

Town of York Planning Board Meeting, In-Person & Zoom
Wednesday, July 22, 2020

Planning Board Present: Chairman, Joe McIlroy, Zack Kobylanski (alt), Heather Grant, Chris Wall, Al Brightman, David Dermody

Others: James Campbell Jr., Esq., Donna Falkner (Clerk), Lance Brabant (MRB Town Engineer), Kirk Richtenberg, Tom Trathen, Brian Tempio (Verizon), Dave Sliker

Remote (Zoom) – Dave Ingalls (Solar Park Engineer), Joe Hens (Ingalls & Assoc.), Tom Guzek (Solar Park), Dawn McDonald, Yogish Kumar (OYA Project Manager), Terry Rasmussen (OYA Director of Development), Rob Company (OYA)

7:30 pm – Mr. McIlroy opened the meeting with Pledge of Allegiance.
Mr. McIlroy asked for a motion of approval for the January 28, 2020 minutes.

Resolution:

Mr. Wall moved to approve the January 28, 2020 minutes, Mr. Dermody seconded, carried.
AYE – 5 No – 0

Mr. McIlroy - I have noticed, um, there's a few, I don't know whether you call them typos or they're from the transcription. I've highlighted them and I'm going to give them to the secretary. They really don't change the content of the meeting, but it's simple things like secret, instead of SEQR, and there's a few things like that. So, there's a lot of little things from the transcription and I'd like to have the minutes approved with those corrections I will give to the secretary so that she can correct them.

Resolution:

Mr. Brightman moved to accept the June 24 meeting minutes with corrections to the transcript, Mrs. Grant seconded, carried.
AYE – 5 No - 0

Mr. McIlroy - Okay, our next thing will be Solar Park. And I don't know if Lance has any comments on that before we move on to our comments.

Mr. Brabant - Sure I'll highlight the MRB comments. MRB did complete a review of revised plans, including the decommissioning plan, operation, and maintenance plan, and the SWPPP (Stormwater Pollution Prevention Plan) that was provided to the MRB Group, and the comment letters asking for clarification. We did generate a comment letter dated July 15. summarizing them. we asked for clarification on the operation and maintenance plan as to a schedule that's provided in there and the reports that are being generated based on their inspections of the site. We asked for them to identify who is going to receive those reports. We ask that the Town of York be included in the distribution so that we have documentation. We asked that in the decommissioning estimate, which includes removal, everything that gets approved as part of this project. We ask that \$1 amount be included for the repair of town roadways in case the roadways are damaged as part of the decommissioning of the project., The last one is possibly on when we have these private entities creating a solar facility, that there's some

maintenance obligations associated with it as the Town does not want to be responsible for maintaining them. We are asking that a stormwater maintenance agreement be provided as part of the project. The Town Attorney and I have prepared one before so we will develop one for the approval of the Town of York. Once the agreement is approved by the Town, we will require the developer and the owner of the site, to sign off on that agreement that just basically states that they're obligated to maintain whatever stormwater management facilities are within the site, and constructed as part of this project for the duration and life of the project. A lot of our concerns from beginning to now have been addressed.

Mr. Campbell - Does anyone on the board need any copies. I made copies of not only the common letter, but the SEQR documentation, as well as some draft resolutions we are talking about. Is there anybody who doesn't have the documentation?

Mr. Wall - So I just had a question on the stormwater program that you're talking about between the developer and the town. Is that just for the construction of the project or is it for the life of the solar park?

Mr. Brabant – the owner/ developer of the project will have to clean them out every so often as long as the project stays operational.

Mr. Campbell – if the town has to do it, they will charge the developer.

Mr. Campbell - Copies of not only the common letter, but SEQR data as well as some draft resolutions, are we talking. Is there anybody who doesn't have the documentation?

Mr. McIlroy - before we get into too much discussion on this is everybody familiar with the public comment letters that we've received? So, we don't have to read in detail all of those is every member read those and know where we're at on those public comment letters. And I can read the county referral letter, that's fine. But some of these other ones, we don't have to go through.

Mr. Campbell - Do you want to just list for purposes of the record where those letters came from?

Mr. McIlroy – AYE we have one from
Jeannie Galbraith
Dorothea Prine
Stacey Bennet Regone
Ronald Regone

Mr. Campbell - If you want to just go around to the board members and just ask them to acknowledge they read those. I'm trying to make sure to record for people.

Mr. McIlroy – AYE I will. All members responded AYE – Mr. Dermody, Mr. Wall, Mrs. Grant, Mr. Brightman and Mr. McIlroy.

Planning Board Chairman
Re: SolarPark SSI, York
Response to Citizen Comments
3955 Retsof Road, Town of York, Livingston County

Dear Mr. McIlroy,

Please find our responses to Ms. Galbraith's comments/concerns regarding the proposed Solar Park Energy, LLC solar farm to be located at 3955 Retsof Road, in the Town of York, NY. Below you will find Ms. Galbraith's comments followed by our responses. It should be noted that a complete packet of project materials was sent to Ms. Galbraith on July 7, 2020 for her review.

Comment 1. If I am incorrect about the job creation aspects of this proposal, what jobs does this proposal provide for the residents of the town? How many, if any, of these jobs are permanent in nature?

Response:

Dozens of short-term jobs will be created during the construction phase of this project. Long-term jobs will include roles that support operations and maintenance of the solar facility, like landscaping and electrical maintenance. This work is typically done by local subcontractors selected by the operator of the solar farm.

Comment 2. What, if any, geological study has been or will be done to ascertain that there is no danger of a sinkhole under the installation as there are numerous mining tunnels underground?

Response:

A geotechnical investigation has been completed prior to construction to determine the appropriate depth of the solar panel support piles and ensure ground stability. The results have indicated that the soils are stable and can support the foundation posts and know sink holes were encountered.

Comment 3. Will there be lights around the property, such as common around industrial buildings and parking lots or for security, which are lit all night?

Response:

No lighting is proposed as part of this project.

Comment 4. Will there be a substation or any other structure in addition to the solar panels themselves? If so, how large a structure will it be?

Response:

The only other structures that will exist onsite are the two equipment pads with transformers and switch gear as seen on the provided project Plan Set. These pads will be 20' long by 10' wide.

Comment 5. What chemicals are in the solar panels, supports, and ancillary equipment that will leach into the ground water over the life of this project? What ongoing monitoring will be done to be sure there is no change over time in the water quality? Since the water runoff from the panels will be concentrated in the areas between and around the panels, any downpour will create rivulets of water that will not be easily nor readily absorbed, so will there be any drainage installation done? If so, where will that runoff be directed?

Response:

There are no toxic chemicals associated with the solar energy facility and no risk of any harmful contamination

of soil or groundwater. There is no need for ongoing ground water monitoring as there are no toxic chemicals in the solar panels. Stormwater onsite is proposed to sheet flow off the site in an easterly direction. There is no proposed change in how stormwater will move across the site due to the solar panels.

Comment 6. What guarantee is there that the installation of panels will not be expanded beyond the proposed 33.2 acres?

Response:

The accepted lease parcel for the proposed project consists of 44.5 acres. The current plans show the best and most logical arrangement of panels for the project. Additionally, the site is constrained by setbacks and prime soil areas as required by the Town of York solar law. Also, the current electrical substation will be at capacity and not able to accept and additional solar distributed energy.

Comment 7. Since the solar company will supposedly have total control over the decommissioning of the installation, what protection does the town have in the event that the company goes bankrupt or sells the company without transferring the responsibility for the decommissioning? Will the town have a copy of the decommissioning plan? Will the plan be updated on a regular basis (Say every 3-5 years) to reflect any changes in minimum industrial or regulatory standards? Will the Town of York even have any say in the contents of the decommissioning plan? What, if any, costs of the decommissioning plan will fall on the Town of York?

Response:

As required by Town Code, a decommissioning plan and estimate have been prepared describing the removal of the solar farm and site restoration. System removal is guaranteed through a surety bond which is equal to 110% of the estimated removal cost. This bond is used as insurance so that if the company were to go out of business, or the solar farm be abandoned, it could still be properly decommissioned. The Town has a copy of the decommissioning plan for their review and records. The decommissioning plan will be updated as needed throughout the life of the solar facility. The Town of York has the right to comment on the decommissioning plan (as well as all other project documents) and suggest changes. The Town of York will not be responsible for any of the decommissioning costs.

Comment 8. In the event of decommissioning, will the entire installation be removed? What is the plan for disposing of all materials, and particularly any toxic materials? Will the Town of York have to create a landfill to contain any of the removed materials

Response:

As detailed in the project's Decommissioning Plan, the entire solar facility will be removed upon completion of decommissioning. The site will be restored to its original pre-construction state. Any recyclable materials, such as metal racking, transformers, and wiring, will be brought to the nearest scrap recycling facility. All other materials will be disposed of at existing waste/recycling facilities. There should be no need for the Town of York to create a landfill for the containment of any of the removed project materials.

Comment 9. Who will be responsible for the growth and care of the trees? Will those trees that do not thrive be replaced?

Response:

As detailed in the project's Operation and Maintenance (O&M) Manual, inspections for the condition of the proposed screening trees will be conducted three times per year. The replacement of any dead or dying trees will occur during the growing season (April-October). All replacement trees should be in-kind, and of the same caliber as originally planted. The solar company will be responsible for the growth and care of the trees onsite.

Comment 10. What is the danger of a fire originating around the solar panels, or spreading to them from a nearby structure fire or ignition of dry grass? What extra training or equipment will be necessary for the members of our volunteer fire department for dealing with fires near or around the solar installation? Will any additional fire hydrants need to be installed around the property? What will be the cost of that training and/or equipment?

Response:

The danger of a potential fire around the solar panels is no different than from any other electrical system. The proposed panels and racking system are not a major fire threat as they are mainly composed of metal (steel and aluminum) and glass. A Knox box and 20' wide access road will allow emergency personnel to access the facility if needed. Prior to commissioning of the solar facility training will be made available to the Town of York Volunteer Fire Department. The grassed area adjacent to the fence will be mowed three times per year.

Comment 11. What other indirect costs will the town have to bear, such as needs to repair roads after heavy construction?

Response:

Any such needs to repair roads should have no relation to the proposed solar installation and would likely be due to the existing large vehicle traffic. The construction of these solar farms is far less invasive than most other commercial construction projects. These solar projects go up rather quickly within a few months with minimal large vehicle traffic.

Comment 12. What is the financial liability of the town and its taxpayers if there is a problem with the solar array, its installation, operation, or decommissioning? Will there be any protected fund established from PILOT (payment in lieu of taxes) monies to guard against such potential liabilities? Is any liability shared by the lessor? Will the Town of York incur expense for additional insurance against any liabilities?

Response:

As stated in the response to comment 7, system removal is guaranteed through a surety bond which is equal to 110% of the estimated removal cost. Funding for this project is provided by a private financing partner and will not affect taxes for York residents. The Town of York or the lessor will not incur expense for additional insurance against any liabilities.

Comment 13. What is the effect of salt or dust on the solar panels? Will there be corrosion caused by any residue of salt from the salt mine across the road or from salt used on the roads?

Response:

Any salt or dust collection on the panels should have relatively no effect on the performance or integrity of the system as long as the proposed cleaning is kept up on. As described in the O&M manual, the complete solar system (panels, inverters, transformers, etc.) will be routinely cleaned to prevent a loss in system performance or integrity. It is further noted that the adjacent salt storage across Retsof Road has been removed.

Comment 14. Will the business adjacent to the planned installation be able to continue operating? For example, will the particulate matter produced by the sawmill be an abrasive to the panels? And if the sawmill closes, how will these jobs be replaced?

Response:

The adjacent sawmill to the south of the proposed solar facility will be able to continue its operation. Actually, the sawmill will be capable of utilizing the new clean, renewable energy source.

Comment 15. What will be the effect on the assessment value of the properties near the solar installation? Is there any evidence from other solar installations that property will not lose value due to its proximity to a solar installation?

Response:

There are no studies that show a depreciation of property values due to the construction of community solar farms. The proposed project will be screened from adjoining properties by the proposed plantings. Additionally, extend a row of trees to adjoining property lines. Forsythia bushes were also added to create an even denser layer of screening for neighbors. Additional pollinator mix was also added along the northwest corner of the array. The solar farm has been designed in accordance with all Town zoning requirements.

Comment 16. What is the reflective value of the panels and their supports? Will sunlight reflected off the panels be a glare detriment to drivers in the area since the fence and trees do not shield the solar panels from the roads? Much of the traffic in this area is in commercial tractor trailers or farm trucks where the driver is at a higher elevation than a standard sedan and those drivers will have a clear line of sight to the solar panels all the time.

Response:

A glare analysis was prepared for the proposed solar farm which indicated that no glare will be observable on any of the analyzed residential abutters or to drivers on Chandler and Retsof Road.

Comment 17. What decibel volume of noise is produced by a solar array of this size? Will there be a constant "hum" which contributes to loss of hearing in nearby residents? How will this noise effect the horses pastured across the road or dogs going to the groomer on Retsof Road? How will local domestic pets be affected by this noise?

Response:

Noise from the solar farm is generally associated with inverters, which are located on the equipment pads as depicted on the site plans. The noise from the inverters is equivalent to a running refrigerator or approximately 55 dB. This noise will only be generated during daylight hours while the solar panels are operating. This level of noise should have no effect on any animals in the surrounding area. Likewise, there will be no noise impacts to surrounding properties.

Comment 18. How long will construction take? What will be the effect on local roads of the traffic volume during this construction phase?

Response:

Once construction begins, it should take about two-three months until completion. As stated in the response to comment 11, any needs to repair roads should have no relation to the proposed

solar installation as there will be little large vehicle traffic. Any effects on local roads would likely be due to the other existing large vehicle traffic in the area.

Comment 19. Will it be necessary for the town or county to make special provisions in disaster plans in the event of a major problem at the facility?

Response:

It should not be necessary for the town or county to make special provisions in disaster plans in the event of a major problem at the facility. The facility is equipped with 24/7 remote monitoring as well as appropriated emergency disconnects.

Thank you for your review of the responses above. If you have any questions, or need any further information, please feel free to contact me at 518-393-7725 ext. 125.

Sincerely,

Ingalls & Associates, LLP

Joseph Hens

Design Engineer

Re: SolarPark SSI, York

Response to Citizen Comments

3955 Retsof Road, Town of York, Livingston County

Dear Mr. McIlroy,

Please find our responses to the adjoining landowner's, Stacey (Regone) Bennett and Dorothea Prine, comments/concerns regarding the proposed SolarPark Energy, LLC solar farm to be located at 3955 Retsof Road, in the Town of York, NY. Below you will find Ms. Bennett's and Ms. Prine's comments followed by our responses.

Responses to Stacey (Regone) Bennett's Comments

Comment 1. The field that the solar park is to be erected on is the home and food source to many, many wildlife animals such as deer, turkeys, raccoons, skunks, woodchucks, and mice (just to name a few). What will happen to all of these animals? How will the solar park affect their health?

Response:

The proposed solar farm is anticipated to have no negative effect on wildlife in the area. The proposed solar farm will have a 7-foot-tall, chain-link security fence that will encompass the entire solar array. This fence will keep out larger wildlife species, such as deer, and allow smaller species to pass through. Additionally, the fence could be installed with a gap between the fence and the ground to allow easier ingress and egress for smaller animals. Existing wildlife will be able to utilize the surrounding lands for habitat and food sources. It is further noted that the proposed solar array encompasses only 33 acres or less than one half of the 88-acre site.

Comment 2. Comments regarding noise from the proposed solar farm:

- a. What kind of noise will this project generate?*
- b. How much noise will it make?*
- c. How loud will the humming sound be?*
- d. Will the sound be heard just during the daytime hours?*

Response:

The proposed solar farm will generate a small amount of noise, which is associated with inverters and switch gear. During operation, these sound levels will be approximately 55 dB, equivalent to the sound created by a

refrigerator. This noise will be generated only during daylight hours, while the array is operating, however this small amount of noise will not be detectable off site.

Comment 3. How about the sun reflection?

Response:

A glare analysis was prepared for the proposed solar farm which indicated that no glare will be observable on any of the analyzed residential abutters or to drivers on Chandler and Retsof Road.

Comment 4. Comments regarding electrical components:

a. Where will the electrical generator be located?

b. Where will the transmission poles be located?

c. Where will the battery storage be located?

d. Will the battery storage leak hazardous radiation and materials into the ground?

Response:

The electrical transformer and transmission poles will be located on the southwestern corner of the proposed solar array. The transmission poles will be located just north of the proposed site access road and will be interconnected to the existing transmission lines on Retsof Road. Both of these items are depicted on sheet 3 of 5, "Site Plan." There is no battery storage proposed for this project.

Comment 5. What about erosion?

Response:

An Erosion and Sediment Control Plan was prepared and provided as sheet 4 of 5 of the project plan set. Per NYSDEC guidelines a Stormwater Pollution Prevention Plan (SWPPP) was also prepared, which includes post-construction stormwater controls for both water quality and quality treatment.

Comment 6. What kind of measures will be put into place to protect the individuals and the environment directly affected?

Response:

As stated above, the entire solar facility will be surrounded by a chain-link security fence to prevent unwanted animals or persons from entering the site. The portions of the solar array that are visible from the road or neighboring residences will be screened by evergreen plantings. Additional plantings were added to the site plan per comments from the Town Planning Board and MRB. There is no anticipated negative environmental impact from the construction of the solar farm.

Comment 7. The value of our property will undoubtedly decrease by a substantial amount. How will we be compensated for this?

Response:

There is no documentation that solar farms negatively affect adjacent property values. This project is following Town zoning requirements, including setbacks to property lines and evergreen screening.

Comment 8. What about our property taxes? Will they be decreased because of the negative affect the solar park will have on our property and its value?

Response:

This is a question that would need to be addressed by the local Town/County representatives. However, as explained above there is no documentation of solar farms affecting property values.

Comment 9. Will we be allowed access to free lifetime energy as compensation?

Response:

The energy created by the proposed community solar facility will be distributed to the local residencies at a reduced rate of their regular monthly energy bill, typical 10 % savings on both supply and distribution costs.

Comment 10. Who else (locally) will benefit from the solar park besides the seller/owner of the property in which the solar park is to be built?

Response:

The community solar project will provide for clean, renewable energy and provide a community benefit with reduced rates on both the generation and distribution portions of the subscriber's invoice. Local farmers will also benefit from the construction of the solar project, since once constructed the native wildflower meadow under the panels will provide habitat for pollinator insects.

Comment 11. There are many, many open farm fields located in Livingston County. Farm fields with hundreds, even thousands of acres of vacant land with no neighboring homes/residences. Why can't the solar park company occupy one of these areas instead of occupying a quiet community with many close and neighboring homes, especially those with children?

Response:

Solar farms are allowed in specific areas of the Town, including the subject site, in accordance within the Town Solar Zoning Ordinance. The subject site was selected for a variety of reasons, including available substation capacity, existing zoning for solar, and favorable flat topography. This land is not beneficial to farming due to clayey and very wet soils with extremely poor drainage. All of these reasons make the proposed site an ideal location for the solar facility.

Responses to Dorothea Prine's Comments

Comment 1. We are in a very high wind area and panels would have to be very securely anchored to the ground. We experience gust up to 70 miles an hour and the panels that we have are designed to handle 125 mile an hour wind. Our panels are not on a roof but are free standing on poles in our back yard. They produce 80% of our electric needs. So how is this solar farm going to be of benefit to our household?

Response:

The proposed solar panels will be installed on racking systems that will be connected to driven posts. These driven posts will be securely anchored into the ground to insure proper stability. The remaining 20% of your electrical needs can be provided by the solar farm with a reduction in your monthly invoice.

Comment 2. I would like to see the whole facility fenced with a fencing designed to keep out wildlife like deer and allow for sheep to graze under the panels and in between the rows. This land is not conducive to farming due to the large amounts of salt blow off from the old salt mine in the soil. It is also a very wet area with extremely poor drainage. Any time a solar installation goes into our town it should never go onto land that is able to be farmed for crop production. Also, no solar installations should be allowed on land in the conservatory.

Response:

The proposed solar farm will have a 7-foot-tall, chain-link fence that encompasses the entire solar array. This fence will prevent animals, such as deer, from entering the solar facility. The facility will be planted with a pollinator seed mix (between rows) to allow for natural conditions.

Comment 3. What provisions are going in place for the decommissioning of this solar farm? What happens if the company goes out of business who will be responsible for the removal and disposal of the panels? Is money to do that going into a fund for the town to use 40 years down the road if the town ends up doing the take down?

Response:

As required by Town Code, a decommissioning plan and estimate have been prepared describing the removal of the solar farm and site restoration. System removal is guaranteed through a surety bond which is equal to 110% of the estimated removal cost. This bond is used as insurance so that if the company were to go out of business, or the solar farm be abandoned, it could still be properly decommissioned.

Comment 4. Nice that it will benefit between 1200 and 1500 homes, but will those homes be within the limits of the Town of York or will this power be sent downstate or out to places like OHIO?

Response:

The community solar project will provide for clean, renewable energy and provide a community benefit with reduced rates on both the generation and distribution portions of the subscriber's invoice. This distributed energy will be offered to the Town residents first.

Comment 5. Nearly every week we receive in the mail letters and fliers asking us to sign up for solar and these companies are out in Ohio or down in New York City. Why should we be supporting companies that have no intention of helping our farms and homes with solar power?

Solar has its place in our community, but our community needs to be prepared to handle problems in the future and control where this electrical output is sent. Support our farms and homes and not ones in New York City or Albany.

Response:

As explained above, the energy created by the proposed community solar farm will be distributed to the local residencies first. If there is additional energy available, it will then be further distributed. The pollinator meadow mixture will prove beneficial for local farmers.

Thank you for your review of the responses above. If you have any questions, or need any further information, please feel free to contact me at 518-393-7725 ext. 125.

Sincerely,

Ingalls & Associates, LLP

Joseph Hens
Design Engineer

Mr. Campbell - just go around to the board members and just ask them to acknowledge, and I'm trying to make sure to record for people who aren't sure they know. He asked if each board member had read the letters and all said AYE.

Mr. McIlroy read the county referral letter because I don't think we read that at the last meeting.

Re: Zoning Referral #2020-29, Town of York, Site Plan Review and Special Use Permit for a 5 MW solar installation at 2763 Chandler Road (Applicant: Solar Park SSI York)

Dear Mr. Campbell:

The Livingston County Planning Board, at its regular meeting on May 14, 2020 reviewed, the zoning referral from the Town of York of the above mentioned pursuant to Sections 239-l and m of the General Municipal Law of the State of New York. The Planning Board voted to recommend "Approval" of the proposed action with the following advisory comments:

1. The Town should carefully review the submitted Agricultural Data Statement in accordance with the NYS Agriculture & Markets Law Section 303-a (2). This section states that the board reviewing the application: *"shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district."*

2. The proposed contains wetland areas. Per submitted materials, it is not clear which jurisdictional (NYS DEC or Federal) management they may be under. Five wetland areas were delineated on the project site plan. Wetland 'A' and 'B' are linear wetlands located north of Chandler Road. Wetlands 'C,' 'D,' and 'E' are located on the northern boundary of the proposed site. According to the submitted site plan, wetlands 'A,' 'B,' and 'E' are proposed to have ground mounted solar panels placed within.

If not done already, the wetlands Area Survey noted in the site plan needs to be provided to the Town. The Applicant should ensure that development will not adversely impact the identified wetlands and should consult the NYS DEC and U.S. Army Corps. of Engineers to obtain any required permits. The Town should ensure that all necessary permits, if any, are obtained before final action is taken.

3. If not done already, the Applicant should ensure that the proposed solar facility site is in compliance with the NYDEC SWPPP Stormwater Pollution Prevention P requirements.

4. County Planning Staff believe that the proposed is a Type I Action under SEQR because it involves the physical alteration of 10 or more acres of soil and is not a residential use. The Town should ensure SEQR process is completed before final action is taken.

5. The proposed site plan includes a safety sign to be implemented as required by Town Code detailing site operator contact information. The Applicant should ensure that any proposed signage meets the satisfaction of the Town.

6. The proposed states that service and emergency vehicles will have access to the site and the transformer equipment pads via the access road connecting to Retsof Road. The Applicant should submit the site access / site plan to local emergency response officials to ensure that the proposal meets the needs of the fire chief and other Town emergency officials before final action is taken.

7. The proposed includes a decommissioning plan that outlines the removal of all above and below ground non-utility owned equipment associated with the solar energy facility in a corresponding timeline. The plan stated that “the lot shall be restored to pre-development conditions.” The Town has adopted a measure requiring soils be returned to their original state should decommissioning of the Solar facility occur. For ease in decommissioning plan clarity, the Applicant may want to consider reviewing Guidelines for Agricultural Mitigation for Solar Energy Projects published by NYS Dept. of Agriculture and Markets. The Town of York Solar Law outlines that a valid letter of credit, or other type of surety approved by the Planning Board, naming the Town of York as beneficiary is required. According to the law the letter of credit should equal 110% of the estimated removal costs. The Applicant should ensure that all costs in the decommissioning plan are sufficient, and financial sureties are in place for the Town of York should decommissioning occur, and that the Town deems financial sureties sufficient. If not done already, the Applicant should ensure that all decommissioning activities meet the Town of York Solar Law, in regard to decommissioning.

8. If not considered already, the Applicant should utilize pollinator species under the panels and, if any, avoid vegetative control measures using chemicals.

9. If not considered already, the Applicant should extend the proposed vegetative buffer tree line be extended to the north west areas for increased screening.

10. If not considered already, the Applicant should extend the access road to better reach the easterly situated panels to ensure adequate emergency access. The plans should be shared with local emergency officials before final action is taken.

There was a quorum present at this meeting. There was a majority vote on this matter.

Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call me or Deputy Planning Director Heather Ferrero at 243-7550.

Sincerely,

Shawn Rooney

Planning Assistant

cc: Stewart Leffler, Chairman, Livingston County Planning Board

Kate Wilcox, Town of York representative, Livingston County Planning Board

Gerald L. Deming, Supervisor, Town of York

Mr. McIlroy - Any questions on that? Lance, is there anything in their letter that hasn't been addressed?

Mr. Brabant - No. the design engineer is aware that these are required to be provided, documented. Also, for the record, I did submit draft resolutions for your consideration tonight. In addition, one of those resolutions, contains conditions that NYS DEC permits are required so that it's documented.

Mr. McIlroy - Okay.

Mr. Campbell - As far as the emergency services providers in the fire department, they received the package as part of the coordinated review of the Type 1 action. We didn't have any comments of concern back from them in terms of ingress and egress and access.

Mr. McIlroy - What do we have for discussion? Remarks about planning, questions, concerns, conditions. I think my big thing that I see from reading the letters is mainly the screening. It seems to be what everybody has certainly started looking at it. I'm a little concerned that with the salt content in the ground down there, the trees are never going to make the 10-year rendering. I would like to see the trees planted at the size of the 10-year rendering now. Anytime any of them are replaced, they have to be replaced at the size they are at that point in time. You don't have a 12-foot tree and replace it with a six foot. That would be my suggestion. And as far as pollinators, and I don't know if Dave can hear me but how many salt tolerant pollinators are in the group for with what you're planning in there. Because there are salt tolerant pollinators that can be planted.

Mr. Ingalls - Hi, this is Dave. I have not reviewed it specifically for salt tolerant plantings. I think if there are any limited impacts to the salt, I think it would be primarily toward the western portions of the site. We have a pretty varied mix of plants. I think on the table we have about probably what Joe was talking about, 20 different species of pollinator plants. So hopefully some of those if there aren't any higher salt concentrations or any residual salt concentrations, there would be sufficient species that would pick up to adapt to those conditions. A couple things that we do want to note on the landscaping. We did actually extend the pollinator mix out to the northwest corner of the site. And we did put some forsythia bushes I think Mr. Deuel had commented on at the public hearing, we actually extended and put 60 forsythia bushes around the trees to further diversify the screening. So, we do have 60 shrubs that are going to be planted in front of the evergreens. So, we are trying to listen to what the public is saying and what the board is saying. And we've been, you know, working hard to embellish that screening and bolster the screening. It might be a little bit of a stretch to try to get the 10 year plantings at day one, we find that the trees that are in the six to eight foot range, typically are the ones that are going to be more readily, you know, easily planted and ready to grow versus trying to get into, you know, large trees that were required. So, you know if the panels are at that nine-foot height and we're putting in a tree, that's that six to eight, you're pretty much you know, screening them from day one. Not a true expert but from other communities we've been seeing much more success in terms of it. It seems a little bit harder path tend to take a little bit easier than the larger trees. But that's the purview of the planning board. You've decided you feel more comfortable with doing something that's hard. That's your call.

Mr. Brabant – I'm not a tree expert but from other communities we've been seeing much more success in terms of it seems a little bit harder path tend to take a little bit easier than the larger trees. But that's the purview of the planning board. You've decided you feel more comfortable with doing something that's hard. That's your call. Typically, we've seen planted 6-8 feet tall evergreens in these communities. They seem to grow better than something that is larger.

Mr. Campbell - Will the forsythia bushes are they low growing, or will they grow up as well?

Mr. Ingalls - I'm sorry, what was that? Jim?

Mr. Campbell - asked Mr. Ingalls it they will grow up or just shrub like

Mr. Ingalls - they're more of a shrub that you would see typically for you know, even residential landscaping, they use the forsythia they flower yellow in the springtime, they pretty much grow like weeds. So, they would fill in more of the lower like you say more of the lower ground cover. So, any of the lower branches would fill in between the evergreens at the lower levels. But not to say they wouldn't grow tall.

Mr. Hens - I can share my screen Actually, I prepared some renderings for tonight. If anybody would like to see what the screening looks like. This is Joe Hens from Ingalls. If anybody would like to see the updated screening, I can share my screen on the zoom meeting actually pulled up Google Images forsythia bushes to like to see that.

Mr. Campbell – Joe, not everybody here has a computer, we can surely pass this around. They're signifying that they don't feel that's necessary.

Mr. Dermody - Will they have someone that periodically will be watering them and I don't mean like every three months, because I planted I'm a teacher and a farmer and I planted trees at York Central, in that red clay in the courtyard last year, and I carry 20 gallons a day, through the summer to each one of those trees to get into the point where they made it to this summer. If you plant a tree in April and you leave it for three months and we get a dry time, you will be replanting those trees. So, I mean, there has to be something, somebody needs to be kind of the gardener, the caretaker watching them, because it's a tough place to get trees to grow.

Mr. Ingalls - Hi, this is Dave Ingalls. We definitely agree with that. We have, you know, our operations and maintenance plan. Not only do we have the requirements for the mowing, we did add the inspections for town representative and the reports would also go to the town, but we have a requirement in there that anything that does not grow or dies that would be required for replacement. So, I think it would also be appropriate we can you know, somewhere on the plans indicate that watering would be required, so that the contractor is aware of that. I think that's a great idea, especially for that first year. I know firsthand. I've actually planted some, some trees this summer and they definitely need To be watered, even in sandy soil conditions so we can add a we have a detail on there for the tree planting detail, we could add the requirement to do the watering as well, just to just to remind the contractor that, you know, you can't just place those things in the ground and hope they grow depending on the time of year. Fall might be a little better situation. So, I think a lot of it's going to depend on the timing with it.

Mr. McIlroy - like I was talking to 10-year rendering, but if we were to say trees instead of six to eight ft., if we went eight to 10 foot tall that gets us to that eight foot minimum which is pretty much going to give us a fairly good screen, would that be out of line. I just think there's going to be a lot of problems trying to get something larger than 12'. You know, if you go eight to 10 foot, with the minimum being

eight, we're going to be pretty close to what I believe the Planning Board is looking for. Then when they die, they'

Mr. Brightman - The panels are nine foot, right?

Mr. Ingalls - Correct. I think Tom if he's still on I think that's a question for Tom. Would like to have him his thoughts on that as the developer, if he's still there,

Mrs. Falkner - he's there but he's muted.

Mr. Ingalls - Joe, what are we specking on the plan now we are specking six to eight. Is that what we actually show on there somewhere. I'm looking at my notes here it says 140 actually high. You're actually showing six-foot high at day one. So, 146-foot high evergreens, Eastern red cedar. So how about if we know what about a compromise and putting eight feet in there? Or 8 ft. minimum.

Mr. McIlroy - that would satisfy me. I don't know. What's the rest of the board think?

Mr. Dermody - I think that would be a good compromise.

Mr. Hens - That would put you a full foot higher than the chain link fence as well.

Mr. McIlroy - Yeah, that's going to be good, it just gives us something more acceptable.

Mr. Ingalls - Yeah, that's a pretty robust tree on an eight-foot evergreen is pretty substantial.

Mr. McIlroy - Does anybody else have any questions? concerns

Mr. Brightman - about the traffic, do we need to worry about heavy truck traffic during the construction phase.

Mr. Ingalls - Yeah, there's not really all that much heavy traffic. The equipment's or you know more like some tracking equipment things to put in the racking posts. So those aren't huge pieces of equipment by any means they're more like, I'm losing my train of thought, I'm thinking of a bobcat, but they're smaller track type machinery. There will be some tractor trailers that will bring some of the panels to the project site and some flatbeds bring some of the steel racking but nothing that's huge, heavy loads. You might be seeing more traffic from some of the existing businesses there. So, I think protection of the road should not be a concern. I think there's not going to be a ton of heavy traffic.

Mr. Brightman - And you have an area on site for parking for all of the construction people while the projects ongoing.

Mr. Ingalls - We have an equipment and a staging area so they could park there, or they could park on the side of the, about a 1300-foot, road that goes in, so they could park on the sides.

Mr. Hens - Also per MRB comments, we added a note to the site plan that prohibits any loading or unloading of vehicles within the public right of way so that won't be an issue with this project.

Mr. Brightman - I just have one question the utility poles. Where will they be? How close to the whole cluster?

Mr. Ingalls - I think we reviewed this at the last meeting. There's a cluster of four or five poles that are required by National Grid showing at the north side of the entrance out to Retsof Rd., that's our new entrance 3955 Retsof Rd. That's our new address. So, the point of interconnection would be directly across the street. I think the polling might be at the westerly side or the south side of the pole, they're about 50 feet apart. Tom is on now if you have a question for him.

Mrs. Falkner – Tom Guzek is on now.

Mr. Guzek - Can anybody hear me?

Mr. Ingalls - Yeah, we can hear you now Tom. Okay,

Mr. Guzek - ladies and gentlemen, I apologize. I'm 50 feet away from him sitting in the parking lot due to a health condition. I've got a problem with my muscles in my legs. I'm being treated for cancer and I'm under chemotherapy and I got a rental car that I it took me almost an hour into the car today. So, I'm afraid if I get out I'm not going to be able to get back in the car. But with regard to trees, the entity that the company that that will be the long term owner of this has a fiduciary responsibility to make sure those trees live and are replaced according to the method by which by the plan that is set forth. So, they retain a contractor which will be a local contractor doing all of the work with trees and bushes, they must take care of all of the other maintenance issues that are required. And there's a warranty that they must have to make sure that, whether it's a six-foot tree or eight-foot tree, no, it's all about the care and maintenance and I think that's the most important element here.

Mr. McIlroy - Do we have any other questions or should we move on with a possible approval of this final site plan.

Mr. Campbell - The next step would be to walk through SEQR.

Mr. McIlroy – I would ask, I think, Lance to take us through the SEQR.

Mr. Brabant - So I did prepared a Full EAF Part Two for your consideration, So each one of these topics and categories are the responsibility of the Board to discuss and determine whether or not the application before you has an impact on the environment, then if so, the board will need to classify what type of impact that it is, small or large. Based on the size of the impact. and whether or not the board feels the application has mitigated that impact. Let's say, for example, screening and they provided buffering, that would be a mitigation for visual impact. So, going through the Full EAF Part two that I provided They give us several categories, the categories identified as potential impacts, or one proposed action a will construction on water table is less than three feet, and then the other one is regarding disturbance or vegetation removal.

Mr. McIlroy – We have to go through and mark the other ones anyway. I think you need to read the actual questions, so we need to make the determination.

The Planning Board went through each of the 18 sections within the Full EAF Part 2, one by one and determined that all applicable sections were no to small impacts. This is identified within the completed Full EAF Part 2.

Mr. Brabant - as part of the process for your consideration of the design, build in the EAF Part Three That basically summarizes, just evaluated, identifies this board is completed its review of part one, part two, part three, and have determined that this project will result no significant adverse impact and therefore environmental impacts prepare accordingly, this negative declaration that is at a Part 2 however before you can sign off on that we need to do 2 resolutions. One is establishing this board as lead agency which we haven't received any concerns or objections. So, that was the first basically, I just surmises that we've completed a minimum 30-day coding interview with all involved.

Mr. McIlroy - so we need a motion to designate a lead agency.

Resolution:

Mr. Wall moved to make the Planning Board the lead agency, Mr. Brightman seconded, carried.

AYE – 5 No - 0

Mr. McIlroy - we need to do to resolution.

Mr. Brabant - Okay. That means now that the board has identified itself as the Lead Agency under SEQR and can move onto the SEQR determination of significance resolution. The resolution states that this board has completed a coordinated review under SEQR. The Planning Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and whereas, the Planning Board has given consideration to the comments provided by the involved agencies and interested agencies at tonight's meeting; and whereas, the Planning Board whereas, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 2 and 3 of the Full EAF and directs the Planning Board Chairperson to sign and date the Full EAF Part 3.

BE IT FINALLY RESOLVED, that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

Mr. McIlroy - signify that we had a negative declaration. So, we need a motion signifying we had a negative declaration on the SEQR part two and part three. Can I have that motion?

Resolution:

Mrs. Grant moved that there was a negative declaration on SEQR part 2. Mr. Wall seconded, carried.

AYE – 5 No - 0

Mr. McIlroy - Now we're going to need a motion allowing the chairman to sign the declaration.

Resolution:

Mr. Dermody - I make a motion that we have Joe McIlroy sign the negative declaration for the project, Mr. Brightman seconded, carried.

Mr. Brabant – because this is a Type 1 Action under SEQR, it will be required to be posted on the NYSDEC Environmental Notice Bulletin (ENB). MRB will compete this.

Mr. Campbell read Mr. Brabant’s (MRB) proposed conditions for site plan approval:

WHEREAS, the Town of York Planning Board (hereinafter referred to as Planning Board), is also considering Special Use Permit Approval & Site Plan approval for the installation of a 5 MWAC solar array with an access drive provided for service and emergency vehicles and a security fence with privacy slats and vegetation screening to encompass the solar facility, as described in the Site Plans last revised July 6, 2020 and all other relevant information submitted as of July 22, 2020 (the current application); and

WHEREAS, this application was required to be forwarded to Livingston County Planning Board for review and comments were received dated May 20, 2020; and

WHEREAS, the Planning Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Planning Board on July 22, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested Site Plan with the following conditions:

1. The Applicant shall obtain a Building Permit within six (6) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Solar Energy System within twelve (12) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.
2. No signage associated with this project has been approved. Separate approval by the Planning Board is required for all signage.
3. The Town Engineer review letter dated July 15, 2020 is to be addressed prior to the site plans being signed by the Planning Board Chair.
4. Site Plan approval is conditioned on the Solarpark Operations & Maintenance Manual last revised July 6, 2020 and as discussed with the Planning Board.
5. Site Plan approval is conditioned on the Decommissioning Plan for the SolarPark SSI York last revised July 2, 2020 as discussed with the Planning Board.
6. The decommissioning plan is required to be signed by all parties and filed with the County and Town Clerks Office prior to issuance of permits.
7. Site Plan approval is conditioned on the Stormwater Pollution Prevention Plan (SWPPP) for SolarPark SSI York last revised July 2, 2020. No permits shall be issued until the NYSDEC Acknowledgement letter has been received by the Town Building & Zoning Department.

8. Prior to obtaining a building permit, the Applicant must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of York at its discretion) for the removal of the Type 2 Solar Energy System, with York as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer based on their review of the Decommissioning Cost Estimate submitted by Ingalls & Associates, LLP.
9. The Decommissioning bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal.
10. Each year after the SolarPark SSI York has been constructed, and no later than ten (10) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the system shall provide the Town of York Building & Zoning Department & Town Clerk with written confirmation that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above.
11. After completion, the Applicant shall provide to the Town of York Building & Zoning Department a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
12. Prior to issuance of a permit the applicant shall enter into a contract with the Town for payments in lieu of taxes pursuant to Real Property Tax Law §487 9. (a).
13. A Special Use Permit granted by the York Planning Board is required prior to signatures being affixed to the site plans.
14. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
15. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season.

Mr. Campbell - With those changes and clarifications you all feel comfortable with the conditions as the design. Are there any questions?

Mr. Wall The maintenance plan that we were talking about earlier for the stormwater piece, if the town has to do something as far as more water, upkeep or maintenance or is there a bucket of money somewhere that the town has access to or do we just send a bill?

Mr. Campbell - ordinarily, we don't get involved in providing fireworks or water systems unless we would take the agreement. Got you. So just to step in and take care of whatever the problem is to mitigate it, then we want to maintain the properties for any type of. So, with those modifications can entertain a motion to approve the final site plan under those conditions.

Mr. McIlroy - can we have a motion for Final site plan with condition statements?

Resolution:

Mr. Dermody moved to approve the final site plan with conditions and seconded by Mr. Wall at a regular scheduled Planning Board meeting held on July 22, 2020. Following discussion, a voice vote was recorded:

Alan Brightman	Aye
Chris Wall	AYE
David Dermody	AYE
Heather Grant	AYE
Joe McIlroy	AYE

Alt – Davies Nagel
Alt – Zach Kobylanski

I, Donna Falkner, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of York Planning Board for the July 22, 2020 meeting.

Donna K. Falkner

Donna Falkner, Clerk of the Board

Mr. Wall – Should there be a performance and decommissioning bond for upkeep and maintenance on the storm water systems.

Mr. Campbell – If there is a problem and town steps in, they can demand payment or put lien on the property.

Mr. Brabant – Note will be added to plan saying 8 ft. trees

Mr. Campbell read the following special use permit conditions from MRB:

WHEREAS, the Town of York Planning Board (hereinafter referred to as Planning Board), is also considering Special Use Permit Approval & Site Plan approval for the installation of a 5 MWAC solar array with an access drive provided for service and emergency vehicles and a security fence with privacy slats and vegetation screening to encompass the solar facility, as described in the Site Plans last revised July 6, 2020 and all other relevant information submitted as of July 22, 2020 (the current application); and

WHEREAS, this application was required to be forwarded to Livingston County Planning Board for review and comments were received dated May 20, 2020; and

WHEREAS, the Town of York Planning Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Town of York Planning Board on July 22, 2020; and

WHEREAS, on June 24, 2020, in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application; and

WHEREAS, on July 22, 2020, in compliance with the Town of York Town Code, and Local Law No. 2 of the Year 2018 and the amendment Local Law No. 6 of 2019, the Planning Board completed a formal review on the current application and granted site plan approval; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested special use permit with the following conditions:

1. The special use permit shall remain in effect for the current owner of the premises with no requirement for renewal, provided the use remains in compliance with the conditions of approval, Town Code, and Local Law No. 2 of 2018 and Local Law No. 6 of 2019.
2. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
3. In the event of any complaints about the Special Use Permit being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
4. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with Town Code requirements and conditions of this approval.
5. No signage associated with the Special Use Permit has been approved. Separate approval by the Planning Board is required for all signage.
6. All conditions as required by the Planning Board as part of Site Plan approval are required to be addressed prior to the issuance of permits.
7. The decommissioning plan is required to be signed by all parties and filed with the County and Town Clerks Office prior to issuance of a permit.
8. Prior to obtaining a building permit, the Applicant must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of York at its discretion) for the removal of the Type 2 Solar Energy System, with York as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer based on their review of the Decommissioning Cost Estimate submitted by Ingalls & Associates, LLP.
9. The Decommissioning bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal.
10. Each year after the Solar Park SSI York has been constructed, and no later than ten (10) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the system shall provide the Town of York Building & Zoning Department & Town Clerk with written confirmation that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account

for inflation or any other anticipated increase in costs of removal as provided for above.

11. After completion, the Applicant shall provide to the Town of York Building & Zoning Department a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
12. Prior to issuance of a permit the applicant shall enter into a contract with the Town for payments in lieu of taxes pursuant to Real Property Tax Law §487 9. (a).
13. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 90 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Type 1 Solar Energy Systems or without production of energy and offsite sale to and consumption by one or more customers for Type 2 Solar Energy Systems.
14. If the Applicant violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state, or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of York Planning Board holds a hearing on same as provided for herein.
15. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
16. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season. The applicant has agreed to install all trees at a min height of 8' at planting and if to be replaced.
17. ACOE and NYSDEC permits are to be obtained and provided to the Town of York prior to issuance of permits.
18. The plans are to be revised to identify that all trees are to be planted at a min height of 8'.

The above Resolution was offered by Alan Brightman and seconded by Heather Grant at a regular scheduled Planning Board meeting held on July 22, 2020. Following discussion, a voice vote was recorded:

Alan Brightman	AYE
Chris Wall	AYE
David Dermody	AYE
Heather Grant	AYE
Joe McIlroy	AYE

Alt – Davies Nagel
Alt – Zach Kobylanski

I, Donna Falkner, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of York Planning Board for the July 22, 2020 meeting.

Donna K. Falkner

Donna Falkner, Clerk of the Board

Mr. Wall - asked about signage

Mr. Campbell - The signage that you're talking about right now is commercial signage.

Mr. Ingalls - each year for the sole purpose of signing your truck no later than 10 days prior to the anniversary date of the issuance of the building permits.

Mr. Ingalls - Yeah. Hi, this is Dave, I just wanted to clarify we do have a 911 address and emergency contact placard that we want to put at the entrance. I think that was discussed in the process.

Mr. Campbell – It's actually required by the code. So, the prohibition is just against any kind of commercial advertisement signage

Mr. Ingalls – Understood, thank you.

Mr. Campbell – Anything else?

Mr. McIlroy – Comments, questions?

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no requirement for renewal, provided the use remains in compliance with the conditions of approval, Town Code, and Local Law No. 2 of 2018 and Local Law No. 6 of 2019.

2. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
3. In the event of any complaints about the Special Use Permit being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
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12. Prior to issuance of a permit the applicant shall enter into a contract with the Town for payments in lieu of taxes pursuant to Real Property Tax Law §487 9. (a).
13. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and

abandoned after 90 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Type 1 Solar Energy Systems or without production of energy and offsite sale to and consumption by one or more customers for Type 2 Solar Energy Systems.

14. If the Applicant violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state, or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of York Planning Board holds a hearing on same as provided for herein.
15. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
16. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season.

Mr. McIlroy asked for a motion to approve the special use permit with the conditions that were stated.

The above Resolution was offered by Mr. Brightman and seconded by Mrs. Grant at a regular scheduled Planning Board meeting held on July 22, 2020. Following discussion, a voice vote was recorded:

Alan Brightman AYE
Chris Wall AYE
David Dermody AYE
Heather Grant AYE
Joe McIlroy AYE

Alt – Davies Nagel
Alt – Zach Kobylanski

I, Donna Falkner, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of York Planning Board for the July 22, 2020 meeting.

Donna K. Falkner

Donna Falkner, Clerk of the Board

Mr. McIlroy - Okay, thanks. Thanks, everybody on the board. And Jim.

Mr. Ingalls - Thank you, did we lose Tom, he had some kind of bad reception. So, I will let him know and thank you. Thanks for everybody's input in time from Tom's standpoint as well.

Mr. McIlroy - All right, anybody want five minutes before we go on to the next one, are we good? Ok, we're going to move on to OYA. And as far as that, Lance from MRB can probably give us a little comment.

Mr. Brabant - So as previously discussed, the project has been modified to remove the solar panels from identified prime soils as provided to us from Livingston County and the USDA. Because of these changes, we were obligated to re-coordinate with the involved agencies as part of SEQR. MRB provided an amended SEQR package to all agencies identified and forwarded them out on July 10th. This reinitiated the 30-day coordinated review which will now end August 11th.

Mr. Rasmussen - So that being said, at this point, there isn't anything From MRB group one application. We hope to have our common letter out by the end of the week for your consideration and for OYA's representation to review.

Mr. McIlroy - I guess what I would like to go over before we get into possibly setting a public hearing or anything would be everybody read the walk-through report. That was out there, did everybody see that?

Mr. McIlroy - They had a walkthrough on the site. And Davies and Alan represented the planning board. I know Mark Connolly from ZBA was there and I think Mary Underhill was there from the county. So, they kind of went through it and they kind of wrote up their comments.

Mrs. Falkner – Rob is on here.

Mr. McIlroy – Rob Company is the consultant that did the walk-through.

Mr. Company – I'm here for anybody that can hear me.

Mr. McIlroy – read the following walk-through report submitted by Mr. Nagel

OYA Walk thru report...

From: Davies G Nagel (dgnagel@rochester.rr.com)

Date: Friday, July 17, 2020, 03:57 PM EDT

Joe and All,

Here is the report from the OYA walk thru. Alan and Mary added their comments in red and blue.

The walk thru was very helpful and informative. I would recommend doing the same with our other projects.

Dave Nagel

Mary Underhill

Conesus Lake Watershed Manager/Planner

Livingston County Planning Department

[Mary's comments in Blue.](#)

[Alan's additions in Red.](#)

7/13/20 OYA solar walk thru

Participants: Rob Company, OYA Consultant, rjc@fourthcoast.com, 315 783 6384

Alan Brightman, Dave Nagel, Planning Board

Mark Connolly, ZBA

Mary Underhill, County Planning Board

- Started the walk thru at Mario Dragani's house (owner of the land on which the solar panels are

proposed to be located). He did not seem to realize that we were coming, so a better effort to notify the landowners should be done next time. He was very gracious and said we could go wherever.

- Followed a mainly dirt road to the east (they will use part of this for the entrance road after widening to 20' and putting down gravel). The surroundings were mainly scrub land for approximately 1700'. After this we passed a mature forest on the left (north) which is not part of Dragani's land. We continued to walk east for an additional 800' with two large crops fields to the south which are part of the proposed solar farm. Beyond the fields to the south we could see a large section mature forest which also is part of the proposed solar project.

- Discussions/Concerns:

1. According to the first proposal, the total parcel area is 103.4 acres, the fenced in area (location of panels, etc) is 40.6 acres, the parcel of forested area is 47.8 acres, and tree clearing area has increased from 15.5 acres to 18.05 + (0.03 ac stumped) acres, and fenced in area is reduced to 34.35 acres in the second plan (received today). Concerns about clearing that much mature forest was expressed.
2. Making sure the pole cluster (greatest potential eyesore) was not part of the viewshed from Route 36.
3. The truck, etc. traffic for approximately four months in and out of the facility while it's being built will be substantial; it will be greater during materials delivery which is frontloaded. Road signage should reflect that and the community should be alerted to that fact. Can Planning Board require OYA to obtain a road use permit with conditions for the increased heavy usage of rt 36 during construction? DOT project review & permitting would be required due to new curb cut onto St Rt 36. The Town may want to pursue a formal town-wide Road Use & Repair Agreement, in anticipation of cumulative impacts from solar. In absence of an existing Agreement, the Town may determine that such an agreement is warranted for this project based on potential impacts - discuss with Town Attorney on process.
4. Enough room for parking (workers, trailer offices, tractor trailer unloading areas etc.) should be well off Rt 36 so as to not add to the traffic concerns.
5. Setbacks should be a minimum of 300' and possibly increased to 500' to protect the viewshed. Current town code is 300 ft from a residence, town may want to consider using a minimum of 300 ft from property line. Reducing the visibility of these projects improves the likelihood that future projects may be more readily accepted by the community.
6. Use of native plants and pollinator plants were encouraged for screening as well as on the land surrounding the solar panels inside the screened area. The screening should be comprised of different non-invasive native plants (deer resistant) with different heights (grasses, bushes, and trees) at varying locations so as not to look like an unnatural row of planted trees. NYS DEC and Ag & Mkts have issued guidelines for the creation of native insect pollinator habitat, incl for solar energy development sites. The Applicant should consult these guidance documents, which emphasize low-growing native pollinator plantings, and reductions in pesticide use, when developing a vegetative management plan for the proposed. Applicant should provide Mgt Plan to the Town for approval.
7. Will OYA offer a 10% electric discount to the surrounding general population? At the County Planning Board meeting, the Applicant agreed to support the Town with first right to sign up for the Community Solar Program. The Applicant should provide the Town with details on the Program (including electricity discounts to the Town, residents, and businesses) and support for priority access.

Mr. Rasmussen – Davies, I offer a 10% electric discount to the surrounding general population

Mr. McIlroy - Rob, did you hear that question?

Mr. Rasmussen – This is Terry, I heard that question. So, what we talked about at the county planning board meeting is given the residents of the town of York and then the greater Livingston County, first right to sign up for the solar projects. So, as part of the community solar program, we guarantee a minimum of 10% savings on electricity bills. So, what we will do is we will provide notice as to when the signup period will start and one will give two months for the town and county residents to sign up, before opening it up to the general public.

Mr. Brightman - Okay, so if there's another project in town that's doing 10%, is this on top of that.

Mr. Campbell – No, you can only get your supply discount on one.

Mr. McIlroy – Okay, that was my question.

Mr. Rasmussen - Well, you know, you could do half of your electrical bill from one and a half to the other you just can't do more than you totally consumed.

Mr. McIlroy - Okay, move on. Number eight.

8. My own personal concern is that while the farmland of statewide importance/prime farmland is now not being used for the solar panels as per the second plan, the amount of mature forest being cleared has increased. The first part of our walk through showed that the prime farmland was actually, the scrubland we first encountered and not even being used as farmland. To protect this scrubland, even though it's prime, while destroying a mature forest with everything a mature forest can bring to the environment doesn't make sense to me. My own suggestion would be to move back toward the original plan and use much more of the scrubland for the panels and much less, if any, of the forested land. It would seem that clearing the scrubland would be much easier and much more cost effective than clearing woodlands. In addition, the research regarding cutting down forests to put up solar panels is still going on and if the project could be completed without removing forested land, it may be much more beneficial to the community as a whole now, as well as in the future. **Alan agrees with Dave's observation. Variance would be required for construction on prime farmland.**

9. Suggestion to specify the terms of the Special Use Permit as much as possible.

Mr. Brightman - Allen agrees with Davies' observation, variants would be required for construction on private prime farm, restocked.

Mr. McIlroy - Yeah, I actually talked with the zoning chairman on that. I mean, I don't think we would want to have variance to put solar on prime farmland. I don't know. For us the board, I don't think they would even be able to get a variance.

Mr. Campbell - That's correct. So, there are two types of variances area and use. Area is very commonplace. The threshold requirements are not particularly onerous. It allows a lot of subjective determination by the zoning Board of Appeals, whereas user is very difficult if you are applied correctly. Maybe one out of 5000 use variance application should be granted. One of the things you have to show for example, is that there is no economically viable use of the property without a use variance being great force again.

Mr. Rasmussen - this is Terry from OYA. I think there's something there may be a solution that might work. We recently, about three weeks ago we commissioned an OYA scientist to actually study those lands that was mapped as Prime farmland. And as you know, they do all the prime farmland classifications generally by GIS and satellite photo mapping. And we just saw the results recently and it shows that about 60 to 70%, I think, of what was mapped to find online doesn't actually meet the national guidelines for Prime farmland. So if you guys would like we can submit that report for your consideration and if that's acceptable to you guys, we can move some of our array back to the area where we've determined it's not prime farmland anymore and away from the tree. No, that will give a bit of a middle ground between the two if that's something the planning board and Jim think would be acceptable.

Mr. Dermody - We're working in New York State guidelines.

Mr. Campbell - Well, we're not really that far away and guidelines come out based on a federal regulatory framework. We're not, that's why we went from plan one and plan two, because after submitting plan one, the Feds changed some of marking of the prime agricultural soils. So, what I think they're saying is that they have some evidence that suggests that this is a part of this area specifically, that looks like it has been changed, but the evidence is to the contrary. That may be something of value but it's not something in all likelihood that the planning board is going to be able to make a determination on. We're going to need some guidance and Lance can probably help with that. And, of course, our regional local soil experts that kind of are the conduit for these federal regulatory aspects. So, we can look at that, in theory, I could certainly make any of those submissions you think would be helpful. And we'll have to pass that along getting some input from the experts.

Mr. Rasmussen - Sure. That sounds like we're happy to proceed with the layout ideas, but since there is concern with a number of trees cutting, I think this is a way to avoid that. So how about I send it in? We'll send it to Lance and copy Jim and the planning board and if Lance reviews determines if it's acceptable, then we can go down that road.

Mr. Campbell - It is it is possible to change in there is a mechanism for landowners to challenge a soil classification for their property. So, if we're to change that might be a very viable alternative to coming down as much as is being currently proposed.

Mr. Campbell - I just want to be clear, I don't think a use variance would be a possibility.

Mr. Rasmussen - Yeah, we don't we don't wait to pursue a use variance. Like Jim said it almost never works.

Mr. Brightman - Just going to add to that briefly. But this is way, way back and nobody will even know it's

there. At least with the configuration that we were looking at except for the utility poles. It's very nice.

Mr. McIlroy - then you wouldn't have to worry about a lot of screaming.

Mr. Brightman - very, very little

Mr. McIlroy - So my next thing with this would be the mailers. Did everybody see their mailer? My own feeling with the amount of people that we had, or a public hearing. I don't feel that we can have a public hearing here. I mean, we had 38 people, I don't know how many of them were all for Solar Park. But obviously, we have 90 seats right now we may be able to have four more in the very back. I think number one my opinion, I think when you start doing up near 40 acres of development, I think we should all be sending out mailers. I mean, most projects are an acre, an acre and a half, they're, you know, pretty insignificant. But when you start looking at it 40 acres. So, my own opinion, I think we should be looking at this mailer, deciding if that's what we want, if we're going to get to a point of scheduling a public hearing for this project. My next question would be, if they're going to relocate some of these prime farmlands, some of this, I don't think we could schedule a public hearing because we will have an up to date site plan to go on. At this point, we have a contingency plan, but if they want to explore these other avenues, we would have to table the public hearing for site plan because we wouldn't have any answers to those questions.

Mr. Rasmussen - So just one point on that. We're happy to proceed with a current site plan. And what we can do is as kind of a side path as we can present the prime farm and stuff land. And then should that be acceptable, we can come back after approval and seek an amendment to the site plan. If, if both parties want to use that land, I don't really want to hold up the approval process or take another couple months trying to get a new layout. I'd rather do one we know works and then you know, if the planning board thinks that the amount of tree clearance should be reduced, then we can look at a different way of using the other prime farmland or what's classified as prime land.

Mr. Campbell - the plan that's on the books right now, is move forward with a public hearing, in any event, that event, additional information, an App or Google or anywhere in between go back and seek an amendment to the site plan. And I could suggest one other thing, which is depending on how that information looks, we might be able to make a determination or get information that helps us quickly get enough so we could have a public hearing, leave it open and public hearing open propose, a plan has that has been modified slightly. That may work depending on how significant the modification is. It might require resubmission to the county. So that's the statue confirmed. So, if it's a dependence or not a real severe change, go from 18 acres of clearing to seven acres of clearing, the planning board at county level probably isn't going to want to see it again. If we go to four, it's probably significant enough, we're going to have another opportunity to review it, but we can make that determination as we go. Right now, it sounds like the applicants pretty much proceeding what we got. And if that other opportunity becomes viable, we can deal with it in other ways.

Mr. Campbell - So, Joe, with regard to the mailing, and the public hearing, we're talking about wouldn't be helpful for the board to appear in person. So, we're all sitting and looking at things where do we want to add? Everybody including the board up here remotely.

Mr. McIlroy – That would be my preference and do a zoom remote. Because if we end up with, we can't get people out, we cannot let people into a public meeting. So, we had more people show up than we can, and we have to social distance, we would have to handle the whole public hearing.

Mr. Campbell - It would be a management problem for sure. You have to try to have a way of bringing in one at a time. But we don't want we don't want the purpose of the public hearing which is legitimate

and transparent public input to be studied. So, we don't want it to result in a situation with someone who has the opposite. So, I think, maybe doing it remotely because we could anticipate some numbers remotely. And considering leaving it open for public written comments for 10 days or something like we did for Solar Park might be a good approach. And certainly, the planning board and I can be here in person, so we want to spread things out.

Mr. McIlroy – So what does everyone think about the proposed mailing?

Mr. Brightman – I didn't see it.

Mr. McIlroy – while he's looking at that, do we have any other questions at this point for OYA?

Mr. Campbell – we're going to have a common letter from Lance pretty shortly. When we when we have the public hearing, there will be an opportunity for the board, either before or after public comments, discussion.

Mr. McIlroy – Right and we'll also have the county referral at that point so will have a lot more to discuss.

Mr. Campbell - typically we get something back, but we saw we got something back from Shippo or DEC.

Mr. McIlroy - So I think one thing we should be kind of looking at our calendars and thinking about is what will work for a public hearing for this. I don't want to try to do another public hearing with a regular meeting with it, still got too much stuff on the agenda, think it's too much. I mean, we're already pushing two hours and we got a ways to go. That's my opinion. I don't know how the rest of the board feels on that. So, I think it needs to be separate.

Mr. Campbell - So what are you looking at? Because that's really going to determine when we have it.

Mr. McIlroy - Why are we going to try to have the public hearing before our next regular meeting? I mean, our next regular meeting is on 26th of August. Well, it's going to be depending on the public hearing for SEQR and the final site plan for OYA. If all that was done before that we would be into Possibly final site plan for Gromark and possibly site plan for Verizon and possibly subdivision of the Gates property on August 26. We have to advertise 10 days ahead by our law. So, let's go back. Was everybody happy with that mailer? All answered yes.

Mr. McIlroy - Now my next question is we're all going to be here. Can we use that one remote to do the other public hearings. I don't think there'll be a big acquisition here instead of doing the other two remotes, do we dare to do one with the people present.

Mr. Campbell – Do them all the same night and remote.

Mr. McIlroy – it's going to be a public hearing. Do we allow a half hour?

Mr. Campbell – it's hard to say for solar that you give to people you have to give them three to five minutes each. Don't know tile you're here.

Mr. McIlroy – My suggestion would be to put the other two projects first because I'm sure there's not going to be a whole lot here.

Mr. Wall – earliest I could be here is 6.

Mr. McIlroy - And I think we'll do that, because the other two you may have nobody show up the open to wait five minutes. But we showed up the open the other public hearing you talk about things shows up. Don't be sitting here and you're nothing to do for now. Because so.

Mr. McIlroy - So can I have a motion to have a public hearing for OYA solar on August 12? And I think we'll do that one at 7?

Mr. Campbell - 6:30 because the other two you may have nobody show up the open to wait five minutes. But we showed up the open the other public hearing you talk about things shows up. Don't be sitting here and you're nothing to do for now.

Mr. McIlroy - So can I have a motion to have a public hearing for OYA solar on August 12 at 6:30 pm?

Resolution:

Mr. Dermody - I make a motion to have a public hearing for OYA Solar at 630 pm on August 12, 2020, Mr. Wall seconded, carried.

AYE – 5 No -0

Mr. McIlroy – If nobody has anything else, we'll move on to Gromark.

Mr. Rasmussen - All right, thanks, everyone. We appreciate your time and input again in the last few weeks.

Mr. McIlroy - Anybody here from Growmark?

Mr. Campbell - I talked to the engineer today. He had a conflict and could not make the meeting. We talked about what their expectation was. I think we should have a discussion. Joe and I have been talking as well, a little bit about this particular project in reality to use of zoning. This particular use had been established on this property, since I believe, early 80s. Maybe even older than that. The current zoning classification as mining industrial is not a specific and neat and tidy way. Identify the current use or what's likely being proposed. For the expansion as a permitted use, per se, like industrial use. So, we did some looking at the other provisions of the code. And you have a section of the code that deals with preexisting non-conforming uses (p 22), which may be a comfortable avenue. Ordinarily, by default, under state law, preexisting non-conforming uses are not to be expanded. However, your code anticipates the possibility of extreme increases. The other option for us is to work at the session before we will be permitted uses for running light industrial category one Because those are warehouses in south corner of building. This kind of use doesn't fall into that category. There's also under subsection c specialties for certain uses that are permitted with the special use permit, including food processing, packing, freeze dried in average sales. You know, you really think about a borderline. It's not very dissimilar from a food processing plant. And you probably wouldn't think that manufactures dog food is any the different from the food processing plant that might be for you, if you look up the definition of food processing facility (p 6), which trades for the process of livestock agricultural products, maybe that eventual consumption, make sense processing products or eventually? I don't know. I'm comfortable

legally. To suggest that you could probably go either way. The benefit of this kind of interpretation that the proposed use of decentralization as a process allows you as a board to require a special use permit which is a slightly higher level of Control and review in which you can influence the future. If you go the other route, which is deception, your code allows the expansion of the future reviews (p. 74). If you want to do that don't have the ability to require a special use permit. So, I wanted to have a little bit of trivia if you want to forward this question to the Zoning Board of Appeals for a formal interpretation, that's one of the jurisdictional functions ZBA has. Carl, do you have any thoughts on

Mr. Peter - my original interpretation was pre-existing.

Mr. Campbell - If you look at a more subtle issue, the statue shall be permitted on the same block of existence, as it used to be informing the gate that issues became non-conforming was the date that Zoning was put into effect, because it predated zoning. The parcel as it exists today is the same essentially as it was back then from what I understand. So, you're not expanding beyond the borders of that article.

Mr. McIlroy - So are you are you comfortable? When I talked with Mark Connolly, chairman of the ZBA Said he was under the impression it was pre-existing, non-conforming. So, they didn't even question that they needed to do anything at that point.

Mr. Campbell - Finding that it's either a preexisting non-conforming use, that is entitled to standard a lot or a finding that is permitted uses a special use permit under one regime. Absent that, they would have to go to the zoning board which you will get doesn't make a lot of sense to ask them to do that. That's been there for forty years.

Mr. Brightman - My personal opinion is food-processing and packing plants is a bit of a stretch. It was there before the zoning the zoning went into effect. The lot size is the same with just increasing building size.

Mr. Campbell - we get there either way. The only difference would be with that option. You have a special use permit requirement. Frankly, I don't think that means a lot, right.

Mr. McIlroy - And they do follow shared driveway that is a shared driveway with businesses. They do fall under some of light commercial. There's stuff in our zoning that makes no sense or needs to be updated in the future. It's been there for over 10 years now. Should be on next year's agenda by the sounds. My opinion is preexisting, non-conforming. I'd like to know the rest of the board feels.

Mr. Wall – It seems to make sense, but can you help with what the gap is there? Between special use and non-conforming.

Mr. Campbell - I mean, your special use permit is, in theory, a more specific kind of review. There's also some benefit, actually. Especially from a procedural standpoint in the event of a violation. Easier to do that than it is to invoke a site plan rule.

Mr. Brabant - In summary most of our comments within our letter are related to site specific elements that need to be incorporated in the site plan, and big-ticket items that might be of concern. One of

those items are that a traffic study may be warranted due to the changes being proposed. In our letter we ask them to give us documentation. Our letter will be provided soon.

Mr. Campbell - Again, we use in general our existence on site and to try to avail yourself of any real restrictive components. You know, a judge looking at that is going to say, been operated for 40 years without a special use permit. Now they're doing a lot of expansion, but essentially have the same business. I'm not sure how defensible these are.

Mr. McIlroy - comments are now what's the board's feeling on how we should go?

All board members agreed it was pre-existing, non-conforming.

Mr. McIlroy - Okay, then the next thing and Growmark would be a motion you have a completed application. Do you have anything Carl?

Mr. Peter - No

Resolution:

Mr. Dermody made a motion to send Gromark's site plan to the county for review, Mrs. Grant seconded, carried.

AYE – 5 No - 0

Resolution:

Mr. Wall - I made a motion to seek lead agency on SEQR for Gromark, Mr. Brightman seconded, carried.

AYE – 5 No- 0

Mr. Brabant – We will send out the SEQR notifications regarding lead agency.

Resolution:

Mr. Dermody moved to have a public hearing for Gromark at 6 pm on August 12, 2020, seconded by Mr. Brightman, carried.

AYE – 5 No - 0

Mr. McIlroy – we're good with Growmark. Now we're Verizon. Lance, do we have a complete site plan for that application

Mr. Brabant – We coordinated with the applicant's engineer. They agreed and made the modifications and submitted that information. The tower is now 101 feet.

Mr. McIlroy - I think the only real discussion I think we talked about this earlier, there's no way because we have the Geneseo airport down there and flying planes and need to keep the light on top, especially now at 101 feet. Does anybody else have any discussion, questions at this point? So, we have a complete application. Can I have a motion to send the cell tower application to the county for review.

Resolution:

Mr. Wall made the motion to send the Verizon cell tower application to the county for review, Mrs. Grant seconded, carried.

AYE – 5 No – 0

Mr. McIlroy - The next thing would be a motion to have a public hearing for the Verizon cell tower and for site plan and special use permit on August 12, at 6:15 pm.

Resolution:

Mr. Brightman made a motion to have a public hearing for Verizon cell tower site plan and special use permit on August 12, 2020 at 6:15 pm, Mr. Dermody seconded, carried.

AYE – 5 No – 0

Mr. McIlroy - Mr. Sliker is going to have to explain as much as possible.

Mr. Sliker - What I've done is that everybody got a copy of the original map. This will be our fourth split. He described what he wanted to transfer off each parcel to the 4th one.

Mr. McIlroy – there has already been a split so it has to be a subdivision. West side of the road has 251.3 ft road frontage and they have to be combined.

Mr. Brabant – the “T part” is being carved out and going to the residents to the south

Mr. Sliker- Actually one parcel that's linked by a 30 foot right away or 30-foot lane. In order to get the property across the tracks with a better landline, we had to make it 250 foot right away, the link to the property across the road.

Mr. McIlroy - So now we have to do a subdivision because this has been split. So now it's got a split again, it is a subdivision. And basically, he didn't want to go to the surveyor and get the maps all drawn up, spend all the money and find out that it wasn't going to go. So, I think he wants our perspective here, number one, we have to make sure the west side of the road there is 250-foot front.

Mr. Campbell - it's got to be in by the end of July to the county, map and application.

Resolution:

Mr. Dermody made a motion to adjourn, Mr. Brightman seconded, carried.

AYE – 5 No -0

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Donna K Falkner
Clerk