

**Town of York Planning Board Meeting, Zoom
Wednesday, June 24, 2020**

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

Others: James Campbell Jr., Esq., Donna Falkner (Clerk), Lance Brabant (Town Engineer), Carl Peter, Dave Ingalls(Engineer), Tom Trathen (landowner), Kirk Richenberg, Joe Hens (Ingalls & Assoc. Solar Park), Tom Guzek (Solar Park), Diane McMullin, Denny House, Andrew Kosa (Engineer for Centurion Construction, Gromark), Becky Roffe, Harold Wolcott (ZBA), Joann Coffey, Thomas Bock (Gromark Project Engineer), Dawn McDonald, Lonnie Carroll, Glenn MacKay, Michelle Kilmer, Yogish Kumar (OYA Project Manager), Mariana Pires, Terry Rasmussen (OYA Director of Development), Steve May, Marcia's cell, Ned, E6782

Mr. Campbell asked for a motion to accept the minutes with or without changes?

Mr. Brightman - This is Alan. I'll make a motion to approve the minutes as written. No changes.

Mr. Dermody - This is Dave. Dermody, I will second.

Mr. Campbell asked if any discussion. If not, we'll entertain a motion. All in favor say aye. All right.

Donna, did you get everybody?

Mrs. Falkner said she heard 3 yes as Mr. Campbell did.

Mr. Campbell - Okay, we'll move forward. Now the next order of business is to open the public hearing scheduled for Solar Park. I'm going to start by reading the legal notice:

Notice is hereby given pursuant to Executive Order Number 202. 1 issued by Governor Cuomo on March 12, 2020. Advisories issued by federal, state and local officials related to the COVID-19 virus in the provisions of the code of the Town of York and pursuant to Town Law §274-a. 8. and §274-b. 6., that a remotely held public hearing shall be conducted by the planning board of the Town of York at 7:30 pm on Wednesday, June 24 2020, for the purpose of considering public opinion and comments about or concerning the following application for site plan approval and special use permit approval by Solar Park SS York to construct a five megawatt AC solar installation on property owned by Trathen Land Company LLC, located near the intersection of Chandler road and Retsof road in the Town of York, and the partial bearing tax identifier map parcel number 70.-1-22.31. The public hearing will be held using - the remote meeting platform zoom, so that the public can participate via telephone or video conferencing. To join the public hearing remotely, please use the following Contact information. In there is the link for the video conferencing with a meeting ID which is 860-7789-0897 with a password of 1J3hwm, there were also provided various telephone call and access numbers, as well as the meeting ID and password. A copy of the application related plans is available for review by the public at the office of the town clerk during regular town clerk hours or may be accessed on the town's website at www.YorkNY.org. all interested parties are invited to appear and be heard at the aforesaid time in place pursuant to executive order 202.1. This meeting will be recorded and transcribed dated June 10, 2020. By order the planning board of the Town of York. Donna Kay Falkner Planning Board Clerk. The public hearing notice was published in the official newspaper of the town and put on the website and was posted. So, at this time, I just want to lay out kind of a little bit of protocol. Because it's a little bit

different than having these meetings in person where we can see people raise their hands and afford them opportunities to speak. So, what I'm going to ask everybody who wants to speak, to be patient and wait, so that we're not talking over one another, inadvertently, and then to identify yourselves, so please clearly state your name. If you would like to state your address relative to where the proposed project is, that would also be helpful. We want to make sure all of this goes into the record, so that all of your concerns, thoughts or questions become a part of the record for purposes of deliberation. So, now we're going to open the public hearing.

Mr. Campbell asked if the applicant which is Solar Park, through either Tom Guzek or David Ingles or Joseph Hans would like to make a short statement, just telling the public about what this project might look like. This would be an appropriate time to do that.

Mr. Guzek - Thank you, Jim. This is Tom Guzek. I am the CEO and managing partner for Solar Park energy. We are the lead developer on the project. With me tonight are David Ingles, and Joe Hens who are represented in those associates. They are our partners for this project, and together will be able to answer any questions for you. We have a great deal of information. In terms of the project itself. The town was widely available to anyone who was interested. The project is going to yield a substantial opportunity for cost saving to every individual, residential customer or business customer in the town of New York. This project will provide an opportunity for cost savings of up to 10% of your current electrical bill. This project is a New York state sponsored program. It was to utilize more renewable energy that was placed closer the actual usage of where that power would be used, rather than having to transmission over a long distance of space, which is why certain areas are selected for these projects. This project has a proximity to the substation that feeds the town of York. That allows us to make an interconnection to the utility, allowing us to deliver our energy produced at the project to thousands. Without getting into the technical specs of the project, the project is in an area where we believe has very visibility to any passers-by in an area that is setback from the road and we are adding all kinds of shielding, making sure that we limit the amount of the project that can be seen from certain points.

Mr. Campbell - I guess I'll open up for comments and if you'd like to make any points before we open up to the public.

Mr. Ingalls - This is Dave Ingalls, from Ingalls and associates. We're the civil engineers who developed the project plans with Tom. Tom did a very good job at explaining the community benefits to the public in terms of being able to provide clean renewable energy at a savings to the residents. I'll just go through the project, sizing and basic overall layout really quick for the public. The parcel is on the corner of Chandler Road and Retsof Road. With the new entrance to the project - a new driveway that will come off of Retsof Road. This will access the solar panel area, which is approximately 33 acres, that being a portion of the parcel of 88 acres owned by the Trathen Land Company. The proposed solar farm or solar array will consist of a five-megawatt low tech book photo voltaic array setup. The panel enclosed, completely surrounded by a seven-foot high chain link fence. Access will be provided via the driveway from Retsof Road which will be approximately 1300 linear feet long. That roadway will be 20 feet wide that will access the equipment pads. for maintenance, those pads will be connected. Your wiring which will go out to poles that connect of Retsof Road. Since the time of the last meeting a mailing with the trifold which did show several renderings of the parcel both from Chandler Lane, as well as Retsof Road with some basic project information, that we just went over, was included on the mailing to the residents of the town. We have responded fully to some technical comments, which I'd be glad to

answer any questions that the board has on those, as well as the Livingston County comments through referral. There's been a lot of major changes. I guess one of the major changes were that we did add some additional screening, both north west corner toward the toward the Bennett residents, as well as some additional screening toward the Trathen residents in the southeast corner. Those are some things we discussed with the planning board at the last meeting. The conclusion of that meeting was to send out for county referral, the public hearing which we're having tonight, and we would be happy to answer any further questions at the planning board may have, or the public comments.

Mr. Campbell - Okay, thank you. Folks on the planning board, what I would suggest at this time is that maybe we open it up for some comments from the public. And after that, I think you'll have some opportunity to raise your own questions. And I think it makes sense to get the comments from the public first because it might help you focus where your thoughts and concerns are. So, if everybody's comfortable with that, I think now we'd like to open up to the public. Remember, folks who want to speak, you're going to have to be patient and we're going to have to try not to talk over each other. You also have to limit your comments so that you're not too lengthy.

Mr. Brightman - This is Alan Brightman, if I may just say, folks that are not speaking, if you could put your phones on or your computer on mute. That would be appreciated. There's a lot of background noise. Thank you.

Mr. Campbell - That's absolutely helpful. Any other suggestions or concerns from any of the board members before we get started with the public comment portion of the hearing? Okay, hearing none, is there anybody from the public who would like to make a comment at this point?

Mr. Deuel – This is David Deuel, hope everybody can hear me all right. I'm on Route 20 at the very north edge of the town so I am not near the project. My concerns are with the site maintenance. The fencing, the trees, the 55 acres that are not in the solar array, but also the 33 acres that are behind the fence was mentioned that this was going to be a pollinator planting. I would have liked to have had the common names of the vegetation going in. We're not all botanists and I am also concerned about the maintenance of those 30 acres. As someone who has tried to maintain conservation plantings whether a grassland or a pollinator plot. It's not an easy thing to do over an extended period of time looking at 30 years, I would like to see for the three times a year, April, July, October, a group of three people from the town go in with the maintenance crew to observe the plantings. Be sure everything is as proposed. and if there needs to be some reseeding done or removal of invasives, I think we need to have some accountability and not just take the word of the maintenance and operations manager that has been done in a proper fashion. That's my concern also like a fencing and trees, that trees that are dead are removed and replaced in a timely fashion. And I do believe there should be some sort of a financial bond put up to pay for these things, if they are deemed necessary. The proposal sounds great. Just would like to see some accountability in some way to assure to the residents of the town that the site maintenance is maintained throughout the lifespan of this project. One other question that I had was on the decommissioning plan, I might have missed something. But it says it has to be renewed yearly. If the facility knew they are going to be decommissioned like the year before can they do it early and then there would be no bond for the decommissioning plan. I might have missed the legal aspects of that. Thank you very much for having the meeting and listening to my concern. Thank you.

Mr. Campbell - Thank you, David.

Regone Family - Hi, this is Ethan. I'm here tonight to represent the Regone family. We own the property directly to the north of this proposed plan. And my aunt who lives directly to the north was unable to make it tonight so she asked if I would ask some questions on her behalf. A couple things that we were concerned about is what type of toxic, you know, levels that we're going to experience because of solar panels and how close they are to the homes. Directly to the north, there's four adults and two children and multiple paths that lead directly to this proposed project. So, we were just wondering what you know how harmful and hazardous This is going to be to them. And on their children, obviously, and not only that, but the wildlife in the area. I I'm a hunter and I'm willing to feel that when my parents pass so that was just a couple concerns? How does this affect property values? Real Estate also as an investor. So, I'm just wondering what you know how this is going to affect property value and land. Also, just from other further research, we're just wondering what type of noise this project is going to generate. Just from the ones that I've seen personally, they do make some sound. So, we're just trying to figure out how loud this is going to be because it's about four times the size of the project that I'd seen in person. I missed the part where were how much the bills were going to be reduced on the energy side on the electric bills. I believe that project manager was speaking about that as well. And that's all I got. For tonight.

Mr. Campbell - Thank you. Okay, folks who's next?

Ms. McMullin – I'm Diane McMullin and I went to a training last year for another town, although I do live in in York. And one of the ways they talked about maintaining the site was to have it as pasture for sheep. Is there ever been any discussion about that?

Mr. Campbell - Okay, do you have any other questions? No, thank you. And folks, just so you know, nobody's trying to be rude by not answering questions at this point in time. The purpose of this public hearing is really to get your concerns and they will be considered by the planning board as it goes through its review and deliberation process. So, I don't want you to think you're being ignored. But the planning board probably is not in a position right now to answer most of these questions, but we will be looking at those issues as part of the review process. Who else would like to speak?

Dawn - Yes, this is Dawn. Until I got this in the mail. I was unaware of any of this going on. And I just I don't know where the funding is coming from. Is it going to affect our taxes in any way? Like I said, I didn't know anything about this until I received notice in the mail about this meaning so curious about that. Thank you

Mr. Campbell - Well, we're glad that the mailer was effective in that regard. There's always a concern that people don't know that these projects are being considered in reviewed. So, we're glad to have your input. Who's next?

Steve May - Was that the answer to the question?

Mr. Campbell - No, it wasn't an answer to the question. Like I just stated, right before Dawn spoke. Public hearings are less about answering questions and more about hearing your input. And when you have questions like that, we don't necessarily know the answers to those things right now and they're things that we will explore. meaning the planning board will explore as part of the review process. So as far as for example, she asked who the funding, where it's coming from. We don't know where Solar Park, the developers getting its funding from.

Mr. May - So not your residents.

Mrs. Falkner - Who is asking a question, please,

Mr. May - Steve. Steve. Oh, I'm sorry. Steve May. Who am I speaking to?

Mr. Campbell - Donna is the Planning Board Clerk. She's responsible for the minutes. So that's why she's asking for people's names so she can accurately keep a record of the discussion tonight.

Mr. May - What are the benefits to your residents?

Mr. Campbell - Again, that is a question that will be considered by the planning board in their review.

Ms. Brown - this is Cathy Brown. I just had a comment not a question, but just a comment. I just worry about the prices of property value going down because of this, because I've seen other solar farm type situations where they're really an eyesore. And I think, you know, we're very lucky out here to have some beautiful land. And I hate to see those justice blocked by ugly solar panels. That's just a concern that I have.

Mr. Campbell - Okay, thank you very much. Who's next?

Ethan (Regones) - I think to piggyback off of what she just said, again with the regarding family to the north of the north of the proposed project. Is there any alternative if this gets approved, besides a six-foot chain-link fence for security purposes? But is there any other possible option that would be better used for screening on like she was saying, with the eyesore and being right next door? Is there anything that you know, could be proposed? That would hide it a little bit better than the chain link. Thank you.

Mr. Campbell - Absolutely. And as he says things like buffering are certainly a large part of the consideration for the planning board's purpose. So that will be considered as a deliberation and continue their review. Who's next?

Mr. May - How many folks attended this meeting tonight?

Mrs. Falkner - There's 38 signed on right now.

Mr. May - Is there an opportunity for another meeting?

Mr. Campbell - So, Steve, what the plan will be most likely after this evening is that the public hearing will be held open for a certain period of time to allow people to submit written comments for people who might not have been able to attend the meeting. Or even if they did attend the meeting, and they had additional thoughts or research that they wanted to do and provide comment to the planning board as part of its review process and deliberation. So, it will be held open. We're going to determine for how long after we are done with the public comment portion. Once everybody's had an opportunity to speak tonight, then the planning board will determine how long the comment period stays open, but a decision will not be made tonight.

Mr. May - Thank you,

Mr. Campbell - Sure. Is there anybody else who would like to speak tonight regarding the Solar Park application? I do want to note in acknowledging that on behalf of the planning board received correspondence from Stacey Bennett, Dorothea Prine, and Ron Regone, who submitted written comments regarding the project. There have been some responsive comments that were emailed from the applicant with regard to Stacey Bennett's letter and Dorothea Prine's. I don't know that those have been forwarded yet to Stacey Bennett or Dorothea Prine, as they just came in, but they will be. Does the planning board have responses or anybody else now that would like to speak regarding the Solar Park application?

Mr. Trathen - Mr. Campbell, this is Tom Trathen, the landowner on the project. Can you hear me okay?

Mr. Campbell - Yes go ahead.

Mr. Trathen - I just want to say that I was in receipt of the letter from Mrs. Bennett and as a neighbor and I just wanted to speak to the fact that I reached out with an email and also a phone call as a neighbor to discuss those concerns. So, I want to make sure that when on the record.

Mr. Campbell - Okay, thank you. Is there anybody else from the public that wishes to speak at this point in time regarding the Solar Park application?

Ms. McDonald - Yes, this is Dawn again. How will we find out about the results to our questions and concerns, another mail notice or notification of some form as to when the meeting will be again to close all things are going to proceed.

Mr. Campbell - The planning board will determine how it's going to proceed with the next steps. And in that regard, I'm sure based on previous conversation, a planning board is going to hold the public hearing open for written comment thereafter. It will probably be discussed at the next meeting in July is what I suspect but that will be determined tonight. And you'll know, at least when it will be next discussed with regard to your specific questions. They're not going to be answered in a formal way responsive to each person that brought them up. But the questions you raise, issues you asked about in the comments you made are a part of the record and they will be generally discussed as part of the review process by the planning board for the application. So, is there anybody else that wishes to make a comment?

Mr. Guzek - this is Tom Guzek with Solar Park. We would like the opportunity to, to respond with some answers to their questions because they're fairly easy to respond to. And we're more than happy to respond right now since you've got the people online.

Mr. Campbell - That's absolutely fine. Go ahead.

Mr. Guzek – Dave, you join me. I have a list of some of the questions that were requested by the town residents. Let me speak first of all to the plantings and the maintenance. This project is going to be owned and operated by one of the largest independent power producers in the country. The company name is Standard Solar. They are out of Rockville, Maryland. They have projects around the country that you could look at to see how well they do their work. We are planting a pollinator platform, the pollinators that we're using, we've worked with the New York State Department of Environmental Conservation with regard to the pollinator mix that was best suited for the Great Lakes. And that's the pollinator mix that is being laid down. We'd be more than happy to share that it's public knowledge.

With regard to the maintenance, obviously it's in our best interest to maintain a high degree of pollinator because of our need to control any kind of weeds or growth. So, the pollinator mix is specifically meant to do that. With regard to the sheep comment, the answer is yes, we have looked at the ability to deploy sheep as a method and something that is being reviewed to determine that is something that works here. So absolutely, positively we would be looking at that. With regard to who is supplying the money for this project. It is coming from the owner operator, which is a division of a very large corporation out of Canada. It's basically Canadian pension funds that are investing in renewable energy in the United States. And these Canadian pension funds, see a yield on the projects that is better than they get elsewhere. So, they've invested in these projects. It's all their money, there's no money coming out of any homeowner, any taxpayer. And in fact, we are working with the town, the school board and the county who provide a payment in taxes. The state of New York provides for a 15-year tax abatement on these projects. However, we elect to negotiate a payment that would be made on an annual basis to each of the taxing authorities and apply some kind of revenue as a portion of the revenue we derive from the project. So, we are in process of finalizing the pilot with the town board, with the school board and the county. With regard to noise, the noise emanates from the inverter units. They inverter units have an DB that's tested substantially. We believe that this DB value is going to be somewhere around 40 db, which is about the sound of a refrigerator. Obviously would only be during the period of time when the inverters are working. They don't work at night. So, it's only during the day, when most of the of the sound would be heard and probably drowned out by other traffic noise or other sounds that would emanate.

Mr. Hens - This is Joe Hens from Ingalls and Associates. Just to elaborate on the site maintenance concerns that David had. The pollinators are going to be maintained three times annually and that's in the operations and maintenance manual be provided to the town. Additionally, the pollinator species are listed in the operations maintenance manual on the last sheet as part of, excuse me, it's part of the vegetation management plan. So that's on there.

Mr. Deuel - If I could comment on that, yes, they are listed, but they are not in English. They are not the common name. Yeah, I could look them up.

Mr. Hens - Yeah, we can add the common names to the plan for clarity.

Mr. Deuel - And my main concern is to just to have some members from the town go in, just to be sure things are going the way they should be. I know that for a long-term activation planting, there's got to be a lot of replanting done. And I don't know how you're planning on preparing the seedbed under the whole site, but to just scatter seeds in a way and step aside is not going to do to establish a pollinator facility. So, I just would like to have some town board, planning board, conservation advisory council members go in three times a year with you. And just to be sure everything's up to snuff. There would be a very easy thing of some local eyes and the planter. Thank you.

Mr. Guzek - I'll take one more question that in terms of valuation on property, mostly solar projects, they're very, very new in all United States. And so that there's really no historical background to be able to determine what impacts that mark. There's been studies in Michigan, I believe also in in Maryland, where there were some. You know, again, in Europe, this is a common type of practice. These are common type of deployments. Could there be an impact possible? But it would be no different than if, you know, somebody had built a 10-story building maybe next to you that would have an impact on the

valuations. Clearly, you know, our project - there's no traffic, there's no pollutants. This is not a toxic type of deployment. It is simply the ability to use the sun.

Mr. Ingalls - We feel very strongly that there'd be little to any impact but too early to be able to answer that kind of question. And it will save. I just wanted to follow up on a couple things. One thing that Mr. Regone was questioning was the community benefit. Obviously, the first community benefit we spoke on was the availability of clean renewable energy in accordance with the governor's initiative to have renewable energy on the grid. Community benefit from an availability to sign up in and have a savings on their power bill. That was something that we needed to discuss which is the 10% savings that is both on the power supply as well as the distribution side so it would be the entire bill. We did as Mr. Campbell said, we did prepare a response letter to the two written letters that we received from Stacey Bennett, as well as Dorothea Prine. Just a couple of the highlights that was a concern about the wildlife. Again, this was just a small portion of the 80-acre site will be surrounded with a seven-foot high chain link fence. So, the animals would be able to maneuver themselves around them. We have left a minimum hundred-foot setbacks to the property lines. So, there's plenty of corridors for the animals to maneuver and migrate around the facility. Any of the smaller mammals can obviously get underneath the fence in both entering and exiting. One item we did on the layout is we did not propose any impacts to the forested area, or we kept everything out in the open fields versus going in and cutting the forested area which will remain on the easterly portion of the property. And again, from a visual standpoint, we worked hard to put together the renderings which show water near trees that will be planted six-foot-high at a time of planting will be put around the array. Some of the key areas namely westerly portion as well as the southeast corner, as well as the product has been developed in accordance with the town zoning, which keeps it a minimum of 300-foot setback from any of the adjoining residences. So again, we put together a detailed letter, I'm not going to read it verbatim, but we will have on file with the town a detailed response to those items. I think we touched upon a lot of the items already. Someone can let us know if there's anything else that we didn't touch upon.

Mr. McIlroy – Dave, I'm sure you could answer this. What is the average electric bill in the town of York for residents?

Mr. Ingalls - Actually what we're proposing here is about enough energy to supply 1200 to 1500 homes. Tom, who's from Solar Park would be the guy that looks at the power bills.

Mr. Guzek - The average homeowner uses about 8900 kilowatt hours a year. Okay, you're paying about 11 and a half cents right now, per kilowatt hour. So, you're paying between 80 and \$100 a month, per month.

Mr. McIlroy - So the residents are looking at an \$8-\$10 savings per month. Just to put it in perspective, what the average residents would save obviously businesses use more electric.

Mr. Guzek - That's correct. Residential Yes. business where there's higher volume of usage, especially demand customers would get a better savings.

Mr. May - We have a question. What is the efficiency? What is the efficiency of the solar panel operation say in the during the winter times when there's six to eight inches of snow covering the panels because that when you look at panels around this location or this area, you do see 68 inches of snow sitting resting on the panels.

Mr. Guzek - We are we are using a design called a single access. We actually can shake the snow off of the panels and we use what's called facial panels. So, we're actually gaining sun from below the panel, the sun bounces off of the snow underneath the panel, we're actually collecting that. So, our efficiency is very high but not in in winter months. So, just so I understand it's like a vibration. We move, we can move the panels up, down, left, right, to be able to stimulate snow removal. And this operates at 40 decibels year-round.

Mr. Campbell - Okay, folks, anybody else have any other questions or comments that they would like to offer at this point regarding the Solar Park application?

Ms. Brown - Hi, this is Cathy Brown again. I just had one quick question or comment. I'm not sure if it can be answered tonight. It's in regard to security. And I didn't know if other solar parks had had any reason for people if there's equipment that would bring someone in to steal it.

Mr. Guzek - The equipment is monitored 24 hours a day 365 days. You know, they can only make money while they can generate power. And it's important to have a high degree of security. So, there's an interconnection between every panel monitored by monitoring center. seven days a week, 365 days a year. So, we know when anything is going on.

Mr. Campbell - All right, thank you. Who's next?

Mr. Wolcott – Hi Jim, this is Harold Wolcott from ZBA. I just had a quick question on, is there going to be reserve plan of any plan at all right now or in the future of battery storage? Or is this all directly to the grid?

Mr. Guzek - It's at this time all directly to the grid. We've never we have not asked for an approval on Add batteries to this project. That's not to say we may not ask in the future, but we determined by you whether you wanted to allow it but right now this is just direct to the grid.

Mr. Wolcott - Okay, thank you.

Mr. Campbell - Any further questions or comments from the public? Okay, how about the board any of the planning board members have any questions that they would like to ask of Solar Park representatives.

Mr. Nagel - We covered a little bit about it, but it's about what's growing in the maintenance. If you look at the postcard that was sent around it, it looks a little barren with just those trees there and I don't know what the land is like in front of those trees, but it looks Like sort of a barren wasteland. And if you could put the pollinators there on that land and add a couple bushes around those trees, it would enhance, I think, the look and also would enhance the advantages for the insects or whatever birds or whatever live in the area. So, you could take advantage of that land between the road and the facility. I have another question. Might as well since no one else on the planning board. pesticides and herbicides. and their use, and I would discourage any sort of use of those. And the third question is in regard to lights and light pollution, and hopefully, there won't be a lot of lights on the facility. And I actually have one more. In other situations where you have a homeowner that's very close, what they've done is plant a buffering right on the homeowner's land to cut down the visual of the facility. So that that has been I see that possibility in other solar farms. And I think that's about it for me. Thank you.

Mr. Campbell - Hey, folks, we had a question logged in from Steven & Lonni Carroll, their mike is not working. And they have a couple of questions that I'll read out. How will the 12 to 1500 homes be decided in terms of who will receive the benefit? And secondly, are there any existing projects in this area of Western New York that could be viewed by residents to see a real-life version of what they might expect with a solar Park project?

Mr. Guzek - The answer is yes, there is a Solar Park project in Grand Island, New York. started up a couple months ago. It's about the same size as you'll have here in York. You could visually, Google that but it's on Grand Island, New York. The residents have all. You know, they were very fortunate because of the discounting they were going to get from their existing utility bill. We will tell you that we're not going to be selective. If there's 1800 people who sign up, we will get you energy, whether it's from our project in New York, or another project we're working on, we've got multiple projects across western New York. So, we will guarantee anyone who is a resident in town of New York will be guaranteed the 10% discount.

Mr. Campbell - Okay, folks, anybody else? Questions? Comments from the public or the planning board at this point?

Mr. Wall - just wondering, with all the recent changes that have gone on with material supply, and so on and so forth, because I know there was a timetable here for construction and service and all that good stuff. If the developer is seeing anything, you know, critical path in their supply chain that may stop this property once it gets rolling. And then if there is a situation, I'm wondering, you know, what the developer is seeing. I guess it would be performance that either finished the project or the decommissioning bond that cleaned it up if you know, heaven forbid, it didn't get finished. What the time lime is because there and maybe that's, you know, that's something they can get back to us with just a list of, Hey, this is what's, you know, we're having trouble getting in the States right now that's the plan or this place, or maybe no, we're not seeing any supply issues and we're not anticipating any delays with construction.

Mr. Guzek - We certainly can respond to that. You know, at this point in time, it's our intent to fully build out the project and have been operational in probably the third quarter. supply side project product right now is not an issue. We've got multiple projects in process today. We buy large volume or the owners by large volumes of material. But to date, there has been so far no issues with regard to supply side. And obviously, it's an obvious it's in our best interest to get this built as quickly as possible and operating.

Mr. Campbell - Tom, this is Jim Campbell. I have a quick question that was raised prior to the meeting today that someone brought up and I think it's worthy of at least throwing out there. It's my understanding that this property has a very high concentration of salt in the soil. And the question is, will this cause any kind of corrosion problems or electrolysis issues for the panel's support infrastructure or the wiring that might be located in the ground? You know, any maintenance challenges?

Mr. Guzek - Hey, Dave, can you answer that?

Mr. Ingalls - We have spoken to the landowner and looked at the site relative to phase one environmental site assessment. And majority of any of the blow over salt or runoff salt brine would be

along the extreme western portion of the site. More specifically along the Retsof Road portion of it. So, we don't anticipate any major issues with any type of corrosion or other type of problems like wiring.

Mr. Campbell - Okay, thank you. Any other comments or questions from a planning board member, any comments from the public? Otherwise we're going to move forward. I'll have one

Mr. Nagel - one quick comment about David's dual suggestion about a small group of people that might help with the plantings and the maintenance a little bit. I know the conservation Advisory Council would be glad to do something like that. It's free. We're a community full of farmers and so we are glad to share our expertise with you.

Mr. Guzek - We would be accepted of that. Thank you.

Mr. Campbell - Okay, folks, I'm going to turn things over now. Lance is our consultant engineer from MRB group. MRB has prepared a comment letter with regard to the application Lance, would you like to talk about that for a moment or to move on.

Mr. Brabent - I was muted. I apologize. Can you guys hear me? Good evening. I'm Lance with MRB group. MRB did provide a revised plan review common letter dated June 22. That was provided to the town in response to the revised plans that were forwarded to town staff that are before the board this evening dated June 6. In those comments, mostly technical in nature, there is a number of comments in regard to decommissioning plan, operation and maintenance plan, and then their stormwater pollution prevention plan. I just want to identify that a lot of the comments tonight that I'm hearing are, for the most part, governed by the decommissioning plan and operation and maintenance plan in terms of money, So the site, the plan itself has to be prepared in a manner that identifies how often but who will be maintaining the site, how often they'll be maintaining the site, who's going to get notices from the operators of the site. I also want to remind everybody that this is just one hour ago. Special use permit is a permit issued by the town. And so, if for any reason, let's say the board does move forward with this application, this thing gets constructed. If there's ever an issue on the site, that's the site is not in compliant with that decommissioning, or excuse me, the operation and maintenance plan, or the approved plans, or any of the conditions that may or may not be added to the approval, they can pull that permit. That's what the permit is for. That's what the special permit governs. So I just want to make it clear that even though we're identifying areas where we might need to improve those plans, or ultimately this permit, if issued gives the tone, the ability to pull it if that site is ever non-compliant with the governing reports that accompany this project. With that being said, MIB group issued a letter, like I mentioned, dated June 22, that was provided to the town and ultimately will be forwarded over to those engineering for their review and to be addressed as part of their plans. At this point, I don't regarding the decommissioning bond, one of the comments was identified that it would need to be renewed once a year. Ultimately, the decommissioning bond will stay in place, it doesn't and won't expire until the full life of the project is up at least that's what we're asking for, and that it would be renewed once a year to accommodate any potential increase in quality. On a yearly basis, that information will be outlined more specifically in the decommissioning plan and operation maintenance plan as well as part of the project. At this point, the town, as identified earlier is going through a public hearing, which it's my understanding will be continued to a date, and then for written comments, and then ultimately the project will come back to the planning board for continuation of their review. And the status. The spot that we're at right now and part of that review is, is called the environmental review the SEQR review. So, the board has conducted a coordinated review with other agencies that might have

interest in the project, or other agencies that may need to issue a permit or an approval for the project. For example, Army Corps with the wetlands, DEC for the storm water etc. Those agencies are to provide responses back to the board for their consideration and then ultimately the board will weigh those comments received. Mr. B's comments and other staff comments received. And ultimately, the comments received from Republic both from written and vocally mentioned today at tonight's meeting, prior to them, prior to the board deciding, what is called the determination of significance on the Environmental record for this project. So those are the first steps that have to happen before the project can even begin for and a review or excuse me an approval. So I just want to reiterate that all comments received will be considered and all comments received will be part of the written record and comment record for this application, as Jim mentioned, and will be considered as part of the environmental review for this project. Jim, I don't have anything additional this time.

Mr. Campbell - Okay, folks, I guess we're at the point in the process where we need to discuss the next steps. And you had previously indicated that you'd like to keep the public hearing open for purposes of written comments for a period of 10 days, is that still your wish? 10 days would fall right about the July 4 weekend. So, would you be inclined to extend that to the Monday after the Fourth of July at 5pm? Or do you want to end it on the Friday before? Any thoughts from that?

Mr. Brightman – This is Alan Brightman, I don't see any reason why it couldn't go through to the Monday unless somebody else has an objection to that.

Mr. Dermody - I agree with you, Alan. This is Dave Dermody. I think that's a that's reasonable.

Mr. Campbell - if everybody's in agreement, can we have a motion to keep the public hearing open? For purposes of further written comments being submitted until Monday, July 6, at 5pm.

Resolution:

Mr. Dermody - I make them this is Dave Dermody, I make a motion that we keep the public hearing open for written comments till July 6 at 5 pm

Mr. Wall – This is Chris Wall, I second the motion.

Mr. Campbell - All in favor signify by saying aye. Aye. Aye. Aye

Okay Motion carried. At this point, we should discuss when the board would like to next revisit this application for purposes of taking next steps. I believe the next scheduled meeting is July 22 and is it the board's pleasure to revisit this at the meeting on July 22?

Mr. Campbell - Consensus of the board to continue on July 22.

Mr. Guzek – this is Tom Guzek Solar Park, we would request if possible, for an acceleration of that. We have, you know, a certain amount of build time in terms of construction scheduling for the year, there was a possibility of holding a special meeting on the ninth to determine that if you are all in agreement that would help us immensely in terms of maintaining our schedule for construction on this project with National Grid and the utilities

Mr. Campbell - Okay, thank you, Tom, board members, I'm going to throw this out for your consideration with regard to Tom's request. Keep in mind, we have a couple of other agenda items on this evening, including another solar application, as well as a significant site plan review for a fertilizer facility. And you could get the same kind of requests from all of those in a similar really legitimate

fashion. I just asked you to keep that in mind. From a precedent standpoint, it's, it's up to you what you want to do, either the ninth or the 22nd.

Mr. Brightman - Jim, this is Alan Brightman considering that written comments from residents is open until the sixth, it seems like the ninth would be a little too soon.

Mr. Wall - Yeah, I agree. We assume that Mr. Brabent is going to look at some of those comments when they come back and then give us some feedback on whatever issues or concerns come up, right?

Mr. Brabent - Yes, this is Lance. I'm sorry, I keep trying to find that mute button. I apologize. Yes, we would have to look at once. I apologize for interrupting once Ingalls and the applicant receives comments. The plans I would imagine would then be revised decommissioning plan SWIPP operation and maintenance plan would be revised and then resubmitted to the town for consideration. I would imagine we would want those revised documents to be provided in a timely fashion so that we can review them prior to a decision being rendered by the town.

Mr. Campbell - Okay, folks, I did take it board members that the consensus is to keep the matter scheduled for the July 22 meeting.

All 5 board members - Yes, that sounds good. yes, for the 22nd as well.

Mr. Campbell - Then that would conclude the agenda item for Solar Park this evening. If there's nothing else in that regard, we can move on to the OYA application.

Mr. McIlroy - A couple things before we go too far. There's no way we can keep putting all this stuff on the agendas. We're going to have to split some of these meetings up so that we can have them at the town hall before we can move forward. And I I don't see how we could have one there's no way on the night. I agree with that. But I do think somehow, our agenda are getting just way too long. It's too much for everybody to do. And I don't know what anybody else thinks about that. But maybe we need to split some things up. We might not be able to have a public hearing, but we'll be having A public hearing next month, I presume, for OYA, possibly. And I think we need to have our actual planning board meetings. We've got to start having them in the town hall where we can have the stuff in front of us and, discuss it. That's my opinion.

Mr. Dermody – Well I Dave Dermody agree with that. But I think also in regard to housekeeping for us, having a public hearing on the same night as our meetings, I think is not advantageous to the group. Because these are topics that are going to require a great deal of input from the town residents. And as you can see, we're closing in on quarter to nine now and we haven't even hit the record the meeting. So, I think that's something to take into consideration the future schedule. public hearings? Yes, I think we need to, if we're going to move on to OYA and if we do have to do a public hearing, we're going to have to get it set up where it's not on our meeting. You know, it's just too much too long. People are going to lose focus.

Mr. Campbell - Okay, well, having suggested that, let's move on to the OYA application. And as we get down the discussion on that particular agenda item, we can determine whether or not it's appropriate to set a public hearing date in one day to want that to be just for a couple of kind of preliminary comments, and I'm going to be turning things over to two lands. The board is aware that the applicant was asked to consider some recent changes to the prime farmland mapping that was provided from the

county and resulting from changes at national level from Ag and markets with regard to what constitutes buying farmland. So, the maps have changed, resulting in a need for them to revise your plan. My understanding is that they have done so and submitted them so I'm going to turn things over to Lance real quickly to bring us up to speed on what the current plans show and whether or not they are compliant with our code in constitute a completed application. So, Lance, are you ready to talk on that?

Mr. Brabent - So exactly, as Jim mentioned,

Mrs. Falkner- Excuse me Lance – would whoever has their mike on please turn it off. There are dishes rattling in the background and voices and I cannot hear what is being said.

Mr. Brabent – Sounds better. So as referenced after our last board meeting, we had conducted our review of the application provided comments to the town. And then we began the SEQR review of the application and forwarded out our coordinated review of that application. A couple days after we got references submitted to us from the County, identifying that the prime soils mapping had been updated as part of that update, and identified prime soils on the subject parcel and as part of the local law, disturbance with solar panels to prime soils is forbidden and not allowed. So, we responded back to the applicant. The applicant has submitted revised plans removing the solar panels from the prime soil's areas. They've also identified the prime soils areas as referenced by Livingston County and on their plans as well, for reference purposes, and the solar panels have been removed from those areas no longer disturbing them. And therefore, I believe the project again for the second time is compliant with your local law. With that being said, and I don't mean to skip ahead, Jim. But with that being said, I have a couple of questions that I haven't been able to answer. At this point, I just haven't had time to get through everything. I'm trying to verify what some of those changes were. So, I think if appropriate, Jim, maybe we can turn to the applicant to kind of identify what some of those changes were beyond the obvious change which was moving the solar panels over outside of the prime soils area.

Mr. Campbell - I think that's absolutely appropriate, would someone from OYA like to address those questions from Lance?

Mr. Rasmussen - Absolutely. This is Terry Rasmussen, the Director of Development for OYA. Thanks for making time for us. If you guys don't mind, I'll share my screen and I can pull up our layers for you to talk about. I just need the host to allow me to do that. All right, here we go. Can you all see my screen now? So, you can see my cursor on the left of our layout, which would be the west side of our project. There's a big new area of what was mapped as current farmland. What we've done is we've taken our four panels that were included in that in that front part of that area and put some more to the back and down to this section here. That was the major changes. We also changed the location of our entrance to give it its own separate entrance because we knew that it was a concern raised last time about a shared driveway. And we also moved the cluster, we spread it out the back as far as National Grid will let us. And then just a few other changes, we put in some notes on the distance from the residential areas. And then I think we did change a little bit of the visual screen. We have a section right up here where there's a potential for somebody to possibly see it so visual screen appear. And those were the major changes.

Mr. Brabent - This is Lance again with Mr. B group. Just for clarification for the record, the road length hasn't changed, correct?

Mr. Rasmussen - The road life itself has not changed.

Mr. Brabent - Okay. And how about the number of solar panels? Have they changed?

Mr. Rasmussen - They have not changed, but because we're working with less area, we have less distance between the rows bringing them closer to make the same number.

Mr. Brabent - And then is there any additional or proposed wetland disturbances as a result of the change?

Mr. Rasmussen - No, we were able to avoid the wetland.

Mr. Brabent - Okay, and then lastly, I believe the plans accurately identified the additional screen or excuse me, the additional tree removal areas that would be required as part of this application due to the changes correct?

Mr. Rasmussen - Yes, we would have to cut a cut quite a few more trees

Mr. Brabent - that are correct preference but avoid the prime firemen so rifles today. Is that correct?

Mr. May - Excuse me, this is Steve. I couldn't see, focus in on where this plan was taking place. Can you tell me like in some reference what road?

Mr. Rasmussen - So the road along the west, I believe is called Main Street. So, we're right on the edge of the village. So Main Street goes up the west corner of Main Street.

Mr. May - Main Street Route 36 in York?

Mr. Rasmussen - yes

Mr. Brightman - this is Alan Brightman regarding the tree removals. Has that changed the visibility on the eastern southern side?

Mr. Rasmussen - No, we still have a whole valley of trees. So that we're not touching in on the east side, they're still we're still leaving a very large buffer of trees plus there's a rail line that goes through there. You almost can't see this anymore, can you since you're pulling it back from 36, we were able to see one small view line when we ran the visual simulation so very far away. Like a small portion of the frontier.

Mr. Brabent - Terry, just interrupt I believe your next sheet has an aerial photograph that shows the vegetation. There you go, that might be better suited to identify the existing vegetation that will remain after this gets removed.

Mr. Rasmussen - Yeah, that's true. So, we still have like full tree coverage along the southeast even. No, we're not removing any ones from the north side either. It was a tree line and of course, there now with the prime is to make maybe a cluster of trees

Mr. Dermody – Question, Dave Dermody. So, with moving the project, we still have the road and the road will be in a spot that won't impact any of the land that you're trying to avoid using.

Mr. Rasmussen - The road will have to pass or cross prime farmland I believe that is a lot of things. The solar panels are not required. There's no way to avoid that. There are a set of guidelines by the markets on productions or in solar projects and ways to preserve and protect farmland soils and we will follow those are all construction.

Mr. Dermody - Thank you.

Mr. Nagel – What is the acreage of trees that you will have to remove.

Mr. Rasmussen - So our total area now is up to 18 acres at three quarters.

Mr. Campbell – Do you know what that was before, Terry, with the previous plan.

Mr. Rasmussen - I don't know off the top of my head that I can quickly pull it up. You know what? It's going to take a minute to find that other drawing to make sure that it is the correct one

Mr. Campbell - that's okay. Terry. All right. Any board members have any other questions for Terry?

Mr. Nagel - What kind of forest is it, like a scrub forest or was it an oak? oak forest or do we have any idea what? What type of forest you're removing?

Mr. Rasmussen - I'm trying to remember. I walked the site the last summer. It's not a scrub forest. There were some mature trees. I believe there was a mix. I don't want to get this wrong. But say mixed deciduous will be the best way to describe it.

Mr. Nagel - One of the things we talked about before is a walk of visit to the facility. That might help us get a better idea of what your plan is.

Mr. Rasmussen - Yeah. And we're happy to arrange that. If you guys have a date, we have to do that or if you'd like me just to pick a date.

Mr. Brightman - Yeah, this is Alan, I'd like to do that. Also.

Mr. Nagel - I'm open on a date.

Mr. Kobylanski - I'm interested in walking the site as well.

Mr. Campbell - Terry, do you want to propose a date for interested planning board members to meet you or a representative to walk the site?

Mr. Rasmussen - Well, we'll probably have to send a representative on our behalf because you know, I'm based out of Toronto and right now the board is full. Not able to freely cross the border right now. But I will, I will get a date and who we can send it to.

Mr. Campbell - I would run that through Donna Falkner who is a clerk for the planning board, and she can communicate directly with the board members.

Mr. Rasmussen - I will, I will get one of our representatives, check their availability and give you guys a couple days.

Mr. Campbell - Thanks very much, Terry. Any other questions for Terry with regard to the current plan? Lance, do you have any additional comments before we move on to discussing where we go from here?

Mr. Brabent - No, not, not additional comments, but more on procedure.

Mr. Campbell - So folks, I think what we need to discuss next is submission to the county planning board for the general municipal law [2:39am referral](#), in declaration of intent to be lead agency for secret review. Both those things were commenced with the original plan. And then, as we just discussed, the prime farmland designations changed. So those things were put on hold, lands from your perspective. Do the plans need additional review before they can be sent to the county planning department for referral?

Mr. Brabent - I don't I don't believe so. Jim, but I mean, if everybody would feel more confident and comfortable, I'm more than willing to do so. But I believe, based on our first review, they appear to have attempted to address most of MRB's comments and staff comments, but obviously the plans being changed. You know, I would take a review to determine that. But also, there is a couple reports that I think I did not receive that I believe should have been provided. And that was the decommissioning plan revisions and operation and maintenance plan revisions. I would suggest that before we send it to the county that those plans, in fact, were revised, need to be submitted so that we have a complete package that would go to the county.

Mr. Rasmussen - Hey, Lance, I think maybe we should have discussion about that. We submitted a list of responses to your questions, and I think those two items bear discussion before submission.

Mr. Brabent - Fair enough. We can have that discussion. But ultimately, I would say to the town that that those questions and potential changes be addressed prior to a submission to the county, just so that there's a complete application.

Mr. Campbell - Just for purposes of efficiency, we don't want to have the county planning board start to review something, only to have additional changes. So why don't we hold that open if you work with Terry and his group to finalize those couple of documents, and it looks like we can make a submission before the end of the month. It will have to be done by next Friday in order to be on the July agenda for the county planning board, which is a second Thursday of the month, so they would really need to receive it probably by the end of the day, next Friday. Secondly, with the original plan, prior to the changes, Lance on behalf of the planning board, sent out the SEQR package with our declaration of intent to be lead agency for the coordinated SEQR review, we would need to do a supplemental SEQR package should be sent out to all involved in these changes.

Mr. Brabent - Correct. I would, if I'm understanding correctly, if our target date is, let's say Thursday of next week to give everybody time that you would want a response from us stating that we have a complete package. And then with that being said that would allow the town to forward over to the county and then likewise, it would allow MRB group, if deemed appropriate by the town, to forge out a supplemental secret package of the revised information cover letter to all the involved and interested agencies that were identified previously, none of the agencies have changed. But all the agencies would now to some degree have an incomplete application as the project has changed. So, they would need to be coordinated with to make sure that they have everything that we've received. So I would, I would suggest and recommend that between now and let's say Wednesday or Thursday of next week being our due date, to resolve whatever questions or comments remain, and to get a full package to the town

in order to accommodate the county submittal. And then a recent middle of the SEQR coordinated review packages.

Mr. Campbell - Planning Board members, does that sound appropriate from your perspective? Dave?

Mr. Dermody - Yes, I think that what Lance said it's true and I think that it's important that what we do is complete before we send it to the county.

Mr. McIlroy - This is Joe. I agree. 100% we got to make sure everything's right.

Mr. Campbell - Do you want to have discussion tonight about the possibility of scheduling a public hearing for this matter? Earlier Joe expressed some concern about having public hearing on your regular meeting night, which would be July 22nd. Do you want to pick in advance, a proposed public hearing date, even knowing that the application right now is still pending in terms of the few pieces of information? Or would you rather wait until your next meeting on July 22?

Mr. Wall - Jim, are you saying wait until July 22 to schedule the meeting?

Mr. Campbell - I guess I'm asking if you feel that it's comfortable. from your standpoint to schedule a public hearing tonight. I think what you're hearing from Lance, is that, by enlarge what's been submitted, appears to comply with the code regulations for the town of York, but that there's a couple of pieces of information that have yet to be provided. So, the application is not complete at this point because of the changes to the plan. So, my suggestion is and if, if, if you are comfortable, I think I'd probably wait until the July 22 meeting to schedule the public hearing. Since we just don't know if between Lance and the people at MRB and whether they're going to be able to work out what those issues are. Mr. Rasmussen indicated that they wanted some further discussion.

Mr. Rasmussen - if you don't mind me, I think they're pretty minor and that they could be worked out. It would be in my mind to be better if we schedule the public hearing. Now, even if it is well past the next many more days, given not in the time of the last applicant, there's a lot of work done on what was needs to be done on the way of notification from public hearings and more advanced notice we have that or we have to get a good notice to the public.

Mr. Campbell - We don't know whether or not we'll end up having public hearings in person. Shortly or not, that's really a determination that needs to be made at the town level and reflecting on The ability to safely accommodate an adequate number of people so that everybody can have an opportunity to be heard in keeping with the real purpose of public hearings. Having said that, would you like to pick a date in the future for the public hearing? I suppose, if the applicant is not able to work out what needs to be worked out with MRB on these minor issues, the public hearing can be delayed or cancelled. If you're comfortable doing that, that's fine. Secondly, you should give some thought to whether or not you would like the applicant to do a mailing similar to that that was done by solar Park, because I think it's at least a possibility that we might have a remotely held public hearing or at least, even if it is in person, there might be people who prefer to participate differently? So. would you like them to also prepare and mail out an informational sheet like solar park?

Mr. McIlroy - This is Joe. Jim. I think we have to go at it, figuring that it will be a remote public hearing. So, I definitely think we have to do a mailer. And I think the sooner it gets out, the better.

Mr. Brightman – Possibly consider the 29th, perhaps to set a date just the week after our next meeting.

Mr. Wall - I got a question now and I guess before we get into that, don't we have to have a complete site plan before we schedule the public hearing, I mean, we're going to get into issues with protocol here if we schedule them.

Mr. Campbell - So let me understand your question is, is it appropriate to tentatively scheduled public hearing, even though there's a couple of pieces of information that are still being worked on?

Mr. Wall - Right. I thought the protocol was that once the site plan was done, then we scheduled the public hearing.

Mr. Campbell - Typical process would be that we have a completed application before we schedule a public hearing. And the way the relevant sections of the law read are that once we have a completed application, there's a timeline of 62 days to schedule the public hearing. If a public hearing is required, if one is not required. It's a little bit different. But because this requires not only site plan approval, but special use permit, a public hearing is mandatory. So, in the most proper regard, it would be most appropriate to make sure we have a completed application before a public hearing is scheduled. So, you feel we would be better off to schedule the public hearing at the July meeting, and then obviously, we have time to advertise and stuff. So that's going to put the public hearing into August, obviously, and that would be our best plan of action.

Mr. McIlroy -So from a legal perspective, yes, that is the correct answer. It might not be the most popular or efficient answer, but it is legally most correct answer.

Mr. Brabent - Also, this is this is Lance with MIB group. Just to reiterate, being that we're going to be resubmitting the SEQ. The coordinator review potentially won't be done until the beginning of August as well, just as another option to consider, another item to think about.

Mr. McIlroy - My suggestion would be then we scheduled a public hearing at the July meeting.

Mr. Dermody – This is Dave Dermody, it would seem that if we don't anticipate anything coming back from the county. But if we, for some strange reason, we got a blip from the county. It just kind of would be having the cart before the horse so to speak. We should, I think, have everything in a row before we schedule the public hearing. Unfortunately, you know for the applicant, but we need to wait for the county.

Mr. Campbell - And I agree with all that. And I can suggest to you all that, if Lance gets what he needs on your behalf with regard to the remaining few items for the application, and he notifies you of that via email, I have no problem with the referral being made to the county planning board. So at least that piece of it doesn't hold anything up. That is not dependent on a completed public hearing. So those things work independent of one another so we can make a referral. Once we know the application is complete based on your action tonight. We can't set a public hearing safely without having a completed application. So, the two things are different. But would you be comfortable if Lance gets the remaining documentation, he needs for that information to go to the county to at least get that on the county planning board agenda for their review? And then you'll have their comments back by the time you have your public hearing, and maybe even before your next meeting on the 22nd.

Mr. McIlroy – This is Joe. I have no problems with doing it that way. I think that's a good plan of action.

Mr. Wall - This is Chris. I'm good with that.

Mr. Dermody - Dave Dermody, I think that's reasonable.

Mr. Campbell - Okay, so then that's how we'll proceed. Can you work with Lance in resolving the few remaining application materials, and once we have a completed package, we will coordinate getting everything to the county for the referral to the county planning board, and the supplemental SEQR package out to all the interested and involved agencies. Then at the next regularly scheduled planning board meeting on July 22, the board will decide with regard to the public hearing. And it sounds to me like they'll try to do that pretty quickly. I would suggest that you produce some draft mailers like Solar Park did with renderings and technical information for mailing to the public. If that could be circulated and refined prior to the July 22 meeting, then it really is just a matter of inputting the date and the call and information and sending them out. We will have to publish notice of the public hearing. So those two things are really going to be the only things that restrict our date in terms of scheduling the public hearing. So, does that sound like a plan for everybody?

Mr. Rasmussen - That sounds great.

Mr. Wolcott -Yes, it's Harold. I'm not on the planning board. But just a friendly reminder for you. Next Friday is the county Fourth of July holiday. So, in case that moves your day, just keep that in mind that Friday, nobody would be there to read

Mr. Campbell - Okay, thank you very much. And usually they're submitted electronically. And our experience has been that as long as they're submitted electronically by that date, even if no one's there to receive them. They're deemed to be complete, but I will double check that with Heather Ferraro and make sure that that doesn't change the submission requirement.

Mr. Wolcott - Okay. I just thought I'd throw it out there.

Mr. Campbell - So no, I appreciate that a great deal. Thank you very much. Okay, so next on the agenda, we have Gromark, which is a proposed site plan review for a new commercial building. And for those members of the board, you know that your site plan process is contained in Section 1100 of the code which is page 91 of your books. I think we need to discuss the completeness of the application in whether or not this application should be for site plan only or if there's any other additional review. Do we have anybody here from Gromark representing the organization, a representative of the applicant could just give a brief statement about the proposed application?

Mr. Kosa - Yes, this is Andrew Kosa with CPL, we are the design engineer for the project. I also have Tom Bach that's on the line. He's the project engineer. Basically, we're working with Centurion Construction and Growmark to develop a plan for a 15,000 square foot fertilizer facility that is meant to blend and mix dry fertilizer ingredients. The project includes concrete pads for truck unloading and loading and new rail spur New gravel driveway and relocation of an existing truck scale. And our plans show right now what we're planning on doing for grading and proposed stormwater management facilities.

Mr. Campbell - Okay, and thank you, Andrew. Board members, this application is a fairly significant project comparatively meaning compared to what you typically see for some of the smaller site plans in the Town of York. A couple a couple of questions I think you need to think about number one is

engineering review on behalf of the planning board. As you all know, the town engineer is also Clark Patterson. They are representing the applicant in this project. I have spoken with Supervisor Deming and wanted to make sure that I wasn't stepping out of line by suggesting to you that you may want to give thought to whether or not you would like to have a consulting engineer review these plans. I looked at them today briefly. And keep in mind that the stormwater prevention plan is 224 pages long and full of technical data that I certainly cannot assist with. Typically, you would receive that assistance from an engineer. So, I think you need to have some discussion about whether you'd like to have a consulting engineer review that. If so, who would you like to be used. You've engaged MRB for purposes of acting in that capacity with regard to the solar projects, is that something you'd like to do with regard to this project? Or do you have some other engineering consultant that you would like to consider? I think that's one question that we should probably start off the bat with

Mr. Dermody – Since with Clark Patterson there's a conflict of interest, who does the town use in a situation like that? You know, does the town use MRB in that case, or do they have another organization that they use.

Mr. Campbell - The town at least as long as I've been around for the last several years, has not had any conflict situations where the engaged another engineering firm for review. So, I think that in speaking with Jerry Deming, he said that was whatever you're comfortable with. It could be MRB, there is another name of someone who the town has had experience with years and years ago, that might be available. I can't recall this person's name, because I've never worked with him. But I think as far as the town board is concerned, that's at your pleasure. They don't really have any direction of substance on that. Okay.

Mr. McIlroy - This is Joe. I know we discussed this a little bit and I think if you know, MRB can do it. You're working with them on the solar so we've already kind of have them payroll so to speak. So, my suggestion would be if they will take it on to have them do it because you know, it's definite conflict of interest. So that would be my suggestion.

Mr. Dermody - I agree, Joe.

Mr. Brightman - Sounds good. That sounds reasonable to me. I also agree.

Mr. Campbell - I will forward what I have to Lance, for review by MRB. We're going to need to determine whether or not the application is complete. One of the things that you need to think about this property is located in a light industrial zone which is section 407 of your code. And this is an expansion of a pre-existing business as I understand it. And if you look at that section of your code under the permitted uses it lists, warehouses, self-storage facilities, research and development building and construction materials, wholesale business and accessory uses. So, what's being proposed doesn't fit squarely within those as far as I can tell. There is a section that has additional allowable uses with a special use permit in they are for food processing and packing plants, dry cleaning operations, automotive sales or automotive service stations. So, I guess the question for your consideration is, is it site plan alone? Enough meaning is that the appropriate level of review or are you more comfortable in asking for special use permit review and approval. It's difficult for me to give you guidance on this, in the sense that your code does not specifically square up with the use that already exist. It does this talk about light industrial being established to provide a non-manufacturing industrial use or business use. That's compatible with its surrounding districts and it appears as the surrounding area is largely agricultural. So, the fertilizer plant

is really agribusiness in nature. As far as I can tell, but do I any of you have any thoughts as to whether site plan is adequate or not? Special use permit would be desirable.

Mr. McIlroy - under special use permit, there's really nothing that's going to come close. So then that would push them to a use variance when I mean you're closer with warehousing or wholesale business. You know, under the permitted uses, aren't you compared to food processing dozen dry cleaning, automotive sales, automotive service stations, none of those even come close.

Mr. Campbell - Yeah, I don't know the nature of the business. We can ask Mr. Kosa to give us a little more information. Certainly, it would be a stretch to say that fertilizer is food processing, although I suppose in in some regard it is food for plants. But you're right, I think that's a stretch. Shall I bring it up though, just because one of the things that we should do anytime we get an application like this is look to the code and review the application in the context of the specific provisions of the code for that particular zoning district. This is Shawn.

Mr. Brightman – I just had a question. Since this site is on the remediation database, environmental scientists that elevate this at all as far as consideration what we need to do for that. And why is it done for remediation?

Mr. Campbell - That's a good question. Lance is that something that you might be able to speak on a little bit. I know you don't have the application or the materials and haven't had an opportunity to study it. But if the site is on, you know, a list for environmental remediation, does that change our review process?

Mr. Brabent - Well, I guess first would be as part of the application they'll submit an EF part one, what you would typically do or see done as part of the review is there would be some review brought into determine the spill site or the remediation site as identified by DEC. You can go to their website and they would have a print off as to what their remediation reading me really mean. I apologize, it's one of those nights. But you that'll be part of the initial review as part of the review of the application. And then that would tell us where they are in that stage. If there is remediation that was required, or if there's remediation that's still ongoing, the DEC site will allow us to document that. And then, as part of any review, DEC would have to be part of the coordinated review process. If the remediation comes back and says, Hey, this thing was, you know, an oil thing from 1940s. And now it's no longer. It's been remediated in compliance with DEC standards. And it's no longer impacting the site. But there's limitations as to what you could put DEC would document that for us as part of our review. So, yes, to answer your question, yes, if it's under remediation currently and ongoing, we would have to coordinate with DEC and get whatever feedback they would require us to incorporate with any project associated with this site. But likewise, it's possible that it's already been done and there may be some limitations as to what we can do on the site. But ultimately that would be coordinated with as part of any environmental review that we would have for this application. I know there's a long way around it. I hope I somewhat answered the question.

Mr. Kosa - If I could just interject really quick. We have completed part one. We have, obviously checked the assets, the environmental site remediation, we have the case number on there, and the status is currently closed. Now, obviously, I don't have all the details, but we could obviously look closer if there's

any regulations. And also, if I can go back to the existing building use, there's an adjacent structure on their site. This new facility will not change that use. So, it's the exact same use we're just expanding it so we're going to be blending dry fertilizer. The dry fertilizer ingredients are loaded into the building via the truck or the rail cars stored in and then the dry ingredients are then blended into specific quantities and then sent out to the farmers via truck. So, from that standpoint, I just wanted to throw that out there that is an existing use that we are expanding.

Mr. McIlroy - That was my question. It's pre-existing, basically non-conforming, but the business use isn't changing from what's there. So, is that grandfathered in just because they're updating, updating the facilities basically, or doesn't have anything to do with it?

Mr. Campbell - I will have to look at your code with regard to preexisting non-conforming uses. Typically, and I say that with the caveat of not having looked at your code yet, but typically, a preexisting non-conforming use means that it is grandfathered in as it exists, and usually most codes provide that there cannot be any expansion of a pre-existing non-conforming use without obtaining a variance. And by virtue of the fact that it's pre-existing and grandfathered, it's intended to be protected from code provisions that came after the establishment of the business. So, I think a determination of whether or not indeed it is a pre-existing non-conforming use is appropriate. It may be that it doesn't predate zoning, I'm certainly not familiar with this particular business. I don't know how long it's been there. But for example, if it came after the zoning provisions, there might have been some action of either the planning board or the zoning board of the appeals and authorized that use? That's something we'd have to look at. But to your question, Joe, typically, the expansion of a pre-existing non-conforming use doesn't happen without some kind of additional approval in the form of a variance.

Mr. McIlroy - Well, our code says may be allowed to expand its operation or intensity, provided the expansion has no negative impacts on the existing neighborhood character or infringe on public health, safety or welfare.

Mr. Campbell - What section of the code so I can see it

Mr. McIlroy - #702 page 74. Number five. We used to hear this, you know, pre-existing non-conforming a lot years ago.

Mr. Kosa - And this is Andrew again I can give you the timing of the buildings I mean I'm not sure if it helps at this point, but it might down the road. The original building was probably built in the early 70s that burned down and was rebuilt in 1992 and used as the fertilizer blending plant that we're expanding

Mr. Campbell - So, Joe, section 702 #5 you are correct. A business or operation with a non-conforming building or structure may be allowed to expand its operation or intensity, provided the expansion has no negative impacts on the existing neighborhood character or infringe on the public health safety and welfare. owner operator must provide evidence to this to the planning board. They shall not apply to accessory uses restructures except to reduce the degree of non-conformance.

Mr. Brightman - So is an expansion safety issue? Does it have any potential safety issue to the surrounding properties?

Mr. Peter - I remember we had to vacate. When it was, I forgot who owned it, but the whole area there was some sort of emission from the plant where we had to vacate.

Mr. McIlroy - That might have been what it burned down that Andrew was talking about

Mr. Brightman - No, it wasn't in 70s. I didn't live here in the 70s. But just the general question with the blending of fertilizer is there hazard or other hazards involved to the community?

Mr. Koza - This is Andrew, I could get the product sheets for you of what they're going to be using and pass those along.

Mr. Peter - As for the history lesson, this burned down in the late 80s, early 90s. And at that time, it was owned by Agway and sold to Barefoots. Growmark since purchased the facility from Agway and then they sold off the front building to Barefoot Septic.

Mr. Brightman - Okay, Carl because it was probably in like early 90s or late 80s then thanks.

Mr. Campbell - So if you look at that language and where Joe referred you to look at that whole section. I think maybe it's worth the board reflecting on this. Section 702 A talks about the expansion of non-conforming uses of buildings and there is some language that says no non-conforming building or structure shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of non-conformance. We're really talking not about non-conforming building but a non-conforming use in that section five that Joe read - a business or operation within a non-conforming building or structure may be allowed to expand its operation or intensity. I think that's essentially saying within the non-conforming building your codes' not real clear on that. But I think it'd be worth asking Carl. You're the code enforcement officer, have you decided with regard to the issue of the expansion of the business, is that something you have considered at this point?

Mr. Peter - I looked at it from a point of view of the alteration or extension, the section we were just reading.

Mr. Campbell - And on that part number five where it wouldn't negatively impact the neighborhood. I think you've decided then in your review, that the expansion to include a new building and driveways in spur extension is permitted under that section.

Mr. Peter - That was my opinion. Yes.

Mr. Campbell - Question for Andrew. With the existing plant, the new the new portion is proposed, how does it compare? Is it half the size, the same size as the existing facility? Or is it, you know, one and a half times bigger.

Mr. Dermody - I'm just looking at the scale of the drawing. I mean, I'm going to guess it's at least double in size of the existing building, maybe slightly over double.

Mr. Brabent - And this is intended to be in addition to the existing building, they're going to continue to use that, correct. They'll continue to use the existing building and have that in place with the new expansion.

Mr. Dermody - you know, I am involved in farming like Joe is. You know, we're proposing to allow a new building to be built, that's twice the size of what we have that's already non-conforming. I'm a little

troubled with that, you know, I'm torn between the two, between the two things, being a farmer and being on the board. But it seems like we're, you know, the way the code is written, we have, we need some engineering guidance, and we need to give it some thought because we're doubling the size of a non-conforming existing business.

Mr. Brabent - This is Lance with MRB group. Just to kind of add to that a little bit, I guess some of my thoughts looking at and listening to it tonight is I'm not quite sure I understand. Is there going to be a difference in the two, so this building gets built. And the products and the items that they'll be serving or conducting out of this business is that obviously going to be different than what's currently going on there now, or just an expansion of what's going on there now.

Mr. Kosa - It's the exact same use, exact same setup, just larger area.

Mr. Brabent - So the storage of material the loading and offloading of material along this the rail spur in the deliveries and, and all that that's all currently going on for this site, and just going to be added to it with the new building.

Mr. Kosa - Yeah, I mean, we change the alignment of the spur and made some technical changes, but the overall use and the blending of the fertilizer products happens now. It's just going to occur at a larger scale.

Mr. Brabent - Gotcha. So that likewise, you could see potential increases in loading and offloading of traffic and trucks truck travel to the site or more intensity use Nova site would you say we had that discussion with Gromark and they feel like there will not be a dramatic increase or an increase at all at this point. They feel confident it's the same number of cars and trucks coming in per day. They just have some more bulk storage capabilities on the site.

Mr. McIlroy - This is Joe and they went to the ZBA and it's my understanding that they got an area variance put the building closer. Am I correct?

Mr. Wolcott - Yes, you are Joel This is Harold Wolcott from the ZBA. Yeah, we did pass that a couple of weeks ago.

Mr. McIlroy - Okay, did you guys look it up at a use variance at all?

Mr. Wolcott - We did not because I believe myself and Mark, we were having, you know, the zoom meeting also. It really was only in front of us for the area variance. And the side discussion we were kind of having was the thought of was just expanding of the current view. So, I don't know that we really thought much about having a use variance ourselves. But once again, that wasn't brought to us.

Mr. Campbell - as far as what I'm hearing, it sounds like we're talking about site plan for the expansion of the existing use. We really need to have review by Lance to determine the completeness of the application. Then we're going to have to refer this matter to the county planning board. public hearing is optional, meaning it's at the discretion of the planning board. With regard to site plan review. It's not mandatory like it is with regard to special use permit. So, you have some time to consider whether or not you would like to hold a public hearing lands from your perspective, if we get you all the materials. Is it feasible for you to have them reviewed and respond prior to the July 22 meeting with some comments or to work with Andrew Kosa regarding any additional materials that might be needed? And then at the meeting on the 22nd, we could begin the coordinated review process. I'm thinking this is likely to be

treated as a type one action We probably do the coordinating review process. Does that sound appropriate?

Mr. Brabent - Yes, I would agree with you, Jim. I have no problems once I've received the information.

Mr. Beatty, most certainly will review it, provide comments back to the town. And we'll work with the application engineer to make sure that all information is provided so that we have what is considered to be a complete application allowing the board in the town to forward out to the county and then I would agree with you that a type one action corny review would be recommended for this application.

Mr. McIlroy - This is Joe and I would definitely recommend a public hearing. We've done public hearings for all site plans even though they're not mandatory, but I think it's just good practice in the town gives people a chance to, to speak their mind and projects so but that can be determined at a later date.

Mr. Campbell - So we'll tentatively continue the application to July 22, we have not yet decided that the application is complete. That is pending review by Lance and particularly with regard to the storm water prevention plan. So, Lance will work on that get some feedback circulated to the planning board in advance of the July 22 meeting. And at that point, we can address referral to the county planning board, seeker in public hearing. Sound good?

Mr. McIlroy - Works for me. I think that'd be a good plan to follow.

Mr. Campbell - Andrew, you'll work directly with Lance to accommodate any questions he might have.

Mr. Kosa - Yes, Lance and I have worked together before so that shouldn't be an issue. Just to clarify, so, we would not be referred to the county on July 9, that correct.

Mr. Campbell - I, I'm assuming that simply because Lance hasn't seen your materials yet. And when with the short week, next week, a lot of people are probably going to be off I'm just assuming that he might need more lead time. So, I don't know that we can make that. We don't want to compress things too much.

Mr. Kosa - I know the client was hoping to start construction here in August and obviously we're going to be right up against the gun. So, anything we can do to speed that up if we, Lance, if you have questions or anything, just let us know. We'll turn it around immediately.

Mr. Brabent - I have one suggestion. Sometimes only have these things. EPA uses and operations where, you know, it's kind of fuzzy as to what exactly is going to be going on. A statement of operations sometimes goes a long way, not just identifying what's happening with the building, the anticipated employee numbers, parking numbers, truck load, how many how many times they're going to be coming and going, hours of operation, etc. I think that that language sometimes helps clarify what this uses and what we can expect. And maybe you've already provided that. I'm just reiterating that. I think that that might be something that's beneficial.

Mr. Kosa - Okay, we can work on that and get them right back to you.

Mr. McIlroy - Do we need to do a motion to secure MRB as the engineering firm for this or do we not need to do a motion for that?

Mr. Campbell - I think that's a good idea for purposes of the record. Okay, somebody like to make that motion

Resolution

Mr. Wall made a motion that we retain MRB consulting services in regard to the Gromark site plan review.

Mr. Dermody seconded the motion.

Mr. Campbell - Okay, if there's no further discussion, all in favor signify by saying aye. – 5 yes

Mr. Campbell - okay, Andrew, you will want to advise your client that typically, professional consulting services associated with a review of these plans are reimbursable by the applicant. And it may be that the board would want an escrow for that I'm not sure yet. We'll have Lance take a look at it and see what he thinks is involved in determining thereafter whether an escrow makes sense, or whether we'll just submit billings as we go.

Mr. Kosa - Okay, will do

Mr. Nagel - Jim, I have a quick question. The map on the site plan, did they correct this map? It's not the right location. I don't believe it's the correct location.

Mr. Campbell - Okay, I'm not aware of that. So, Andrew, you'll check and confirm that.

Mr. Kosa - Yep, I can do that.

Mr. Campbell - I don't want you to apply and then have something else that exists.

Mr. Brightman - And Andrew you may just want to take a quick look at the elevations you've got two East elevations that are different. One's supposed to be a West not to be picky but just to let you know.

Mr. Campbell - Okay, if there's nothing further on Gromark, we'll move on to the next item on the agenda which is the Verizon cell tower preliminary site plan special use permit. This is a request for some changes to an existing telephone communications facility. And if you look at your code, which is section 603 b on page 51, that requires that all changes or alterations to an existing facility, obtain special use permit and site plan approval. As far as I can tell from looking at the package, the proposed modifications involve placement of some ground, an equipment generator in a production facility, as well as new antenna up on the tower. It doesn't appear that the location of the tower or the height of the tower or anything else is changing. Do we have a representative on the line for this Verizon application?

Mr. Campbell - Okay, not hearing any response to that. The same process we need to determine the completeness of the application. Carl, I know you're familiar with this, and you've looked at it, have you determined the application to be complete at this point

Mr. Peter - to the best that I can see, it's complete, using a foot pad raising the tower 20 feet

Mr. Campbell - The proposed construction is supposed to be within the footprint of the pads. It's already there. The tower will go up another 20 feet if you're looking at the plans and they're raising the tower.

Mr. Campbell - it may lead to a different perspective with regard to impact from an environmental review. I was unclear on that at one point I it looked like they were raising it but in three other places including on the short East, and on the applications. It talked about the existing hundred- and one-foot

tower. So, Carl, did you confirm with them that they are actually increasing the height of the tower, or are you seeing that from the plans that were submitted? My understanding from them the tower is currently 81 feet, they're going to raise it to 101. They're also asking as part of this review to be able to remove the beacon light that's on top of the tower. By FAA rules, it's not required at the 81 feet nor is it at 101.

Mr. Campbell - this one originally went up it was went through the town board and what I could read through the minutes there, even though the tower was lower than required, the town board put the stipulation in that they wanted the lighting on it because of the proximity of the Geneseo airport. Just something to consider.

Mr. Brightman - I drove by that today it's not much different than the tree line it appears where it's tucked. My bigger concern was the putting a generator in that's right behind a house. And if they're going to be doing regular exercising of the generator, I'm not sure the size of it maybe, like a 40 k VA or something like that, that can create some noise. Sometimes they're pretty loud.

Mr. Peter - That's quite powerful. I'm thinking that that would be similar to you having a week to exercise all the generators on the sewer system within the town as well. And I would hope that they would have a generator as quiet as those.

Mr. McIlroy - And we do have performance standards noise that is in our code

Mr. Campbell - So I think our next steps are really determining whether or not we want to move forward with referral of the matter to the county planning board. And moving forward scheduling a public hearing. We don't have the applicant here tonight. Carl, were you expecting the applicant to appear tonight?

Mr. Peter - I thought, I'm not sure whether it was the woman I was dealing with or have somebody else on it, but I thought someone was supposed to be here.

Mr. Campbell - I didn't see anybody in the list of names that maybe they're at the beginning of the meeting and dropped off. So, I don't think they were ever here.

Mr. Campbell - The other question is doing the planning board feel that there is a need for any engineering review of this application? I would have said before when I was thinking that there was no expansion of the tower height, I would have said probably not. If they're really doing ground mounted improvements and just changing the antennas as long as they provide a structural analysis probably not necessary. But with regard to the height now being increased by 20 feet. Does that raise any concerns for you as a board where you would want it reviewed?

Mr. McIlroy - I think the fall zone would be the most important and, I don't think we want to let them get away with taking the light off. I think with the Geneseo airport there and the low flying planes, we definitely got to keep the light.

Mr. Campbell - What do you think about the review process with regard to engineering? Is that something we want to refer to an engineer for review, either the town engineer or another.

Mr. Kobylanski - I think like Joe said, you know, as long as we can figure out where the fault zone is pretty straightforward. You got Google Maps. Do their specs call out to Allen's comment earlier, do this do their specs call out? Maybe I might have missed it.

Mr. Dermody - I mean that along with the fall zone and stuff like that it seems like we ought to have a little input and I agree with everyone about the light.

Mr. Wall - It's probably a good idea to keep that. It looks like that cut sheet says 20 to 30 kw on a generator.

Mr. Campbell - Thanks, Chris. And then so the only other thing I guess I would add as far as the elevation goes, says the existing elevation is 101 feet. So, can we get an updated drawing or get some information back from these guys?

Mr. Kobylanski - That says it's actually 81 feet and it's going to 101 or is it 101? And is it going to 121? Says on the application that it's 81 feet that's going 20 feet proposed extension.

Mr. Wall - Yeah, I'm looking at 102 the tower elevation, there's acting as top of existing tower elevation, hundred. Confused.

Mr. Campbell - that's what I was confused by as well, Chris. It's inconsistent. We need some clarification of that. Carl, is that something you can address with the applicants

Mr. Peter - We need a clarification on height of the tower and the fall zone.

Mr. Brabent – I would I would have them add if they haven't already had the fall zone to the plan just so that you have a radius because sometimes you don't want those fall zones across property lines and if they raised it, I don't know the project and I don't know the location. But you want to make sure that that doesn't cross property lines.

Mr. Dermody - I think that that's a good point. And as several of you have mentioned, I think we should have a drawing with that shows the actual height of the proposed addition. Not us doing the math, figuring out okay, it's 20 feet beyond the 101. At 10 o'clock at night not having someone here to wrap their application doesn't leave me with a warm fuzzy feeling either at this point.

Mr. McIlroy - no, I think we bring in an engineering firm. They have to pay the bill. Let's have an engineer look at it then. Then it takes the liability away from the town that for some godforsaken reason it fell and hurt somebody.

Mr. Campbell - For the purposes do you wish to have Lance and MRB do that if they can undertake it or do you want me to reach out to someone else.

Mr. McIlroy - I think for continuity right now we're working with MRB. We're probably going to get as good a result. I mean, we're going to get as good a result and probably timelier and we've got enough projects going. So, I don't have a problem. If they can do it. MRB already knows what it what the issues are.

Mr. Campbell - Lance, is that something you're able to do?

Mr. Brabent - Have you reviewed enough for them? Well, yeah, I most certainly will turn it around the bad comments. Typically, the safe plans are not overly complicated. It's exactly as you guys have

referenced since the fall zoning is a structural analysis to make sure it's compliant with today's standards. So no, I, I appreciate the opportunity. And I most certainly will provide comments back to you guys on this, if you guys are willing to allow us to do that that's not a problem.

Mr. McIlroy - I think that's the way to go. I mean, you're already going to be at these meetings. So, I mean, the more we get to many people, it's just more confusing if we have to zoom. But I think we've got to start having these this part of the meetings, we've got to have them in our town hall. You know, if it's a public hearing, and we have to do it, zoom. We've got to get where we can look at things and be able to have a clearer vision on.

Mr. Campbell - Joe, do you want to have a motion to engage MRB as a consulting engineer to the planning board for this Verizon application?

Mr. McIlroy - Yes, I do. If somebody would make that motion, please.

Resolution:

Mr. Wall - First of all, I make the motion that we retain MRB consulting surface services to review the Verizon cell tower.

Mr. Campbell - Is there a second to that?

Mr. Brightman - This is Alan. I second that.

Mr. Campbell – If there's no further discussion all in favor signify by saying aye.

Ayes – 5 Opposed - none

Mr. Campbell - Hearing none motion carried. Okay. So, Lance and Carl, you might want to communicate with one another about getting some additional information from the applicant related to that height issue. And I guess I wouldn't hesitate to tell them that you don't, you don't really at this point, look favorably to removing the light. So that was part of a previous condition of approval. And you think it's even more valid, not less. If there's going to be a higher increase in that I think we revisit this at the July 22. Meeting. Does that make sense?

Mr. Brabent - I will most certainly do whatever you guys want. As Carl would like me to reach out to them, I can if he wants to do so I will coordinate through him and we'll get these things addressed. Not a problem.

Mr. Campbell - Carl, do you have a preference? Would you like Lance to reach out to the applicant or would you like to do that? I

Mr. Peter – I will call the woman that I've been in contact with and find out if she's the person or if there's a more appropriate person to talk to Lance.

Mr. Campbell - Thank you. All right, then I think we're in good shape. Any other discussion about Verizon at this point?

Mr. McIlroy - No, I think I think we're good.

Mr. Campbell - All right. Does anybody else have anything they want to discuss regarding any of the applications tonight? Before we sign off?

Mr. McIlroy - I'm good. I just want to thank you for facilitating this tonight. For me, that was a big help.

Mr. Campbell – No problem, anytime. I think it was a long meeting, but I think it was good. So, I will look forward to talking to you all if any of you have questions for either Lance or I you can always reach out by email. At this point, is there a motion to adjourn?

Resolution

Mr. Dermody - I make a motion that we adjourn.

Mr. Brightman – I second the motion

Mr. McIlroy - Hi, Carl. cording to the governor today. You can have meet with gatherings with as many as 50 people. Does that mean that we plan on an in-person meeting in July?

Mr. Peter - I think we could probably do the planning board but a public hearing I know a little sketchy

Mr. McIlroy - I definitely want to do the planning board in the town hall if at all possible.

Mr. Campbell - Why don't we plan on doing that? tentatively, if we'll assume that that's what's going to happen. The July 22 meeting will be at 7:30 at the town hall. We can you know, that's a month from now almost we'll have right perhaps some additional feedback about whether it's appropriate, impractical to have a public hearing thereafter.

Mr. McIlroy - And then by putting the public hearings on a different night, that doesn't have you grouping people up as much. So that may be our process, you know,

Mr. Campbell - Lance with regard to your availability, you're kind of in the same boat I am with lots of nighttime meetings. Why don't you take a look at your schedule? You know, is Wednesday a good night?

Mr. Brabent - first and third Wednesday's I currently have obligations on those nights. So, the next Wednesday, if I'm following you properly, would be August 12.

Mr. Campbell - board members tentatively, keep in your mental calendar that August 12 would be the follow up public hearing with regard to OYA. If at the July 22 meeting, there's enough information, to schedule a public hearing, and they've worked out everything. Okay.

So, we had a motion in a second to adjourn. All those in favor? Aye.

Ayes – 5 Opposed - 0

Respectfully submitted,

Donna Falkner, Clerk