

PLANNING BOARD

Town Hall 1375 Ridge Road Lewiston New York
Thursday – April 15, 2021
PB 2021-4

Present: Baker, Burg, Conrad, Lilly, Taczak, Waechter

Presiding: William Conrad, Chairman

Conrad: I would like to welcome everyone to the April meeting of the Town of Lewiston Planning Board.

Roll Call

The first item on the agenda was a Site Plan Review, Martin, 4702 Lower River Road, SBL# 87.18-1-42.

John Lang, John Lang Designs, I'm representing David and Wendy Martin replacing existing stairs and a new dock at the bottom of the stairs.

Conrad: Tonight, we are just looking at the dock?

Lang: I believe so. That was the only thing we were waiting on. We did the initial review last fall. We were waiting on a response from the DEC which we did get on March 5, 2021 and I emailed that to Tim Masters. I believe that was the only thing we were waiting on.

Conrad: The DEC says you will need to get a permit. That is what I read anyway. Are there any questions from the Board on the project?

Seaman: It says the DEC will not need a permit.

Lang: I believe that is what we were waiting on. We didn't have that last fall. They were very slow in their processing.

Seaman: Was there any need to contact the Army Corp. of Engineers?

Lang: I think the DEC did. In one of the responses from them they were communicating with them.

Baker: I was wondering how the dock was removed? Are you going to run electricity down there?

Lang: There is no electric now and they're not going to run electric. It's a DC, a DC solar powered wench, battery powered. Part of its fixed and then 10' is removable, the part that's out in the water is removable, retractable. There were 2 applications, 1 for the replacing the existing stairs and then the application for the dock at the bottom and removable portion of it.

Waechter: As far as the fixed portion of the dock, I did notice that it does project out into the beach and looks like it does go in to the water, based on where your high-water mark is. Did the Army Corp. happen to mention anything like that, having an issue in correspondence?

PLANNING BOARD

Town Hall 1375 Ridge Road Lewiston New York
Thursday – April 15, 2021
PB 2021-4

Present: Baker, Burg, Conrad, Lilly, Taczak, Waechter

Presiding: William Conrad, Chairman

Conrad: I would like to welcome everyone to the April meeting of the Town of Lewiston Planning Board.

Roll Call

The first item on the agenda was a Site Plan Review, Martin, 4702 Lower River Road, SBL# 87.18-1-42.

John Lang, John Lang Designs, I'm representing David and Wendy Martin replacing existing stairs and a new dock at the bottom of the stairs.

Conrad: Tonight, we are just looking at the dock?

Lang: I believe so. That was the only thing we were waiting on. We did the initial review last fall. We were waiting on a response from the DEC which we did get on March 5, 2021 and I emailed that to Tim Masters. I believe that was the only thing we were waiting on.

Conrad: The DEC says you will need to get a permit. That is what I read anyway. Are there any questions from the Board on the project?

Seaman: It says the DEC will not need a permit.

Lang: I believe that is what we were waiting on. We didn't have that last fall. They were very slow in their processing.

Seaman: Was there any need to contact the Army Corp. of Engineers?

Lang: I think the DEC did. In one of the responses from them they were communicating with them.

Baker: I was wondering how the dock was removed? Are you going to run electricity down there?

Lang: There is no electric now and they're not going to run electric. It's a DC, a DC solar powered wench, battery powered. Part of its fixed and then 10' is removable, the part that's out in the water is removable, retractable. There were 2 applications, 1 for the replacing the existing stairs and then the application for the dock at the bottom and removable portion of it.

Waechter: As far as the fixed portion of the dock, I did notice that it does project out into the beach and looks like it does go in to the water, based on where your high-water mark is. Did the Army Corp. happen to mention anything like that, having an issue in correspondence?

Lang: We adjusted that. The high-water mark was too high. It was incorrect in the original drawing and we addressed that. It was one of the things that the DEC was working with the Army Corp. on and then they had me, they gave me a number to use for that and we adjusted that and that's when they finally sent out their approval letter.

Waechter: Is there any correspondence or email that could be attached with the DEC?

Lang: Not with the letter that I sent to Tim. They just said March 5th that they had no jurisdiction.

Conrad: Could you forward that correspondence to him so we have it for the record.

Seaman: Especially any communications with the Army Corp. If there is some type of sign off from the Army Corp. that they worked hand in hand with the DEC. I would anticipate if this gets recommended for approval for the Town Board it might be conditioned on demonstration that the Army Corp. has considered it.

Conrad: With the fluctuations in the river and the lake over the past years how does the fixed dock, is it adjustable? Could you have the floating dock up higher than the fixed dock at some point?

Lang: No, it's hinged off of the fixed dock so it can't go higher than that. The DEC told me they are going to maintain a lower lake level because of the issues they had several years ago. She told me that they are going to maintain a lower lake level. She didn't give me a number but they are going to try to maintain a lower lake level which will also lower the river level.

Conrad: It won't at any point give you a dangerous situation where the step is 2' high?

Lang: That's why they have those guidelines to make sure you're above that.

Conrad: Any other questions from the Board, engineer?

Lannon: No, I took a look at it last time. I think other than the permitting issue I think the only thing I kind of remember if I have the right project is due to the slopes, we wanted to have the drawings stamped by a PE upon the building permit. Other than that, it was fine.

A motion to recommend a Negative Declaration for the SEQRA was made by Burg, seconded by Taczak and carried.

A motion to recommend approval of the site plan was made by Taczak, pending correspondence from the Army Corp., and a PE stamp provided for the building permit was made by Burg and carried.

The next item agenda revision to the site plan/special use permit for solar array, Kevan Thompson, Ridge Road, SBL# 76.00-2-12.1.

Conrad: The public hearing is still open. At the last meeting we had a motion to classify the project as a Type 1, SEQRA Action. There was a second motion to designate the Town Board as Lead Agency for SEQRA and another motion was made by GHD, Town Engineers to assist with the coordinated review. With this set of plans we received the O&M plan and the decommissioning plan. You can go ahead and introduce yourselves again and recap your project.

Chris Georgiadis: I work with Next Era Resources and I'm accompanied by Drazen Gasic, he works with LaBella Associates. We're looking to install a 5-megawatt DC solar energy system within the Town of Lewiston. The proposed project is at 2645 Ridge Road, Ransomville, New York. PG New York CSLS is a subsidiary of Next Era Resources, and we've worked with several Towns and Counties in the State of New York to have our projects successfully permitted and approved. This is part of the New York Community Solar Program which offers local residents a cost savings of approximately 10%. The property is 113 acres in size and is in the RR. The expected fenced project will be around 27 acres and containing an 8' fence per Town Code. The closest home to the project is approximately 1,000' and following that the next closest is about 1,500'.

Conrad: Questions from the Board, comments?

Burg: At our last meeting we talked about the clean-up of the property, removal of the debris and such. Now there is an open citation for that property for that debris to be removed. I wanted to make sure you guys were aware of that?

Georgiadis: I was notified by the land owner. How exactly does that affect us?

Burg: The citation would have to be resolved before any developing could be approved on that piece of property.

Conrad: I'm going to read something from the meeting minutes from the attorney for the Planning Board: I think you need to understand you're asking for a project to occur on a parcel where the entirety of the parcel is considered. It's a site plan approval. I know you guys have a lease relative to a portion of that but the Planning Board is considering a parcel with property here. Just because you have a particular lease with certain rights on certain parts of the property, that's not really the overall analysis of the Planning Board is going to take when they consider a site plan approval and special use permit relative to a parcel of property that's owned by somebody within the Town. Just so we are clear just because you're doing what you're doing doesn't relieve the overall parcel from the effect of the condition it's in right now. It has been cited by the Town for basically neglect of the Building Code.

Georgiadis: Was that a response that was sent to the land owner?

Conrad: That was in the meeting minutes from last month.

Masters: We also sent the land owner a citation.

Georgiadis: That's in the general meeting minutes I can read through on-line?

Conrad: It's probably not on line yet. I could certainly forward a copy to you.

Georgiadis: Thank you.

Seaman: I will tell you that other solar projects even within the Town have encountered the same situation where an applicant had debris, old cars and things on their property and it was cleaned up. They had been cited and cleaned up before the project was approved for a building permit.

Georgiadis: It puts us in a bind because we have a solar lease easement with the property owner. We don't have any easement to clean up his property. We have restrictions to what we can and cannot do with his property because it's a lease. Our lease will only allow us to clean up the debris from within our leased property.

Seaman: You're paying the property owner to use his property, right?

Georgiadis: Correct.

Seaman: So, he has an interest in getting this project approved does he not?

Georgiadis: He definitely does.

Seaman: So maybe he needs to clean up his property so this project can get approved.

Conrad: We had discussed all this at the last meeting. It sounds like you haven't reached out to the land owner?

Georgiadis: We have.

Conrad: What was the discussion like?

Baker: I noticed in here that you included in the package this time where you said he's not moving anything and the house isn't abandoned. That was the gist of it.

Georgiadis: On the site plan we have it listed that it's an abandoned house. It should say a collapsed barn.

Baker: In your packet you say that he states the house is not abandoned. Is there a house on the property also?

Georgiadis: There is a house on the property.

Burg: 2645 Ridge Road is an abandoned residence.

Georgiadis: He rents it out.

Burg: The property in question, the dwelling in question is what you said it's more of a collapsed barn. It's behind 2645, it's essentially a pile of sticks along with at least a dozen vehicles and heavy farm equipment that has been.....tires.

Conrad: This came up at the last meeting also. This is one of the neighbors noting the amount of debris that's just sitting around on the property.

Georgiadis: Can we specify what it is? Is it the home, is it the barn?

Waechter: Everything.

Conrad: The home is on Ridge Road. I can believe it's vacant temporarily.

Georgiadis: He rents it out.

Conrad: For clarification I don't think we have an issue with the home. It's the collapsed barn as you call it and again, we're going from, I don't want to be put on the spot, the Board shouldn't be put on the spot identifying all the different items within the property that needs to be cleaned up. There has been abandoned vehicles, old farm equipment that doesn't appear to be in service anymore, the cars have trees growing through them so they're probably not serviceable anymore. I don't know how many tires this individual noted, 50-70 old tires on the property. These people live right next door and it was something that was brought up. It's in the meeting minutes. It was brought up at the last meeting.

Seaman: The property owner has been cited. There is a citation that your property owner has. If you can work with the Building Inspector's office to work to get that citation lifted.

Gasic: Does the citation specify what has to be removed? I only ask because that will trigger once that citation has been fulfilled, we can proceed. Does the citation actually address what has to be removed?

Masters: Yes.

Burg: Debris, junk cars, dilapidated structures.

Gasic: Can we get a copy of the citation. Would it be possible to get a conditional approval for this project with the citation being the condition that those have been addressed in order to receive a building permit?

Seaman: Possibly.

Gasic: Hypothetically if we have a contractor that is going to do this and the landowner hires the contractor to remove all of this would it be possible to at least get this approval process completed for this specific project with the condition that the citation is addressed in order to get the building permit?

Baker: That might be one of the conditions. Is the application complete?

Gasic: I'm just saying ultimately could it

Conrad: Technically yes but we're still talking.

Seaman: Practically you have a few months to go before your application is complete, SEQRA is complete and the Planning Board is ready to actually take action on it. Yes, you could...I believe the other solar project in the Town that I referenced that was similar was conditioned on that. Building permits were conditioned resolving the citation. In theory yes, but you also have some time between now and then.

Conrad: The other thing in the back ground here is this project benefits the owner of this property. It makes it difficult for the Town to play nice and say go ahead and build your solar project and turn a blind eye.

Gasic: I completely understand. The intention was to make...for the applicant in this case that the process isn't completely halted. The pressure is really upon the land owner. Let's say hypothetically we get the

approval, the landowner is understanding this project was approved, you really need to clean this in order for us to proceed.

Lilly: Tim, how long ago was the citation issued?

Masters: About 1.5 weeks ago. I actually went out and walked the property to verify the stuff that was talked about at the Planning Board meeting and that's when I took the photos.

Waechter: How long does the property owner have to comply with the citation?

Burg: May 12th.

Lilly: Were there previous citations in the past?

Masters: There was a barn demolition that we cited the property owner on. The barn was falling down. We cited him, he came in and got a demo permit but he didn't finish the project. There is another citation with that one.

Lilly: This is nothing new for the property owner? This isn't something that just came up?

Masters: Correct. He has a history but I never knew this other stuff was back there until I walked the property to see where the solar farm was going to go.

Waechter: What is the process if he doesn't comply as of that May date?

Masters: He will go to court.

Burg: The compliance date is May 12th.

Conrad: That's completion not start.

Masters: If there are reasons due to weather or whatever we will obviously work with him. But if he decides to ignore us then the judge will be sending him a letter saying come pay us a visit.

Conrad: Is that May date the date he needs to start cleaning or it's the date he needs to be done?

Masters: By that date he's supposed to have it completely cleaned up and call for an inspection so we can put an end to it.

Conrad: I just want to clarify it's the date of completion.

Masters: Usually what happens is people put their head in the sand thinking it's going to go away. May 12th comes and we don't hear anything from anybody and then we send it to court and they sent out their notice which gets their attention. Then it's out of my hands and the judge puts a time line on it.

Lannon: I have a comment along the same vein. I realize this isn't for lease but it's your heart ache. There was some discussion at the last Planning Board about screening. The fence line if I recall correctly, the

screening was outside the fence and the Planning Board was concerned that if you don't control that there's nothing stopping the home owner from taking a chain saw and cutting the trees down. Has that been corrected?

Georgiadis: We haven't officially entered in to the lease but we're just going to extend the lease out of our fenced area and include the brush line.

Lannon: Are you extending the lease, if that will offer protection for that screening?

Georgiadis: Nothing will be able to be touched or disturbed by the owner or anyone.

Seaman: That sounds great but just to be clear for the record that hasn't been submitted yet correct?

Georgiadis: Correct.

Seaman: Regarding the citation, it's just not the Planning Board that's pushing this concept it's part of the Town Code that requires citations to be remedied before a new project can be put on a piece of parcel.

Conrad: One of the things required as part of the solar code Section 360-220 P, requires a visual screening from all sides. Basically, we're looking for that visual impact study, the elevations and everything at a reasonable scale, something that's showing 2 and 5 years down the road what the growth will be like, how it fills in and such. You have nothing. We've required every other solar project that has come in here. It's not like this is sitting in the middle of a forest of evergreens because it's not. The trees that surround this are deciduous. I drove Moore Road yesterday, I took photos. I drove 104 taking photos, I got yelled at. 6-8 months out of the year in this area of the world you're not screening anything. There isn't any foliage on the trees a deciduous tree typically has foliage a little higher than eye level. I know there is shrubbery or whatever you want to call it, all scrub brush around it but most of the year that's not offering any type of screening. What else happens is say some farm plot next door gets sold off and a development gets put in there. You're not screening anything. We required every other developer that comes in here per the solar code that you guys screen this property and you're not doing it. We've asked for it. You keep coming up with these ideas that this existing tree line, it's not adequate in my opinion. I don't know what the rest of the Board feels. For the sake of the Code, I'm here speaking trying to be fair to all the other developers that come forth that we're not setting a precedent and I will hold you guys accountable as we've held everyone else accountable. We have another project here. We're talking five hundred plantings. You've offered nothing.

Georgiadis: Could we provide a visual assessment study. We're actually already in the process of working with our consultant to provide a visual assessment study. I have pictures but I don't think it's going to do any justice. I'm not even going to show it. Once we have a visual assessment study it will be a better indication on the screening and all that's there because that...I've been out in the fields and walked the fields. It looks like based off what I'm seeing that the tree line practically screens the first 50' of the panels. Again, we don't have that study in hand yet so I can't provide that at this time. It's in progress and it's almost complete. Once we have that study could we send it over to you and get a better estimation on if there is any vegetation screening that's needed? We want to do as little as possible.

Conrad: We've noticed.

Georgiadis: That tree line has been there for 40 years and we want to do as little as possible to impact that farm ground and that farm land that's going to be in production after the solar project is removed.

Waechter: There is wetland.

Conrad: I don't think lowering your impact on the farm land is really a big concern. I think it's getting in there with the lowest dollar amount you can to make the biggest profit you can. That's business. I understand it. The thing is things can happen with that tree line. Like I said 8 months out of the year there are no leaves on anything. That isn't offering you any screening. You can do your visual impact study but again, I want to open this up to the Board and have the Board comment because I'm a little more passionate about it, I guess.

Burg: The Code clearly says that we need a street visual rendition showing panels and fencing and proposed screening vegetation. It needs to be identified.

Georgiadis: Pictures will be taken at this time of the year so there's no leaves on the trees.

Burg: We also want a visual rendition of what you expect that to look like after the panels and fences are up, what we can expect to see 12 months out of the year from the street.

Conrad: Not just the street, the Code says from each side.

Georgiadis: I know you said street but we'll get inside of the field and take a picture inside the field. I have a location set up and our photographer is working at getting out there.

Conrad: Keep in mind the fact that once those trees are all down so you can put the solar array in there, that's going to make a big difference too on how it looks. Most of these projects get screened by ever green trees. It's something that's solid all the way to the ground year-round.

Gasic: Something that I do want to note that will be reflected in the environmental study and the visual analysis that it represents the view-points of crucial impacts and the ones that probably should be addressed the visual screening. This is a unique scenario where we do have existing screening so the less, we add the more we can use the existing plus strategically add here areas that are not currently screened but what's existing there. Since the environmentalist that's doing the analysis study, he might also indicate that he may not be able to provide certain plantings or certain trees such as you've indicated because there is so much wetland. That would increase the disturbance of the wetland and might also hinder the growth of the tree because you're essentially planting them in areas that are fully saturated most of the time which will not allow the tree to even get established. We want to note that because it might reflect in the study that certain areas might not be able to add trees.

Conrad: So, when you're taking your heavy equipment back there, putting these things in place if it's that wet....

Waechter: That's my question?

Gasic: We are putting timber matting in, in order to put the fencing in.

Baker: Does that mean the site is not suitable then? It can't be constructed according to Code?

Gasic: There is existing vegetative cover on the premise's exterior to it.

Baker: Mr. Conrad is saying he doesn't think it's sufficient.

Waechter: That's why I think we need that study; the covering study and we also need to find out the actual delineations and the discussions regarding the wetlands. If those two don't co-inside it may mean that project may need to be adapted to be suitable for that area.

Gasic: Currently the project reflects the wetland delineations including a JV that was performed on these sites as well as the impacts and the acreages that are being affected by the project. It's just the addition of the screening, if it is required by the.....

Waechter: There is no information as far as the impact on the wetlands. That is currently what is being discussed correct?

Conrad: It's in the drawings.

Waechter: I know where they are but I would like an impact study.

Lannon: That would be part of the SEQRA process but it sounds like you already did a wetland delineation and got jurisdictional determination from the Corp. and from DEC.

Georgiadis: We need to submit for a Nationwide Permit. We said we would provide that whenever we have it.

Lilly: How many acres is wetlands?

Georgiadis: Less than .1 that will be impacted. We can't fill over .1 of an acre of wetlands.

Baker: That's assuming you don't have to reconfigure the topography. You may need to eliminate some wetland to increase planting and screening, right? If there is a determination that the screening planting submitted is not sufficient and it needs to be amended with ever green trees or whatever the amendment might be and that amendment is going to impact areas that is currently designated wetland then either the site is suited for the project or those wetland areas are to be amended and then you have to go through the whole process of creating a wetland somewhere else and the project grows. I'm not saying that's the case but it sounds like the direction it's headed.

Conrad: How can you say planting a tree is going to impact a wetland more than sticking a metal post in it? It doesn't pass the smell test.

Waechter: At least in Michigan there is native planting rules as far as the wetlands as to what you cannot put in there. I'm thinking on the stability of just being...within those super wet areas. I'm not an engineer on that. I would have to defer to my fellow engineers on that but I would think that you may have some instability issues with your soil.

Georgiadis: I think we should just get the impact study and see from there. Maybe you can point out to me on this map where you would like some photographs to be snapped? We're definitely willing to....

Burg: It's not photographs. I don't think we're clear on that. The Town Code says you need to produce renditions at different times of the year showing the proposed structures, the fence, the proposed foliage or screening, the proposed panels.

Conrad: A Cad drawing.

Burg: It's an architectural rendition. We want to know what it will look like. We can go out there and see what the site looks like. We want to know what it will look like when you're done with your project.

Gasic: Just the way you interpreted it the first time, I thought you wanted photos taken with a visualization overlay on what it will look like in.....it sounds like you want a planned view, from top down of where we are proposing plants?

Lannon: You are actually proposing a photo simulation, correct?

Georgiadis: Yes, it would be someone going out there taking a professional camera.

Lannon: And you are going to super impose foliage, correct? It's a little more realistic than an architectural rendering. They are going to take photos and paste in there whatever screening they propose.

Conrad: They're not proposing screening, that's the thing. It's existing vegetation.

Lannon: I think they are getting the message here. I'm getting it.

Gasic: The question we have is what location were you looking at getting the visualizations at?

Conrad: It's in the Code.

Gasic: We're looking to provide it.

Conrad: It's all 4 sides because anything can happen around you. A development can go in on any side of your property.

Georgiadis: We'll do locations on 4 corners of the property.

Masters: I would like to see what it would look like from the Moore Road side, heading east from the most impacted person on Moore Road and I would like to see what it looks like from the back yard of the people on Ridge Road as to whether or not they will be able to see through that existing vegetation and actually see the panels or not.

Gasic: Can you put an X on here on those locations just to make sure we get the right views.

Masters: Right now, with the proposed 9 trees in front of the farm I have no idea if I'm looking from the neighbor's house looking east.....are they going to be this big or if they look out their window will it be like there is nothing there. I don't know without having something to visualize it.

Georgiadis: The trees we're planting are 7-8' in height. Once you start going over that 7-8' level, you risk mortality on the trees. The nurseries will tell you that in the area. Usually like ever greens they start at 7-8' and then they grow anywhere in the range to like a 1' to 1.5' a year.

Masters: Let's just say you put a 7' right up against the pole farm, if I put it up against the property line it will cut the angle. Do you see what I'm saying?

Georgiadis: We don't mind and I need to talk to the Fraas's about this, I don't think they are here. I think the reason we put the trees there because they requested it away from their home. That's why we moved those trees back closer to the utility lines. That was the conversation we had last meeting. I haven't talked to them directly since then but....

Masters: That is the view we are looking for.

Conrad: Tim, I think you're talking about like cutting down an angle like a goalie, you're coming out, putting them closer to the street so that.....it's bigger closer to the street than it would be back.

Georgiadis: That's what we thought too but they wanted it pushed further back. The homeowner right here. They wanted the trees pushed back off the property line.

Seaman: You may need to have a larger number of trees if you're pushing them further away.

Georgiadis: I don't mind where they go. I was asking them because I felt like you were concerned about it.

Conrad: We want to make the neighbors happy. That's what a lot of this is all about is making them happy and keeping them happy.

Georgiadis: I'll reach out to them again for clarification. If there is an adjustment to be made, we'll make it.

Conrad: Maybe it's something that doesn't occur to them.

Burg: Is the road going to be 20' or 24'? You have it listed both ways on the plans.

Gasic: 20' road access for fire code requirements and 4' gates for fire code, so the gates themselves will be 24' wide and the roads will be 20' wide.

Burg: You have a 24' road listed on C-702 & 3. It says 24' maximum. We're just looking to clarify whether it's 20' or 24'?

Gasic: 20' for the actual road and 24' wide at the gate.

Burg: Is that road going to be able to hold the 80,000 lb. load?

Gasic: Its road rated for 80,000 lbs.

Burg: I see the detail but I would have no way of knowing?

Gasic: 24' max. because theonly comes in 24' wide widths so that's why we have the max. It's 20' wide.

Masters: Does it say anywhere on there it will support 80,000?

Gasic: We have the catalog cut we can provide from the manufacture.

Masters: I couldn't find it anywhere on the plans.

Gasic: We'll send a catalog cut.

Lannon: Catalog cut of what?

Gasic: This product, specifically referencing the drawings.

Lilly: The decommissioning plan states that you will be removing everything except the conduit that's underground? I think one of the things is this is to be restored back to its original condition which would mean that conduit would have to be removed.

Seaman: The Code requires complete removal. You can choose a depth and leave everything under 48" in the ground. You have to remove everything.

Lilly: Page 3 of the decommissioning.

Georgiadis: The reason for leaving it there is I think its SHIPPO doesn't require the conduit be removed but the cable needs to be removed out of it. But if it's a requirement the conduit will be removed.

Lilly: I think it would be best. 18" could easily be plowed up. The bonding and such will be in place as well?

Georgiadis: Yes.

Seaman: It is a typical condition that the bonding and decommissioning plan is in accordance with the engineer and attorney's approval prior to a building permit.

Gasic: Prior to the building permit being issued the electrical engineer who will size the actual conduits or the actual cable being used for the specific modules that are being proposed and the tracker system determines that the conduits are not needed and the intention is to lay the cable in the trench, would it be possible to adjust the bond then to reflect the conduits aren't being removed and therefore not needing to be bonded?

Conrad: I think if God didn't put it there it's supposed to come out.

Burg: Part of the decommission plan we talked about last time was making sure that the top soil stays on site and you don't remove the top soil.

Gasic: There is a note on there.

Conrad: Are we still going round and round with the power poles?

Gasic: There are 6 that are required by the solar company. All the other ones have been removed. So, we've gone from 16 to 6. The 6 are the ones that are required by the utility company. Everything else will be underground.

Conrad: But why 6?

Gasic: I asked that question several times myself. Each actual pole itself serves a purpose between a meter that is the utilities meter and a meter that's the applicant's meter. Each one serves a specific purpose and they need to be separated. You can't put them on a signal pole for example.

Lannon: It's a National Grid condition.

Conrad: Have we seen that on other solar arrays? I don't remember ever seeing that.

Masters: The one on Moore Road because of transmission lines go through the site. Their pole farm is in the middle of the site. You can't see them from the road. If you look at the one in front of my house you can see those poles plain as day and Williams Road you can see plain as day.

Conrad: Nothing we can do about it.

Masters: That was a Grid condition.

Lannon: Will the decommissioning include removal of those 6 poles?

Gasic: I believe ownership of the poles is National Grid, not the applicant. When this gets decommissioned National Grid would need to come and remove the poles. Just like we have to provide an access road in order for them to access their poles.

Conrad: I was looking at the decommissioning plan and C-801, it's still calling out for removal of power poles.

Georgiadis: Those would be ours if they were above ground.

Gasic: We provided the note to present that the intention is they are removed and the applicant isn't the one that's going to remove it. National Grid who owns the poles will be required to move them.

Conrad: I don't know if there were any poles shown on that plan. Maybe you might want to have your electrical engineer re-look and make sure he tidies up; it looks like it's a little....it says one thing and right next to it there's something else. There were no poles shown on that portion of the plan. I believe it was in the middle. It appears twice right along the underground electrical.

Gasic: That note will be deleted.

Conrad: When I was looking at the electrical plans E-701 & E-702, electric key notes show several references to pole monic devices. Is that the reason for those poles? They have to be full height poles?

Gasic: Yes, National Grid. They are actually taller than road poles.

Conrad: The Niagara County Farm Land Protection Plan, you had said you were working on that on the impact it had, groups 1-4 were impacted by the road construction.

Georgiadis: There is very minimal impact on the project. It's in an Ag District so we have to file a Notice through NISDAM, Notice of Intent.

Conrad: At what point would you be doing that?

Georgiadis: Right now. We are in the process of filing it. It takes, it's about 45-90 days' time cycle. Can you make that a condition as long as it comes back?

Conrad: I just want to make sure it's being addressed.

Georgiadis: Yes, it's being addressed. We can send you the application we submitted or you can just wait for the response, it's up to you.

Conrad: As long as you're moving forward. That will come up in the SEQRA Review.

Morreale: I remember, is it this project the width of the road and the turn around? Maybe it's another project?

Conrad: There is no turn around. There is a T. Any other questions from the Board?

Waechter: As far as if there is an issue where your solar panels leak or if there is a fire and they have to be put out and it's usually a chemical base, who is responsible for the cleanup?

Georgiadis: We can offer training to the local Fire Dept to ensure that everybody is properly trained if a situation was to ever arise.

Waechter: I'm talking about who is responsible for the impact on the property as far as monetarily cleaning it up?

Georgiadis: Are you saying if there is a fire on the property and it needs cleaned up?

Waechter: Yes, because based on what the Fire Dept. will have to use, I think it's like a foam?

Conrad: I think it's only if there are batteries.

Waechter: Even on the panels, no?

Conrad: The only thing flammable on the panels is the frame.

Georgiadis: I think that is why I was confused?

Baker: What about a transformer fire?

Georgiadis: Highly unlikely.

Baker: But it's possible.

Conrad: I've got it in my house so I hope not.

Baker: Are they dry transformers or wet?

Gasic: I honestly don't know.

Georgiadis: They use vegetable oil in most of the transformer systems.

Baker: Isn't it flammable?

Georgiadis: No, you can eat vegetable oil.

Baker: Transformers are known to overheat and catch fire, explode, fail. She's talking about the chemical you may have to put on an electrical fire to extinguish it.

Waechter: It's usually the chemical they have to use. It appears to be a lot of drainage. That chemical is going to migrate.

Conrad: Sure, if they were to have batteries.

Waechter: That is my concern, if at any time there is a possibility that it has to be put out that way, we're going to have an issue.

Conrad: That's why we don't allow batteries. The training and everything I've read they say it's the biggest issue and that's why we don't allow it anywhere but industrial sites.

Baker: I don't think the Fire Dept. is going to be responsible in the eventuality a cleanup is required, the Town doesn't want to be responsible nor does the fire district. You say it's not going to happen so you shouldn't have a problem handling it.

Conrad: Any other comments or questions from the Board?

Masters: On the landscape plan they show a, the comment was we are not going to put slats in the fence we are going to put a screen? There wasn't any detail on the plan other than verbiage.

Georgiadis: This is an example of what the screen will look like.

Masters: Can you give it to the Board.

Georgiadis: We thought it was less industrial in style than slats.

Conrad: Is it easier to maintain?

Georgiadis: Yes.

Taczak: How often is the replacement?

Georgiadis: If there is a huge gust of wind that comes through and knocks it out, then it gets replaced. Typically, they last quite a while.

Conrad: Is it like a continuous roll? I'm curious how it's installed.

Georgiadis: It's in sections.

Conrad: So, one section can come down to replace it.

Georgiadis: Yes.

Gasic: You typically see this at local high schools. This will be more of a commercial application.

Taczak: If it's anything like my neighbor's pool, the winds we've had this past fall, gone.

Georgiadis: In order for us to put the screening in, we had to upgrade the fence to eliminate that from happening. You're right if the wind is too strong and you have fabric it's like a sail. You have to upgrade the fence to ensure it doesn't sail off.

Conrad: Is there a rating on that, like a wind rating like a shingle?

Georgiadis: I don't think so.

Gasic: It's supposed to allow wind to pass through it.

Georgiadis: We will obviously put in something that works because we don't want to have to come out and replace it.

Masters: Can you send me some product information on that?

Georgiadis: Yes.

Conrad: Does anyone have an opinion on the looks of it?

Masters: I personally like the fake blue spruce screening. It will be presented next month to you. It's a product like that but it's a fake blue spruce needles is the screening. It looks very nice.

Seaman: Do you know if you sent the Town a Notice of Construction Solar System relative to real property tax law and whether or not they've responded for a request for a pilot?

Gasic: I don't know if we got a response for a pilot.

Georgiadis: I'll have to look at my notes.

Seaman: You intend to engage with the Town for a pilot?

Georgiadis: Yes.

Seaman: Do you anticipate doing that before you're in the ground?

Georgiadis: We have to.

Conrad: Anybody in the audience here to speak on behalf or against the project?

Baker: This is in regards to the decommissioning cost estimate. I understand I guess that the drawings are stamped 30% design. I don't know whether this part of the package is at that stage or further. The thing that stands out the most to me is on page 44 of the decommissioning estimate. This project supposedly has a life of 30 years. For reasons it may or may not happen and are unknown to anybody right could end earlier. If it ended tomorrow the line item for the salvage value of the modules is \$196,560. Might be fairly accurate. In 30 years, it might be zero there and that's half the total cost of decommissioning. That reduces the effective value of the bond by half and in 30 years that's more than, could be more thaninstead of being a credit of \$196,000. It could be a cost of \$196,000. Do you follow me? So, I guess my point is really two-fold, I don't see any except for contingencies for 5% inspection and permitting and 2% legal fees, I don't see any contingencies at this stage of the design whether it's 100% or 30%, any contingency of some magnitude depending on the level of design for costs that aren't specifically spelled out. It's the salvage value of the modules now versus in 30 years and in some point in time between now and 30 years could be a sliding scale or in 15 years it might drop off to nothing or 10 years because there's new technology. If you're starting off at year one with a credit of \$200,000. And your total in year one is \$176,000. You're starting off \$200,000. behind the 8 ball, in 30 years it will cost you \$200,000. to dispose of it if you can find somebody to dispose of. That's what I'm getting at. A minor number I don't think we'd be talking about it. That's like half the cost estimate.

Gasic: Most of thatis metal.

Baker: I'm not talking about that. I'm talking about the photo panels.

Gasic: The estimate reflects the fence and everything.

Baker: I understand that but this line item specifically says the salvage value of modules.

Gasic: That price includes the post as well as all the metals, it's not just the tablets themselves.

Baker: It might be \$20. a ton today. I don't know how many thousand tons you have out there.

Conrad: Scrap fluctuates. It was very high a few years ago. Now scrap is nothing.

Lannon: Mr. Seaman might recall better than I but my recollection for the solar farms we've done in the past is we require the full bond amount on day one.

Gasic:30 year it would be the bond at the time of

Lannon: \$360,000.

Gasic: That would be the bond amount.

Lannon: Right at the beginning.

Baker: It would escalate 2% a year after that?

Gasic: The bond amount at the beginning is the full amount of 30 years.

Baker: That's still based on the year one number of \$176,000. Which I'm saying may not be accurate because there is a number in there that has a credit, a big number, 50% roughly of decommissioning.....

Gasic: If you don't count the salvage value in the beginning of that cycle you are essentially double charging the cost of the installation of the product itself.

Baker: Maybe you can break that salvage number down then, if you feel there is enough other material that's going to have salvage value that's going to maintain its value, break that salvage value down. I'm concerned about there is a large number of photo panels in there and they could have a disposal cost instead of a credit somewhere in that 30-year time frame. It may not but my guess is they will.

Gasic: My question to the Board would be as a definition of a salvage that is allowed in the bond is your definition only the PV modules or the system entirely? If it's the salvage value for the system that would include the metals and everything.

Baker: It's the panels of the array.

Masters: One we got had the salvage for the racking and everything.

Gasic: the way....take that to size and look at the....and increase or decrease the salvage value up front but deducting the steel value will only show what the salvage value in the definition is.

Baker: There is no salvage value in the concrete, that's a cost today.

Gasic: That wasn't included. We could break up the salvage value and see if you want it but it will still be the amount....

Baker: I think it will be more accurate, there would be a better understanding, because I really don't think.....I just don't think there would be a salvage value for that component of the system. At some point the technology is going to change enough I believe there won't be any recycle value unless you broke them down to elemental components.

Conrad: There is no salvage value in the panels currently.

Baker: Cells have been developed that will generate electricity at night from moon light.

Conrad: You've seen or read what I read because the presentations that I've seen, it's the same thing, there's only one recycling facility on the east coast or the entire nation.

Seaman: Recycling for the cells?

Georgiadis: For the infrastructure.

Seaman: There's a difference here, there's a value to the metal. We're talking about the difference between that and the cost of disposing the cells. You're not getting any money anywhere for the cells? You're paying to dispose of them somewhere and where can you dispose of them.

Gasic: My early comment was based on theof the salvage value. I'm assuming it should be that it's referred to as the pv module value not the array which would include the steel....

Conrad: You're saying the metal salvage value will off-set the cost of the solar panels being disposed of?

Georgiadis: We can it break it down.

Conrad: That's the way I understand it because like I said the technology is very few....who you partner with. It's only one facility that I've heard of that can recycle. Are they really recycling them because as Pat said you can't really break them down to the raw materials that they were made from to a point where they are actually re-useable?

Lilly: Isn't the bonding company going to assume that risk with the cost of your premiums over 30 years that all this we're talking about here the last few minutes is....

Baker: No, they just assume the dollar value, once you spend the dollar value...

Lilly: If the bonding company is on the hook for

Lannon: Only the bond provided.

Lilly: If that does go above that, then who makes up that difference?

Seaman: The Town would if they decided they wanted to go in and remove the rest of this from a person's property or perhaps it would get left there.

Lilly: The property owner or the solar company still won't be on the hook for that?

Conrad: The solar company is only on the hook for the bond.

Georgiadis: Technically we have to remove it.

Conrad: But if you run out of money from the bond.

Seaman: Or if they sell to another company.....

Georgiadis: The bond is set up so that if something were to ever happen to NextEra then someone else would be able to come in and completely decommission, they whole thing if we ever had to sell it off. I do

want to note that we are an owner/operator and that's the reason we've grown the way we have. We own and operate projects; we don't sell them off.

Baker: That could change.

Georgiadis: It could but that's why we have a bond.

Gasic: I would also encourage you to look at the NYSERTA guidance that is currently in place for the decommissioning. That estimate you will see is above and beyond what is required of NYSERTA. If there is something that the Town would like to see going forward, normally in these I would encourage you to have that established and circulated to be fair.....

Conrad: Any other comments or questions?

John Jacoby: Did we skirt around the issue of 2% each year? They understand 2% has to be included in that. We started to talk about it and got off track.

Lannon: I think it's 2.5%

Conrad: At this point they have more to do to bring to us the landscaping and the renderings. Do we continue to hold the public hearing open?

Seaman: I would recommend you hold the public hearing open. You also have SEQRA analysis that is on-going. It hasn't been completed yet. The applicant's application is not complete based on the numerous things you have asked for. I would hold the public hearing open, meet back next month with new information and go from there. You can do a motion to hold the public hearing open.

Gasic: At what point does it go to the County?

Georgiadis: It already went to the County?

Seaman: It went to the County Planning Board.

Georgiadis: It was approved.

Taczak: Can I just make a note with what Mr. Seaman was saying that another month until the next Planning Board will be after the date on the citation for the landowner. I just want to be sure that everybody.....

Conrad: Your success is linked to his elbow work.

Masters: The good news is a lot of the stuff that's on property is heavy farm equipment that has scrap value.

Lannon: I have one more thing on your decommissioning plan, if you're going to go through and tweak it, your equipment and material removal rate talks about a round trip transportation of 4 miles, 15 minutes to get there and back.

Gasic: I'll be honest with you, I used google earth and typed in transfer station because I didn't know where the closest one was and that's the one that came up on google earth. If you know a specific location, I'll use that one.

Lannon: I'll leave that to you. In your write up it talks about transfer station at 1700 Union Road, West Seneca. You're not going to get there in 4 miles.....

A motion to keep the public hearing open was made by Taczak, seconded by

Georgiadis: Regarding SEQRA, I know there is an environmental commission meeting to my understanding. What are the next steps to get to that meeting?

Masters: We can't put it on their agenda until Part 2 & 3 gets completed by GHD and we get the comments back. They don't want to hear it with just Part 1 done by the applicant.

Gasic: We would think you would want their feedback to you as the Lead Agency.

Lannon: The Lead Agency will be the Town Board.

Masters: That Board is just a referring Board.

Lannon: We've just begun the SEQRA process. The Environmental Commission will weigh in down the road a little bit.

Georgiadis: Are we looking at something next month?

Lannon: No, not for the Environmental Commission. By the time SEQRA is done and it could be ready to go to them probably, we're just beginning the Coordination period.

Masters: The plan was to run a parallel path with SEQRA and the Planning Board and ultimately get to the Town Board at the same time. By the time you get through here, hopefully the 30 days is up, hopefully their review is done and when you start aligning towards getting to the Town Board, we'll get you to the Environmental Commission and the Town Board and everything should all come together.

Georgiadis: Thank you.

Motion seconded by Waechter and carried.

The next item on the agenda was a revision to the Site Plan Review/Special Use Permit for Kilmer, solar array, Townline Road, SBL# 90.00-3-32.

Jared Perram with Saturn Power and Adam Rowels here discussing the community solar farm at 4616 Townline Road, the Kilmer property. 5-megawatt AC that we're hooking up like these gentlemen. I'm sure you remember that we were here last month, came out with a few different comments. I would like to address a few of those if we can. We had the Town of Gaines in a lot of our literature for the O&M plans. That has all been cleaned up. I think that is reflected in the documents you have in front of you. The same for the emergency notification that's all been cleaned up. We didn't, we've submitted a more robust package

than we originally came in with. You have the signage and fencing detailed in the plans itself. We put together a full O&M plan and put that in there, storage removal, excess materials such as panels supports, excess wires, that's in O&M plan along with the decommissioning plan. We talked about landscaping and what that's going to look like and added, I think we were in pretty good shape as far as the landscape plan. We didn't get too much feedback. The bulk of the site will end up screened. Perhaps the whole site town wide additional screening. We added some additional screening to where those poles are. Our access road and our poles are in two separate locations. The driveway, the access road we will call it needed to be s-curved. We made that adjustment as well. That's pretty well screened. We added landscape to the pole, fence detail. I think we had barbed wire originally, but that was brought up and I know there is no barbed wire that we've got integrated in to the fence at any point. We went with slats because that was talked about last month. I didn't realize there was blue spruce rolls now. Wetlands, I think we touched on that very quickly. We submitted a full wetland delineation report with a jurisdictional determination that was submitted to USACE. We haven't heard back. I think a lot of the folks you're talking to USACE is super back logged but we got that jurisdictional determination in. We don't expect to have to do a Nation-Wide permit or anything along those lines. The impact is super minimal, just some posts that are going in to the wetlands.

Conrad: You reconfigured too?

Perram: Yes, our road we are bobbing and weaving outside of the wetlands the best that we can. The fire access road you will find that on the road detail, HS 20 loading is what we have labeled on there. That is through my engineering folks, the civil folks. Here is a question I have and Tim was kind enough to send me some feedback from the Board, maybe some of the engineering folks. I see on here construction schedule, landscape installation? In construction drawing but have landscape at end? I'm not sure if that's a comment or a question?

Masters: That was a comment from me. The Town Code requires the landscaping to go in first not the end.

Perram: If we were to put in the road and then the screening, just so I'm not trying to serpentine my road through the screening....

Masters: What we don't want to have is, this was all new to us a little while ago so the neighbors have had to endure all this construction and then a year later the landscape screening goes in. When we addressed the solar law, we said we want the screening in on the up front.

Perram: I wouldn't promise it would be the very first thing. I would want to get the access road in first. But we will bump vegetative screening up.

Masters: Right now, it's at the end.

Perram: Not a problem at all. Happy to do that. DOT approval for the culvert on Townline Road, we made that initial reach out for the DOT just starting that dialogue and sending over our plans. We haven't heard back from them but they've been pretty receptive for other projects that we've been working on. I don't anticipate any hold up. I think on the O&M plan, last month there was just a generalized question of what's going to be in there? I think this was yours Tim, 14 items and the maintenance chart including frequency of grass cutting. I'd be happy to talk through any of that as we would like to discuss as far as what the logic is there or any particulars. Sign at street is an interesting one for me. It still needs site identification at the road. Happy to do that. I didn't think Lewiston wanted a sign at the road....

Conrad: It's more of an emergency identification of the site and the address.

Perram: You're looking for at the road itself and not all the signage at the gate near the solar facility?

Masters: What I'm looking for is something at the road with the street address on it and identifying the site so if somebody is back there and they call 911, they're not driving around in circles while the guy is having a stroke.

Perram: That's fine. I'm happy to put up a sign. I think I saw in the regulation it says something signage used to....shall I follow the guides of any signage used to advertise the solar energy facility shall be in accordance with the Town signage regulations?

Masters: I can also send you the Fire Code requirements for sizing.

Perram: The last comment and we've had a whole depth conversation about it this evening already is the line of site visualization photo simulation so that request came in just a couple of days ago. I've already got my folks out getting pictures for photo simulations to be done, north, south, east and west. It will be 4-6 weeks until we can actually get those renderings in and get them in front of you.

Conrad: I did find the elevation. It isn't listed on here. C-603, but I did find it. It is at a readable scale 1-30 and they do show the 2 year and 5 year.

Masters: The reason I'm saying that on that back page they're talking about it shows the trees. It isn't in relation to anything. I can't visualize if I'm standing at the road.....

Conrad: Throw the fence behind it with the heights so we can see how it relates to the panels and the fence.

Perram: It's going to be as if you were standing there when the solar farm is built looking at the property.

Seaman: It shouldn't just be from that one road either.

Perram: That is the comments and questions and concerns that I remember from our previous meeting. Those have all been addressed. We've got a much more robust package in front of you. I'm sure you've had some time to look over it. Maybe it's inspired some additional questions? I'm happy to address those as well.

Baker: I have the same question about the decommissioning plan. I went to the pv module, I noticed you took a different path to getyou didn't include any salvage value for anything which is probably wise except those panels at the end of the project or sometime before the end of the project may not have any credit, it may be a cost to dispose of. It affects the bond cost and the potential cost to remove these things at some point in time.

Perram: We have the module removal 4587.50.

Baker: How many modules are there?

Perram: Thousands, solar modules are not difficult to uninstall.

Baker: I'm not talking about un-installing, I'm talking about taking them off site. What are you going to do with them?

Perram: There is another line item there for that where we're taking them to the same facility down in West Seneca that these folks have. I think our estimate was around \$10,000. for that transportation.

Baker: I'm talking about the cost of disposal. Transportation is relatively insignificant.

Perram: We can bump up that number of little bit if that's more of what....

Masters: You can have.....if you took used panels to Modern Disposal how much would they charge you to take them?

Baker: If they would take them. They won't. The thought being they probably won't have any recycling value. They probably don't right now unless they could be re-used for their intended original purpose. The technology is changing pretty rapidly and it's likely that they won't have any value and in fact they might be a liability. It could be a significant liability and it affects the cost of the bond and on and on. It goes right through to when the site is returned to its pre-construction condition. A few thousand dollars I don't think is going to cover it. I think it needs to be looked at.

Perram: I'll revalue that number.

Waechter: I noticed that you have 2.0 rate where before it was 2.5? Is that something we're allowed to adjust?

Seaman: Typically, what happens is once the plan at a location that's favorable by the Board it goes over to GHD to do an engineering review of the decommissioning plan to make sure all the numbers make sense. In terms of that number 2.5, that's not listed anywhere in the Code. It would make sense that you would have them be equal.

Baker:values to use in their cost estimates every year and it changes. It goes from 0 and up to 3%. It depends on inflation and the economy and a lot of other things too.

Perram: 2% is the NYSERTA guideline that you hear Drazen and those folks allude to as well. That is where we pull our number from. That's the bench mark that's out there by the New York Governing Agency.

Baker: I've seen 1.5-3%.

Waechter: I just feel that we should be consistent in what we do.

Taczak: I was going to mention the exact same thing. If we are going 2.5, we should be consistent with everybody.

Baker: It depends on when the project starts.

Taczak: From my point of view, he has more of his I's dotted and T's crossed, this group here. We still want to be consistent.

Perram: I'm happy to re-evaluate those numbers.

Lannon: I think Camie may have sent you guys some comments. I think over all I think the drawings are in pretty good shape. A few minor things on the SWPPP but nothing that will stop the world from spinning.

Burg: I want to make sure in the decommission plan that we identify that the top soil remain on site.

Perram: Nothing is being taken off site.

Burg: If we could identify that.

Conrad: It would make more sense on the site plan.

Taczak: You talked to a few of the neighbors last month. There was one lady that was to the south and I can't remember her name but she was the one with the horses. She was mentioning that the drainage slopes from north to south from the Kilmer site on to her land. Did you come to any type of discussions or resolutions with that?

Perram: I will let the SWPPP speak to a lot, the topography and site. I reached for all those folks, gave them my card and said please call me, let's talk about it, let me understand. I didn't hear from anybody. I would be more than happy to have that discussion with them.

Taczak: I just wanted to know because I know you talked with people and I just wanted to know where you stood with that?

Perram: I wish I would've gotten at least a call back. It would have made me feel better.

Conrad: Anybody that does construction knows that you can't let your site drain on to someone else's site.

Perram: We're not changing topography of the site at all.

Taczak: She had mentioned in your presentation to us that the site naturally drains towards her.

Perram: If you were to ask Dan Kilmer, he would say her property drains on his.

Conrad: I guess the point the Board is trying to make and correct me if I'm wrong Bill but we want you to maybe improving what's there so that in a good neighborly fashion you're taking what's there and making it better so there's no question you're taking care of yours and hers.

Masters: If you have a 40-acre field and you have a ditch running down the middle of it but all of a sudden that ditch is inside the enclosure and the farmer that's going to farm the rest of the 20, now can't ditch it inside that fence and solar company says screw you after it's done, it becomes a little bit of a logger head.

Rowels: There is an existing drainage ditch at the northern end of the site where a majority of the storm water drains

Masters: I would rather identify the drainage ditches now and make sure there is not going to be a problem rather than have this at the end of the project. I always get caught in the middle of it.

Perram: We'll identify that ditch and show where the water is going and make sure the neighbor is happy.

Conrad: Make sure it's evident that you're doing something too. Make sure they are aware. Anything else from the Board?

Lannon: Just for the Board's information the Lead Agency coordination period just ended earlier this week. This is more advanced in that process than the prior application. We will be able to begin Part 2 & 3 and start that.

Baker: This came up earlier. Where this project is located is very close to the Niagara Escarpment. I didn't see, I'm not saying it doesn't exist but I didn't see any subsurface geotechnical inspection. It could be a high probability that bed rock is relatively close to the surface which based on the dimensions here could impact your design with respect to installation of the system and everything. It could be significant. In fact, there is a resident within a quarter mile away on Lower Mountain Road, it's like a shelf on the escarpment. It happens to sit 4' higher than his neighbors on either side because they bought a lot where the bedrock was very close to the surface and they chose not to try and excavate or blast the rock out of there.

Masters: I don't see that being a problem where you are because right behind you is the lake that's being excavated right now.

Baker: Right at the other end of the road where the Boy Scout Camp is, there's an abandoned quarry.

Perram: I hope you're right. I've been tricked before.

Baker: Without doing some investigation you don't know what's underground.

Perram: If it came down to that we would be happy to make some adjustments and obviously I would work with Tim on actually acquiring a building permit based on those changes. I don't think we will run in to that.

Conrad: Other questions or comments from the Board?

Seaman: Do you know whether you guys have submitted that same intent to construct a solar energy system letter to the Town?

Perram: I think my counterpart Pat has reached out for the IDA but we were waiting for this meeting, the public hearing to conclude too just really.....

Seaman: There was a different attorney. I'm just wondering if you know whether or not the Town has submitted to you the letter that says we intend to proceed with the pilot?

Perram: No, they have not.

Seaman: Have you submitted the letter to the Town that says we intend to create the solar array and you have a certain amount of time before you tell us whether or not you're going to require a pilot?

Perram: I don't know if Pat has sent that letter out.

Seaman: You are familiar with the process, right?

Perram: I am yes.

Seaman: I wonder if the Town has missed its opportunity, then?

Perram: No certainly not. We would prefer to do a pilot with the Town, County and the school district independently if that's what you're alluding to. That's 100% what we prefer to do.

Seaman: There are other municipalities around that have missed their opportunity. A developer on notice that they're going to intend to file it. Because of the way the law is drafted you have 60 days from the time that you were noticed that you're going to construct solar array the Town will send you a letter that says we want a pilot. If they missed that opportunity then they missed that opportunity and the land is exempt from taxation.

Perram: I would prefer to avoid the IDA in any way shape or form that I can.

Seaman: It might be hard because the County has passed a law that has exempted themselves from 486.

Perram: That's where we find ourselves a lot of time saying okay well, we will go right to the IDA because it's just easier. We pay their ransom fee and they work it out. Early on with solar it was Town, School District, County, get them all sitting down at the table, more money goes in to each municipalities pocket. It's was a beautiful thing. We don't have that luxury anymore. Let me get the answers to your questions though because it's my counterpart that's up in Canada that he's handling a lot of this. I can get some definite answers. If the Town wants a pilot. That would be my preference as well.

Seaman: I'm sure the Town wants a pilot. The question for you guys would be whether or not the County does or if you're going to do it through the IDA or the Town and what process you are going to take on that. I would anticipate the Town is going to request a pilot prior to building.

Baker: Just for my information, the maintenance of the facility you don't apply any chemical herbicides or plant growth retardants or anything like that? How do you clean the panels?

Perram: They are on trackers so we will rely on the rain for the most part because they move, they'll wash themselves. Low rain and high dust and high wind we would come out. It's really as simple as a water truck that we come out and spray them down. There is no need for chemicals. Water does a fine job. We do have the grass cutting in here. We refer to the 10" being the maximum height of grass. If it exceeds that we would come out and mow it. I want to sayI'll have to see how often we are coming out to take a look at that for the visual inspections but during times of higher rain in the region we will come out more often. It's really that 10" threshold that we would be coming out to take a peek at.

Conrad: Do you know what the ground cover is going to be?

Perram: We like clover when we can because it's friendly and low growth and it makes all the bugs happy. You can do it, it's more tricky when you're sloped. We'll have to do grass or something along those lines but clover is able toon a flatter surface.

Waechter: Was it your plan that said wild flower mix or something?

Perram: We'll have a wild flower mix in there but also clover.

Waechter: Some of the wild flowers get up to 24....

Perram: It won't be a botanical garden.

Baker: There won't be trash on site or there won't be a dumpster on site?

Perram: No.

Seaman: On your screening plan I would note, I think it's nice you have broken it up in terms of the different types of vegetation. In the back of the neighbor's yards, you might want to consider doubling up some screening. You have gray dog woods for example. Maybe behind that you want to have some evergreens.

Conrad: Shift from some areas to others?

Seaman: Just add some. Essentially you have one layer of different types of things. We've certainly seen them come through where there have been multiple layers of vegetation. Certainly, for the neighbors that their back yards are backed in to it. Once we see your site line analysis that you're going to bring that will be an interesting component. I would concentrate on that.

Perram: There is some existing vegetation but I think the photo sims will really help to fill in those gaps. If there are gaps it will be pretty obvious and we'll be happy to fill those in.

Seaman: Just on the same little note, the landscaping it has spacing as shown but you can maybe define more clearly what the spacing is between the vegetation.

Perram: They are side by side. I understand what you're saying.

Seaman: Photo simulation will help them, installation 2 years and 5 years.

Conrad: A good set of plans though. Anything else? Anybody in the audience? This was a continuation of the public hearing. As I noted with the last project that we made a motion to classify this project as a Type 1 SEQRA. Motion to designate the Town Board as Lead Agency for SEQRA and motion was made by GHD, Town Engineer to assist with the coordination and review for coordinated review. You have submitted the O&M plan, the decommissioning plan and as I noted earlier the elevations of the landscaping with the 2- & 5-year renditions noted. Can you make sure the drawing number is added to the C603 is added to the cover sheet?

Perram: C603 added to cover sheet and we will look at adjusting the module removal number. We will wait to hear back on the 2% or 2.5% on decommissioning. We are going to get the photo sims taken care of, 2 & 5 year.

Baker: Look at the lack of salvage value.

Perram: You do want a salvage value identified?

Baker: Or a cost.

Seaman: I think you said we are still waiting on wetlands?

Perram: Wetland is the final determination which could be a few months based on their back log. DOT is the same, just waiting on feedback there.

Waechter: Your property doesn't have a lot of wetlands?

Perram: Very little and that's why we don't anticipate, federal. Anything that needs to get permitted is getting prioritized and there's actually developers that are just permitting to permit just so they can get pushed up. It's just not necessary for us on this one.

Masters: Bob, you said the coordination time, 30 days has expired. Have we gotten anything of consequence back from any Ag & Markets or DEC, Army Corp.?

Lannon: We got them but I don't know what they are off hand. What I can tell you with confidence there is no one objecting to the Town being Lead Agent. The details of which I don't have in front of me. They just closed.

Masters: The reason I was asking because in the past they had a little bit of an issue between the NYS DEC and Ag & Markets had a little bit of a struggle and we got caught in the middle of it.

Lannon: Ag & Markets definitely weighed in.

Conrad: Are we going to keep the public hearing open?

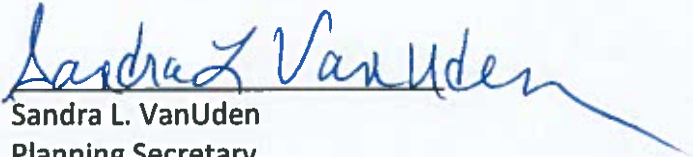
Seaman: Yes, I would keep it open.

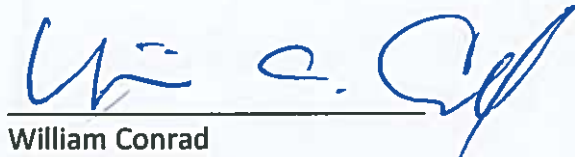
A motion to keep the public hearing open was made by Burg, seconded by Waechter and carried.

The next meeting will be May 20, 2021, at 6:30 P.M.

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

Respectfully submitted,


Sandra L. VanUden
Planning Secretary


William Conrad
Planning Chairman