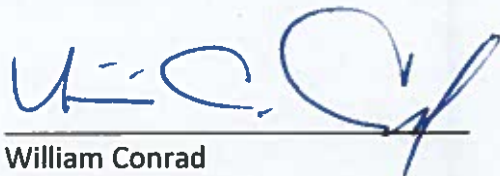
The next meeting will be August 19, 2021, at 6:30 PM.

A motion to adjourn was made by Taczak, seconded by Lilly and carried.

Respectfully submitted,



Sandra L. VanUden
Planning Secretary



William Conrad
Planning Chairman