

York Planning Meeting with Zoom
August 26, 2020
York Town Hall

Present: Joe McIlroy, Alan Brightman, Chris Wall, David Dermody, Davies Nagel

Absent: Zack Kobylanski

Others: Jim Campbell, Atty., Donna Falkner, Lance Brabant, David Deuel

Remote: Terry Rasmussen, Kirk Richenberg and Carl Peter (245-2687)

7:30 pm – Chairman McIlroy opened the meeting with the pledge

Mr. McIlroy asked for a motion to approve the July 22 minutes and August 12 minutes.

Resolution:

Mr. Brightman moved to accept the July 22 minutes, Mr. Wall seconded, all in favor, carried.

Aye – 5 Nay – 0

Resolution:

Mr. Wall moved to accept the August 12 minutes, Mr. Dermody seconded, all in favor, carried.

Aye – 5 Nay -0

Mr. McIlroy - One thing I want to mention first, Heather Grant started out of this board when I did, she turned in her resignation. She made the last meeting. She called me the Sunday before and said she really wanted to get off the board with all the COVID and trying to run the business, she didn't have time to put in what it was going to take and she wanted to resign. I asked her to stay for that meeting to make sure we have quorum for the following Wednesday meeting, and she complied and did that. But she did turn her resignation in to the Town Board. We thanked her for her service, she had been on the board a long time, and done well. Just wanted to acknowledge that.

Mr. McIlroy – Next on the agenda will be Growmark. As far as where we're at on the site plan we can't really move forward because we don't have all the SEQR lead agency letters back so there's not a lot we can do there. I don't know if Lance can bring us up to date on any comments or I know we talked to traffic study and a few other things on that project last time and you could bring us up to date with what you have for information.

Mr. Brabant - So the SEQR coordinated review which we started, does not end until September 2. So, at this point, there is no action which the board could do. So, we have to wait for that 30-day requirement and in between then now, we have received revised plans from Growmark engineer which we are reviewing. I hope to have a common letter out of our office, if not this week, early next week in response to what was received. I know this board was concerned with the traffic count potential increasing from that site. One of the items we asked them to provide us with a statement of operations which kind of clarifies what their intended use in this building, whether there was going to be an employee increase or truck increase. And according to the statement of operation that was provided, they're showing no increase. They're basically stating that the level of service that would be provided before is going to be provided now, there is going to be no additional vehicles traveling in or out of that

site as a result of the proposed project before us. But that's ultimately something that we'll look at the next go around with the board and the applicant and doing it

Mr. McIlroy - What were the changes on the plans was there anything significant

Mr. Brabant – No, most of the changes were technical as relates to the stormwater facility trying to get that addressed, but there was no significant changes as a result of what we saw the first time to what you're going to see before you at the next. More or less notes, clarifying a couple utility information and then mostly dealing with the storm water intrusion.

Mr. McIlroy - Anybody from the board have any questions or comments?

Mr. Wall - So the last the last time they were talking about mobilizing on the 7th to start doing some site work. Is that still conversation or something they are trying to do?

Mr. McIlroy - I have never seen that, they were going to try to send a letter asking that. Lance, have you seen anything?

Mr. Campbell – As you might recall, we suggested that if they wanted to pursue a special meeting and or get a permit to do site work that they should send a piece of correspondence. To my knowledge we haven't seen anything and haven't heard anything from Carl that he received a written request.

Mr. McIlroy – Any other questions? We'll move on to Verizon. We did get local option on the county referrals so we could move forward on Verizon. But I think there's a few things that they haven't addressed with Lance. And I know one of our questions and comments was, I think decibels on the generator. And I don't think that question, it hasn't been answered to us. I'm not in any of this and I don't know if that's the answer to MRB.

Mr. Brabant - No, today we have not received revised plans or materials. In response to our previous response to our previous comments stated July 14, 2020. So, it's my understanding your conversation with the representative of Verizon that they're working to address those comments. Upon receipt of those revised documents we will review and provide a response back to the board.

Mr. McIlroy - So, at this point with that, we really can't move forward with any final approval. Does anybody from the board have comments or questions about Verizon? If not, I think we could declare lead agency and do the short environmental SEQR on that one, so that would be done for next month.

Mr. Campbell - Yeah, you could certainly do that if you want.

Mr. McIlroy - I think it would be a good time. It's really don't have that much on the agenda and things are winding down. So, if that would be okay with the board, I think that would amount to part two. But we have to have a motion declaring lead agency. Yes Lance.

Mr. Brabant - We did not complete a coordinated review.. It was not required for this application. The Planning board was the only agency required.. Within the SEQR resolution, it stated in there that you are the only agency for this application, and therefore gives you the right to complete the environmental review and part two of the short form. So, my thought is, is you most certainly can say, for the record, that you are the lead agency.

Mr. McIlroy - I think it would be good to have a motion to make us lead agency.

Resolution:

Mr. Wall – I make a motion declaring us lead agency? Mr. Dermody seconded, all in favor, carried.

AYE – 5 Nay - 0

Mr. Campbell - I will walk you through part two, which is a much abbreviated in the short EAF. So, there's a series of eleven questions. For each question you have to answer the two categories of answers are: the first category is no or small impact, the second category is moderate to large. So, as I read each question, answer no small or large impact.

Agency Use Only [If applicable]

Project:	Verizon
Date:	August 26, 2020

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Mr. Campbell - Okay, so you would want to make a motion to adopt those answers as your findings for part two.

Resolution:

Mr. Dermody moved to adapt the findings for part two. Mr. Brightman seconded, all in favor, carried.

Aye – 5 Nay – 0

Mr. Campbell - Lance prepared for you a motion SEQR determination of non-significance. Having made those findings in part two, the only real logical conclusion is what we call a negative declaration, which is your affirmative statement that the proposed action is not going to result in any significant negative environmental impacts. So, we need a motion to adopt that resolution.

Resolution:

Mr. Dermody moved to adopt the negative declaration, Mr. Wall seconded, all in favor, carried.

Aye – 5 Nay - 0

Mr. McIlroy - Okay, the next one we would have to have if for the chairman to sign the declaration.

Resolution:

Mr. Wall moved that the chairman sign the declaration, Mr. Brightman seconded, all in favor, carried.

Aye – 5 Nay - 0

Mr. Campbell – Donna, because this is not a long form type one action, you do not have to file with the environmental. So, you just keep that in the file. We do SEQR when Verizon makes their responses and comments to MRB's comment letter, assuming they do so in a way that satisfactory you can then take up your deliberation and make a determination on an overall application for site plan and special use permit.

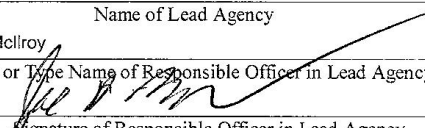
Agency Use Only [If applicable]

Project:	Verizon
Date:	August 26, 2020

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Planning Board, under the provisions of Part 617 of the State Environmental Quality Review Regulations, has given a thorough and comprehensive evaluation of the impacts likely to result from the proposed Verizon tower extension and associated site improvements. Based upon this evaluation, the Planning Board, in a separate resolution adopted on Wednesday, August 26, 2020 has determined the proposed Action will not likely result in a significant adverse impact upon the environment and that a Negative Declaration is issued.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of York Planning Board	August 26, 2020
Name of Lead Agency	Date
Joe McIlroy	Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	- MRB Group
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

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Mr. McIlroy - Okay, nothing else for Verizon so we can move on. Is there anyone representing OYA on Zoom? Donna answered Terry was.

Mr. Rasmussen - Good evening everyone.

Ms. Falkner - There's someone with a phone number that I don't know who it is.

Mr. McIlroy - We have a letter from David & Cecilia Deuel regarding the tree clearing that I would like to read to the board.

The following are our comments on the proposed OYA solar project. We feel this site is unsuitable for solar development and the special permit for such should be denied. The site is composed of two very valuable natural resources, prime farmland, and a woodlot. Building the array on this site requires the destruction of one or both of these resources. We believe more suitable, less environmentally valuable sites are readily available for this type of development in our area.

As pertains to this site, present vegetation does not indicate soil type or soil quality; it is a function of landowner management decisions and actions. To say that because an area is "scrub woods" means the soil is not prime is a fallacy. All soil types, if abandoned, will eventually revert back to a natural state. Soil types and classifications do not change over time. Our town's Comprehensive Plan, Solar Zoning Law, the Livingston County Planning Department, Soil and Water District, Farm Bureau, the New York State Department of Ag and Markets and the National Resource Conservation Service all recognize the importance, value, and limited amount of prime soils in our town, county, state, and nation. All recommend these soils not be developed and remain available for food production.

OYA's current proposal is to remove 17 acres of trees from a larger forested parcel to construct the solar array. This is, quite frankly, the most absurd and environmentally damaging action plan that could be pursued to reduce the global carbon footprint. According to the United States Forest Service, private forests store over 7.5 billion tons of CO₂, reducing US greenhouse gas emissions by 10% annually. The carbon sequestration of forests is well documented and several well publicized and funded global initiatives to reforest lands are underway.

We would also like to point out the well documented role woodlots play in local air and water quality, removing air pollutants and protecting local watersheds. There is also an ever-growing amount of evidence from medical studies that forested acreage in communities has a positive effect on both the mental and physical health of local residents. We would also like to point out the effect this will have on wildlife habitat. Woodlot habitat is a function of both type and size of forested acres. By removing 17 acres in the center of the woodlot, one has effectively changed the habitat of the entire parcel, creating more edges and a smaller amount of contiguous woods. This will have the greatest effect on birds, small mammals, amphibians, and reptiles.

"Facts do not cease to exist because they are ignored", Aldous Huxley, author, and philosopher

Respectfully,

Cecilia and David Deuel

Mr. McIlroy – next thing I have is the county review which he read.



**LIVINGSTON COUNTY
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July 15, 2020

James W. Campbell, Jr., Esq.
Kruk & Campbell PC
PO Box 30-A
Lima, NY 14485

Re: Zoning Referral #038, Town of York. Site Plan Review & Special Use Permit for a 5 MW solar installation at 2575 Main Street (Applicant: Town of York)

Dear Attorney Campbell:

The Livingston County Planning Board, at its regular meeting on July 9, 2020, reviewed the zoning referral from the Town of York of the above mentioned pursuant to Sections 239-l and m of the General Municipal Law of the State of New York.

The County Planning Board made a motion to recommend approval of the proposed. However, this motion failed to pass due to a lack of a quorum vote.

The County Planning Board would like to forward the following staff report and informal advisory comments:

1. The Town should evaluate the need for a Road Use and Repair Agreement due to the size of solar energy systems and the potential for repetitive heavy vehicle/truck traffic related to both large projects and/or cumulative impacts from multiple smaller projects.
2. The Town should carefully review the submitted Agricultural Data Statement in accordance with the NYS Agriculture & Markets Law Section 303-a (2). The board reviewing the application "shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district."
3. Given the proximity of the proposed to wetlands, floodplains and hydrography on site, and the intent of the Town to protect prime farmland, the Applicant should supply full details in the Operations & Maintenance Plan for pesticide use, including for vegetative abatement/maintenance. Practices should adhere to local, state and federal regulations; alternatives to chemical treatments should be prioritized. The Applicant should ensure that the proposed minimizes environmental impacts to the greatest extent possible.
4. If not done already, the Applicant should ensure that the proposed solar facility site is in compliance with NYSDEC SWPPP requirements, the SWPPP demonstrates compliance with the

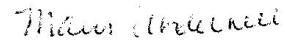
NYSDEC Solar Panel Construction Stormwater Permitting/SWPPP Guidance memo, and is supplied to the Town before final action is taken.

5. The Applicant has submitted the Full EAF, and the Town should ensure SEQR process is completed before final action is taken.
6. The Applicant should ensure that the proposed meets the satisfaction of the Town and Town Engineer, including the comments addressed in the MRB Group letter, dated May 21, 2020, and OYA response letter.
7. The proposed utilizes, in part, existing trees to meet visual screening requirements. The Applicant should evaluate the existing tree buffer for ash composition and potential impacts of ash mortality related to the Emerald Ash Borer on the buffer. Given the likely loss of ash trees, the Applicant should supply data to the Town that visual screening requirements are met, or additional screening should be provided.
8. The Applicant should submit the site access / site plan to local emergency response officials to ensure that the proposal meets the needs of the fire chief and other Town emergency officials before final action is taken.
9. In order to maintain open use of the access road for fire and emergency vehicle use, the proposed Site Plan should identify a parking area provided for maintenance personnel.
10. The Town has adopted a measure requiring soils be returned to their original state should decommissioning of the Solar facility occur. For ease in decommissioning plan implementation, the Applicant may want to consider reviewing Guidelines for Agricultural Mitigation for Solar Energy Projects published by NYS Dept. of Agriculture and Markets. The Town should also consider more specificity in determining "original state prior to construction" and the entity responsible for the determination.
11. Town of York Solar Law outlines that a valid letter of credit, or other type of surety approved by the Planning Board, naming the Town of York as beneficiary is required. According to the law the letter of credit should equal 110% of the estimated removal costs. The Applicant should ensure that all costs in the decommissioning plan are sufficient, and financial sureties are in place, to the satisfaction of the Town, in the event of decommissioning or abandonment.
12. The Applicant has agreed to provide the Town with first right to sign up for the Community Solar Program. The Applicant should provide the Town with details on the Program (including electricity discounts to the Town, residents and businesses) and support for priority access.
13. The NYS Departments of Environmental Conservation and Agriculture & Markets have issued best management practices and guidelines for the creation of native insect pollinator habitat, including for solar energy development sites. The Applicant should consult these guidance documents, which emphasize low-growing native pollinator plantings, and reductions in pesticide use, when developing a vegetative management plan for the proposed.

The County Planning Board has taken no official action on this application due to a lack of a quorum vote. A response of "No Action" on the part of the County Planning Board should not be construed as a judgment on the project. The Town is now free to take final action on this application.

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

Sincerely,



Mary Underhill
Planner

cc: Stewart Leffler, Chairman, Livingston County Planning Board
Jerry Deming, Supervisor, Town of York
Yogesh Kumar, Project Manager, OYA Solar

Mr. McIlroy - I guess I could start by asking Lance if they addressed all of your comments. I know some things were up in the air. I didn't know if they got addressed or not.

Mr. Brabant – sure their design engineer did re-submit drawings and materials to the town and MRB group over the course of the last month and a half. Those documents sent provided a response letter, August 25. In response to revised materials provided those materials included the site plan, the survey, the Stormwater pollution prevention plan (SWPPP)/ drainage report, operation and maintenance plan, and the decommissioning plan. Mostly of our remaining comments are relating to the decommissioning plan, itself, we asked for some clarity on some of the items that we're referencing in there. We are trying to get clarity on the fact that decommissioning plan itself, which is a requirement of the town's special use permit, which is what is before you today, is the decommissioning plan that represents the project, the site, and how we're going to decommission it, if it ever needs to be decommissioned. The decommissioning plan is to spell out that procedure, so that we know what those steps are so the Town can complete if ever required. The fallback is on the applicant, and then the land owner who has agreement with the applicant.. Worst case scenario, which is the reason why we have a decommissioning plan, an estimate, is that at the time they both fall out, we have an estimate there 30 years from now, to cover that cost to allow the town to go out there and complete the decommissioning in accordance with the approved decommissioning plan. So we had some questions as related to that, as it allows some flexibility to the land owner which we understand, as the landowner has rights, but at the same time, we have to protect the town. We wanted to make sure that that document specifies that the land owners and the applicant are responsible and if they were to deviate from that plan, that they would require an approval from the town. For example, if the landowner would like to keep the required landscaping. Maybe 30 years from now, if it were to be the decommissioned, do we really want 30-year trees to be removed from the site?. We're asking the applicant to include the cost of tree removal in the estimate as it is required. But we understand that 30-year old trees, may not be appropriate to be removed. Therefore, we are suggesting allowing the landowner to make that request to the town for that reason or to deviate from the approved decommissioning plan.

Mr. Rasmussen – So, I think we have so a bit of a disagreement on some parts of the decommissioning plan. And fortunately, I had a chance to talk to Jim this afternoon, which helped me understand a little bit better from where the town is coming from. I just want to make sure one of two things one, you know, we keep calling it a decommissioning plan, but I think the better term, to make it more understandable, it's better to call it a decommissioning agreement in order to have the land owner sign off on it as well as us to sign off on it, it's going to have to be in the form of an agreement, not the form of a plan. So simply having a signature block to a decommissioning plan. I'm not sure the legality of that.

Mr. Campbell - we're having trouble hearing on the board.

Mr. Rasmussen - Okay. Sorry. Yeah, so we have a bit of a disagreement on some parts of the decommissioning plan. I don't think, after I had a chance to talk to Jim afternoon, that there's too much difference anymore. There're just a few things that I think we should just discuss, just to make sure that we have something in place that works and that isn't too burdensome on anyone in the future. So, like we talked about the decommissioning plan, but I think it should be better referred to as the decommission agreement. Because if we're going to have to have ourselves, the town of the land owner sign that we need to put it into a form that's more of an agreement than an actual plan with it, just a

signature on it. Just to make sure that things are spelled out correctly. The only other issue we really have is the level of detail has been asked that we're being asked to put together an extremely

Mr. Campbell – Terry can you talk a little bit slower just because you're coming out kind of staccato and we're having trouble picking it up. I'm sorry.

Mr. Rasmussen - It's okay. I tend to talk fast when I'm excited. So, some I want to make sure that the level of detail in the plan is appropriate and fair. And we've provided a cost estimate that is, you know, we think will very well protect the town on the cost side of things. It's well above what the NYSERDA guidelines are for a decommissioning plan. I just don't want to get into a position where we spell out this plan into minute details like down to what seed mix we're using, and trees were using. And then we get into a situation where nobody else who wants to go through with that type of planting, or that's something significant has changed in the way that decommissioning takes place in the future. So that, you know, we're stuck with an agreement that somebody can't enforce. That's not good for anybody. Because ultimately, this is going to be 25 to 40 years before this thing is decommissioned. None of us here, well, I'm not going to speak for you but myself, I'm going to be retired by that point. And I want to make sure that the plan is protective of the town so the town has enough resources and ability to decommission, you know, the facility, should worst case scenario happen and there's nobody around to do it. But not so restrictive that there gets to be a fight, you know, between the landowner, the town and or any other interested party's over the minute details of it. So, I just want to make sure that what we put in place is reasonable and doesn't go down to the level of detail where we're spelling out, you know, what species of plants were reusing. And then it has the flexibility that, you know, should the landowner not want to go in one direction and the town agrees that there's not something in place that will prevent that. You know, furthermore, you also don't want to go back later and say, Well, you know, you need to go back to the town, you know, 40 years from now and ask permission to use the land for farming. You know, that's just, it's a hard sell.

Mr. Wall - So my first question, I guess, just to help me understand what's the hang up what's, what's the between plan and agreement? What are we talking about here? What what's the difference between the two that we're all about?

Mr. Campbell - I think in my conversation with Terry, I think when they hear the term decommissioning plan, it's a plan with some fluidity for the future. And I explained that really, regardless of what we call it, there was a lot of discussion at the time, the town, wrote its solar regulations and then updated them, that what was really needed was something that was binding that the town could rely on. Make sure that when decommissioning took place, or was meeting to take place, that there was an appropriate mechanism that was enforceable. And so, I have no problem calling it a decommissioning agreement instead of a decommissioning plan. That's fine. Either way, it's going to set out with an appropriate degree of specificity what's expected whether it's 15, or 25, or 40 years from now, when that particular solar development is no longer operable or wanting to be operated by the then owner. What process do they undertake to bring the property back to its pre-development statement? And one of the concerns, making sure it's an agreement is because, for example, even the, the bond of surety that's going to be provided, if we don't have something in writing that is signed off and has a contractual element to it. And this isn't Terry, but you know, his successors, whatever company might own it, or run it 40 years from now, if they say, you know, we don't have anything that contractually binds us. We have a 40-year-old approval, and we're just not going to do it, then the town is left in a bad spot. So, when we

talked about this at the local law level, it was a matter of planning for the worst, hoping for the best, but planning for the worst. And that was also the reason we asked the landowner to sign on. It hadn't recorded at the county clerk's office as it attaches to that property. So subsequently, landowners would know that they're buying a piece of property that has the potential for some obligation in the future. Because even if we don't know what landowner is going to be there, or what company might be running or owning or maintaining the facility, we do know one thing land is going to be there. The land is going to be there and so absolute worst-case scenario that allows the town some mechanism to proceed if all else fails. So that was kind of the thought process. It is an agreement. It is a contract at its core. It's not simply a plan. So maybe, you know, that's the wrong terminology. But I think that was the intent.

Mr. Wall - So whether we call it a plan, or we call it an agreement, they're both legally binding. Either one is to protect the town.

Mr. Campbell - yes.

Mr. Rasmussen - So, what I was suggesting what we've done in other jurisdictions nearby is that we've put in place a decommission agreement, which would be a binding agreement, which would spell roles, responsibilities, trigger mechanisms, and those sorts of things. And it would reference a decommissioning plan for how to do it and how to cost it. That way, you know, you have the legally binding agreement, which you can register on title and a reference a plan that would tell you in general how it will be done and how much it would cost.

Mr. Campbell - that will work fine, for my perspective.

Mr. McIlroy - Anybody have any questions on that?

Mr. Deuel – we sent a second email

Ms. Falkner – yes there was one

Mr. Campbell - Do you have a printed off? No, no. Let me see.

Mr. McIlroy – I have MRB's response and OYA's response, this is not reasonable. And then for number eight, this is not reasonable or feasible. It doesn't sound to me like they agree with our plan at all.

Mr. Campbell - Well, I think those comments that you got responsive wise from OYA, were before Terry and I had some discussion, kind of talking about, the history of how the solar law develops. So, I think, Terry, are you suggesting at this point, that what we really need to do is, is formulate the agreement to incorporate the decommissioning plan as kind of a two-part process?

Mr. Rasmussen - Yeah. I think a way to say this will be that we will enter into a decommissioning agreement with the town as you think that as a condition of approval, and then then we would reference the decommissioning plan, and the details of what we get we finalize, during part of the agreement and just make that agreement, a condition of approval? Basically, it will make our points, you know, responses to six, seven and eight moots. That's what the town law says, we'll follow the town law and put an agreement in place that works and abides by the law. Then comments, not responses 9, 10, 11, and some of nitty gritty details of what should be in the plan that gets referenced. I think there's just some disagreement on the level of detail that needs to go into it, and I think that's something that can be worked out. I don't think there's anything that's a showstopper. I just think we want to have

something that both gives you guys a solid number to hang on to that will cover the cost as well as the level of detail that gives guidance on how it will be done, but not so prescriptive as to make it difficult to actually do in the future.

Mr. Campbell - Yeah, so he said he gets close to 9, 10, and 11. Those were kind of nitty gritty details about what the decommissioning plan would be. They had agreed that we should have a decommissioning agreement that incorporates or attaches as an exhibit plan. They just don't want the details to be so precise that 30 years or 40 years in the future, it might not be workable. So, they wanted some flexibility on some of those details. Yeah, I think that's what he said.

Mr. Brabant - I may try to clarify. Going forward We don't have to have a back and forth hopefully. Basically, the decommissioning schedule, that's the schedule or procedure that's outlined in the plan that identifies these are the steps that have to happen in order to be decommissioned. And what we're trying to ask, is give us some type of a timeframe of how long those steps generally take. I believe in your cost estimate, you have timeframes in the estimate for duration of hauling trucks and doing certain things. I'm simply asking that schedule, give us a range. Look, it's going to be two to three months to view certain sections of the decommissioning, just so that we have an idea of approximately how long each of the steps are going to take.

Mr. Rasmussen - Yeah, like approximate, with the understanding, I think we all we all understand that, you know, 25-30 years from now, they might be slightly different, but it gives a general ballpark, that's not a problem.

Mr. Brabant – Decommissioning Schedule -didn't see any references to installation of erosion and sediment control measures or seeding and mulching of the site. I believe you have some of those notes and we are just simply asking you to put that step into that procedure. So, it's recognized that those things have to occur.

Mr. Rasmussen- Surely, if it's a line item that says these things have to happen, yes, it's just we just kind of read it as saying you wanted the seed mix, application rates and what exactly we're going to do to restore the soil, which seems too much.

Mr. Brabant - We do want to see some of those items in there so that it calls out that's a step that has to happen. In item 11, this is referring to the decommissioning estimate. Again, we didn't see where landscaping began, at this point, the board has not required landscaping, but we're stating that if they do, that should be included, as well as erosion and sediment control measures, preparation on the SWPPP and permitting process, including observation requirements. I just want some dollar amount that justifies that step as it is a required step in the process..

Mr. Rasmussen - Okay, yeah, I get that and probably it will be the same for you know, 10, 11, 12. And that point 13 I think, which bears a little bit more discussion. It's just in theory, we have no issue with having the decommissioning bond extended to ensure the site's fully stabilized, I just don't think it needs to be the full value of the decommissioning bond. But I think that's something that we could simply just say that the whole bond amount will be reserved until the site is fully stabilized to be, you know, determined prior to decommissioning or something to that effect.

Mr. Brabant - I'll leave that up to the board to decide, but let me clarify, the reason why we're asking for the decommissioning estimate to run not only the full length of the project, but an additional 18 months

after this because let's say in year 30 there is decommissioning, our concern is that if the project were to start and then it stopped, or you guys were to walk away, or whomever is responsible at that time.. I just want to make sure the bond doesn't just go away and now we're liable to cover that cost. So, in the way we're looking at is just instead of a 30-year bond note do it for 31 half years. That way, if and if the project is ever going to be decommissioned after year 30, and goes into that process, which could take up to a year to maybe two years ago, we want to make sure that full value is still there for the town if there was ever anything to occur.

Mr. Rasmussen - All right, fair enough. So Jim, I think my comment on that would be that within the decommissioning agreement, we just put some sort of clause in place saying that the decommissioning bond will be kept in place for the town to draw on until decommissioning is completed and approved by the town,

Mr. Campbell - that's fine. And it could be 30 years, it could be 20 years, it could be 40 years, like you mentioned. So, that makes sense.

Mr. Dermody – So the years part will be struck from the agreement, the duration part.

Mr. Campbell - So I guess, you know, the question for the board is, we don't have that agreement formalized at this point. Obviously, we have a plan that was, was worked on and put together. You know, there's been some obvious discussion going back and forth. Would it be comfortable for the board to move forward with the approval process, assuming that's what you intend to do without having that agreement and making it a condition of the approval that the agreement be reached? Or is that something that you feel makes sense to do now and have it established before approval is granted.

Mr. Dermody - Personally, I am not casting aspersions on their intentions. But from practical experience, I have taken people with good intentions and somehow good intentions that matched up and I ended up on the short end of the stick. So, I've kind of gotten very close to done, supposed to be writing, in writing. That's my personal opinion.

Mr. Wall - And I can agree with Dave as well. I think, you know, this decommissioning piece, there's a huge amount of risk for the town, you know that this number should come out of service. And it seems like there's a lot that's got to be kind of fine-tuned there. And then the other thing that's hanging out there, if it's just a matter of paperwork, it's not that big of a deal. But if there is an issue with the easement off the road as far as utilities are concerned because I think that's where the inter-connect is for the park as well. That's also something that could get stuck in the mud for long period of time.

Mr. Rasmussen - So just on that, we don't need an easement for the utility interconnect, the only thing we'll need to do is pull a permit with the D.O.T, to get the permission to have an entrance permit. So that's not going to trip us up. But as for the decommission agreement, before or after approval, we're not going to be able to get the project either financed nor get a building permit or even progress any on the engineering or construction of the project with any outstanding conditions. So, it's of no benefit for us not to reach that agreement. In fact, it would be detrimental to us to let it drag out. It would be best on our end to have the approval granted without as a condition that would allow us to lock in our nicer to incentives and would also still ensure that, you know, there's no way we can proceed with a contract without getting that agreement in place.

Mr. Wall - So I thought, as far as the easement went, there was a gap between the property line for the lease and the right-away for the D.O.T. So that means there's another property owner, potentially there that the utility would have to cross. Typically, that means there's an easement involved. Maybe that's just the way the print was documented. I don't know. But it's seemed like, from the comments we saw from plans in MRB, there was a gap in the edge of the leased properties and the right away for the D.O.T that there may be another property owner.

Mr. Rasmussen - Okay, I'll have to check with our surveyor, but we did not see anything like that.

Mr. Brabant - I think from my perspective, that's what I wasn't sure about either. I think maybe if you could confirm and then highlight the right-away or label the right-away, that might eliminate that concern.

Mr. Rasmussen - Okay I'll reach out to our surveyor and have them look into that.

Mr. Brabant – If the property or leased area extend all of the way to the right of way, then that concern for an easement would go away.

Mr. Rasmussen – our leased area encompasses the entire property. I'm not sure if we provide you with the lease, adopted lease agreement, but you that's not a problem for us to do.

Ms. Falkner - Terry I think if you back off of your laptop or computer, you're better off.

Mr. Campbell - Did you find you find the other letter.

Ms. Falkner – Yes, it was an email, wasn't an attachment. Do you want me to read it?

Mr. McIlroy - Do we want to jump into that, or do we want to stay where we're at on the decommissioning?

Ms. Falkner - well this one talks about the decommissioning.

Mr. McIlroy - Okay.

Mr. Campbell - read the following email - This is dated Thursday August 20, 2020. OYA comments number two from David Deuel.

After further review of 2019 Local Law #6, which amended 2018 Local Law #2 on Solar Energy Systems Zoning, we firmly believe the following sections prohibit the OYA Solar Project from being permitted.

Section 3.cvi.page5- Decommissioning Plan will return vegetation shall be returned to original state prior to construction. How do you return a site to a mature woodlot?

vi). The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor and approved by the Town Engineer. Cost estimations shall be made and provided to the Town for each year of the life expectancy of the Solar Energy System.

Section n3.fd.(xv) page 8- ...shall not have significant adverse impact on fish, wildlife, or plant species or their critical habitats... Removing 17 acres of mature woods from a larger forested parcel will effectively destroy this habitat for wildlife and plant species present by altering size of woodlot and creating a much larger edge area.

(xv),The development and operation of a Type 2 Solar Energy System shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Town of York or other federal or, state regulatory agencies. The York Town Planning Board may, impose conditions on its approval of any Site Plan or Special Use Permit under this Article to enforce the standards referred to, in this Article or to discharge its obligations under the State Environmental Quality Review Act.

Thank you for your time and consideration of facts presented
Respectfully,
Cecilia & David Deuel

Mr. Rasmussen - we did provide an itemized response back. No. 1, the decommissioning plan, or requirements do not require that it immediately be returned to a mature woodlot, that wouldn't be possible. But you know, it is not actually a mature woodlot as it currently is. I know I was asked to show the URL mapping. So, if you let me share my screen, I can show you the kind of genesis of the woods there documented in 1995. He shared his screen.

So, what I've got here is the Google Earth image of the site. So, what I'm showing here is the most recent image we have from 2018. So, if you see my cursor, the area we're proposing to develop the project in is here, and we're going to, you know, cut down some of the forest in in that particular area. If you go back to 1995, you'll notice that there's a lot less trees there. And this whole area in here you can see as patches are down to just scrub trees. And that supports what our biologists have said that most of the trees in that section are small to medium trees. Not a woodlot if you just go through that progression you go from almost nothing or scrub trees and still in 2006 you still see areas of scrub trees and it just gets progressively thicker and thicker as it's been allowed to regenerate. So yes, we will be cutting trees. It was not our preferred choice, our preferred choice would be to use the land that is mapped as Prime farmland but we've shown is not, that's a that's a side conversation we could have. But you know, having to use the trees it's not. As we've reached out to US Fish and Wildlife in New York State DEC. We have concurrence letters from them and return to them. None of them have identified any significant habitats and have concurred that there'll be no impact to endangered species. nor are we aware of the town again, finding any of this habitat or significant habitats. So, you know, for those reasons, we're not going to be significantly impacting wildlife.

Mr. Nagel - I have some questions, specific questions that relate to this map that sort of relate to the decommissioning as well as David's concerns. Is it time?

Mr. McIlroy – I would think so.

Mr. Nagel – Terry, the field to the very least, Right here. It's pretty scrub. But the field, the forest directly south is very close to a ridge. And if you cut down any trees and a 30-foot gorge. If you cut down any trees along that ridge or gorge, I don't think it's a good place to cut trees. Right next to that gorge. The field next to it to the west. South of there is a much larger area that has scrub trees that could be

removed because there's no gorge. What I'm doing Terry, I'm looking to cut less and use more scrub land, rather than mature forest.

Mr. Rasmussen - I can take that back to our engineers and have them take a second look at it. I know they've done it based on what's feasible, based on the topography as well as tree clearing. So, I can have them take a second look and see if there are areas where we can move things.

Mr. Nagel – south of that first field is pretty steep and you wouldn't want to cut any trees there, because of that gully. If you bear with me, the southernmost field where you were looking to cut those trees are fairly mature a foot in diameter, 30-year old trees There's a few there's a walnut that's about two and a half feet in diameter, which is over 100 years old. So that might not be the best place to cut down the forest, but Terrance the part north, very north of the whole scheme is empty. And why isn't that? Why couldn't use that for the solar panels? It's farmland and it seems to be right out in the open where there's no trees there to cut.

Mr. Rasmussen - Yeah, I just wanted to have a quick look and see if there's a particular reason. I know there are setbacks which are part of the reason part of the part of the reason why we can't go right to the edges but, I'm just trying to try to look and see exactly what what's going on there.

Mr. Nagel - With 100-foot setback, you still have a lot of room there that you could exchange for some of the forested land. It may be that gas line that runs through because it looks as though you're following that falling right along that gas line.

Mr. Rasmussen - I'm just going to pull up the layout onto the screen. I'm looking at there is a setback up in the north area, which we're kind of constricted with. And then there's all the stuff that's mapped as Prime farmland there so we're really kind of hemmed in, which is the problem.

Mr. Nagel - There is no gas in that gas line.

Mr. Rasmussen - No we've determined that that gas line is long abandoned, and

Mr. Nagel - Because it looks as though you added the solar panels right along the gas line but if there's no problem with the gas line, that's why the solar panels could go further north,

Mr. Rasmussen - there's a small section in there I see, where there's a gap between the prime farmland and the panels. I can see if we can do a bit but with the setbacks and that I'm not sure we are going to get very much of that. It's going to come down to if we can find a way to use the prime farmland is going to be that that part of that stuff is mapped as prime farmland.

Mr. Nagel - the sticking point I think, as Dave mentioned, is in the decommission, is the forest and the fact that the forest cannot be put back the way it once was. So, if you could find 17 acres somewhere else and that would save 17 acres that you propose to cut that may make things easier.

Mr. Rasmussen - so honestly, there's not 17 acres to be had right now. With that map prime farmland, what we've come to on that is, within the last couple days, I've been speaking with the USDA who does the site mapping. And they have basically said that they have no procedure in place to revise mapping and no procedure in place for an appeal of the mapping. And they do not have the authority to comment on soil studies. What they have said is that the individual states can, you know, licensed at agrologists to do these sorts of studies. I haven't seen anything in New York state that officially does

that. However, in my interpretation of the local law, there is a there is an allowance to revise the mapping. It would be up to the town as to whether they would want to revise the mapping based on you know a detailed soil study. So, it basically says you know, the law says you know for reference a map style Town of York plans nonexclusive for solar protect to still use grid October 2019 which sent the map is incorporated into these amendments and underlying regulates by reference the above map shall be subject to periodic update when the data illustrated there in drive by the US Department of Agriculture and our CSL survey, geographic database and brackets is modified or changed from original source information. My interpretation of that is that the information we provide is done by you know, a certified an agrolgist, and then could be used to modify or change the original source data information. It's going to be up to Jim and then probably the planning board to decide whether that's something you want to entertain but we're not going to get USDA to make an official comment on this.

Mr. McIlroy - Any other soil maps or any other land maps there where we can put the solar panels with no deforestation.

Mr. Rasmussen - No

Mr. Nagel - I see a lot of land between the gas, prime farmland and the hundred-foot setback in that area. That's quite a large area,

Mr. Rasmussen - there's one section with trees that sits right in the middle there between our arrays and next to the prime farmland.

Mr. Nagel - north of the gas line

Mr. Rasmussen - that's almost all mapped as Prime farmland, which is the problem we're running into. And our soil study and in people who've been on there have demonstrated that that's not prime farmland. It's disturbed land. In fact, there's a manure pit somewhere in there, an old manure pit. So that's where we're into. Would love to use the land. move everything on remove as much as we can out of forested area. But, you know, until we can get permission to use the land that we've, you know, we've studied and believe is not prime farmland, then we're honestly, I just don't have any room to move.

Mr. Nagel - where's it where's the prime firmly?,

Mr. Rasmussen - On the map I'm sharing the full hatched area that's kind of a purple hatched area. That areas all mapped as prime farmland.

Mr. Brightman - It's the newer one

Mr. Nagel - That's the newer one. Where'd you get this

Mr. Brightman - on the tour with

Mr. Nagel - Sizeable but Allen says its prime farmland

Mr. Brabant - So there was an original application which was based off that and then the county provided us a new updated prime soils map which I previously provided to the Town. I'm not sure what prime soil map is being referenced but there was an updated version provided.

Mr. Nagel - Because I see just the prime.

Continued discussion about the prime soil maps.

Mr. McIlroy - Alright, so we're back still decommissioning plan. I heard Dave, that he wasn't comfortable moving forward without that cleared up. Heard from Chris, the same thing. So, I think it sounds like the board's consensus is until we get more clarification and get the decommissioning plans tightened up, we're really not ready to move forward. So, at this point we'll have to table it and then when we can get a little further along with the decommissioning.

Mr. Campbell – Terry, what is your proposal for working on the decommissioning agreement language?

Mr. Rasmussen - So, Jim, I've a template multi agreement we signed with another municipality in New York State, which I think it does a very good job of doing the agreement part. The only thing is it doesn't incorporate the landowner into it. So that's something that would have to be added to it. And then, you know, he references a decommissioning plan. So I think what I can do is I can send you over the agreement as a template and in parallel tighten up the decommissioning plan with Lance to get that reference document and then we can, you know, just trade back and forth until it's in a position that we're all comfortable with.

Mr. Campbell - Okay, if you get that to me, I'll take a look at it and start making some revisions to it.

Mr. Rasmussen - I guess I can send you that tonight.

Mr. McIlroy - As far as the actual site plan, after reviewing the maps and things, there's really not a lot of other options where we can move the panels and try to save some of that forest at this point.

Mr. Rasmussen - not unless the town's willing to revise the mapping based on our Soil Survey.

Mr. Campbell - Yeah, I think that would require an application to the town board to take a look at whatever evidence that might be to warrant deeding from the map that was attached. It's different. Obviously, if USDA comes back and changes in soil classification and they issue a new map. the economy for that in the language of the local law to say that our job is not to periodically but were they to occur. The mapping for our purposes would be modified contemporaneously. I don't know how the Town Board would feel in terms of being comfortable considering that kind of question?

Mr. Rasmussen - Yeah, I just don't think that, you know, this soil map is all done with satellite imagery and modeling, it does not really consider what's really on the ground. So, it's unfortunate there's not a mechanism in place for the USDA to have an appeals process or look at new evidence. It's, unfortunate that they're not taking any role or responsibility in this.

Mr. Campbell - You know, and I thought, Terry, and maybe someone else who remembers as well, there was another solar project that the landowners were interested in developing. And they kind of late in the game found out that their property was largely prime farmland, and they went to the local office and we're told that there was process to petition for reclassification of a given property. I don't know maybe that's worth exploring. Does anybody remember that? I don't know if that ever came to fruition, but he claimed that he had talked to them and it was a process and he was undertaking that process. It might be worth looking into calling Livingston County soil conservation, and just see if there's anything on that end.

Mr. Rasmussen - that was kind of my next step. I've talked to the USDA soil scientist for New York state as well as the two nearest field offices responsible the Soil Survey, and then you know, none of them want to stick their necks out or do or do anything.

Mr. Campbell - I bet they're getting a lot of requests for this kind of stuff right now.

Yeah. Well, you know, I guess they don't really understand that their, their maps, you know, have planning implications. And, you know, in a perfect world, there'll be a process for them to take a closer look at sites and review new evidence, but, you know, it's the USDA and they do what they do.

Mr. Nagel - that would be a good idea.

Mr. Campbell -Yeah, I think it's really, it's worth at least an inquiry Terry will give a call to the local office and I don't know if it will result in anything meaningful, but it's worth a shot.

Mr. Rasmussen - Yeah, you know, I got to keep plugging away at it because I think you know, that's the ideal scenario is that we get confirmation that you know, in our soil study that that there is no prime farmland, we can move things out of the forest and I think that would just about make everybody happy. I'll keep plugging away at that and hopefully get some traction somewhere.

Mr. Nagel - Thank you.

Mr. Rasmussen - Alright, so we'll work on the agreement and decommissioning plan and then meet again next month for approval.

Mr. McIlroy – Sounds like a plan.

Mr. Rasmussen - All right, well, thank you for your time guys. These conversations are actually helpful, and I enjoy them a lot.

Mr. Campbell - Thank you too Terry.

Mr. Campbell - Is that it for the OYA business?

Mr. McIlroy - yes

Mr. Rasmussen - All right. Thanks again and have a great night everyone.

Mr. Wall - When we're talking about the prime farmland, Is the intention to protect that land so that can be farmed in parallel, you know, with OYA or somebody like that or is the intention to protect it in the future to be farmed?

Mr. Dermody -is protect it in the future to farm. My farm is considered over 90% prime. I can't do a thing with it.

Mr. Wall - So just thinking out loud, I guess if, like the situation we had with these guys, if they're going to push these solar panels and take down the trees that we're talking about, they can't be replaced if the solar farm goes away. But it pushed them on to the prime farmland, put their solar panels in, blah, blah, whatever. And then at some point they went away the solar panels go away. Ground gets restored and you can farm it, again right? But you're not going to get the trees back. You see what I'm saying? I'm just having trouble in my head.

Mr. Nagel - That's a good question because actually when you put solar panels and you put a pollinator mix out there you can enhance that, so when you leave that farmland maybe even better than when you put the solar panels out. Not so the forest. The forest is something that takes hundreds of years to grow and the soil in the forest is you can't replace that. In a handful of good topsoil and handful of forest ground there is more living things than people in the world. I read it out of a well-researched book.

Mr. McIlroy - I think were the issues come in, obviously, is, you know, solar laws are written, they were amended, and you know, prime soils are protected, forests aren't. So that's what we have to work with today.

Mr. Nagel - I think you're right.

Mr. Campbell – That's a really good point. Because when we write these things, we work on them and we try to envision the situations we can but you don't really learn a lot about how effective or ineffective the regulations are until you start applying them to a given factual situation. And that is across the board with the zoning regulations, but particularly with solar when the industry is changing so much. We're about to, believe it or not, revise our solar laws again, because now they're talking about stacking double and triple panels. So instead of being 12 feet high, they'll be 24 or 36 feet. How do you screen them?

Mr. Dermody - You're talking about prime farmland and I was talking to some farmers in Caledonia, their town board did not right in any protection for prime farmland. You now have farmers who I was told, he said that the lease agreement provides for \$2,000 an acre per year. There are guys that own 7,8, 9 hundred thousand 1000 acres that you would love that are taking about 300 to 400 or 500 acres into the solar project, 2500 acres because 500 acres at two grand a year, what they're talking about buying, leaving the state and moving their farming operations to another farm or area or moving their younger, they're younger participants to another state to farm, because the length of that agreement 25 or 30 years, \$2 grand a year for prime farmland. And their Town Board wouldn't put that in there to protect it. And the farmers are very upset. Because the problem is and I'm not arguing with Davies on the forest because I like trees too. I think for me, the problem is the state that agriculture is in, when people can see that kind of money, they're going to jump on it and you're taking that land out of production, plus the land and review losing to people that are building houses, building malls, and the amount of farmland we've lost in the last 40 years is to humongous. And now you're creating an incentive to tie up farmland for anywhere from 30 to 50 years. You're not getting anything. And then you're still going to have the pressure from building and from housing and from other enterprises. And by the time we wake up and realize that we screwed up,

Mr. Campbell - maybe the idea is to, you as a board can certainly opine and make suggestions to the town board to consider some revisions we maybe have protections for acquiring farmland and mature woodlots or I don't know exactly how you characterize it, but maybe that is a another category of land that you value in such a way you don't think it's appropriate for this kind of development. I don't know.

Mr. Nagel – I think you're right after this issue tonight, he points out that right to protect those forested lands. We're finding the forested lands may be more than prime farmland, more important overall to the area. So, I think when things come up we have to take a look at them, use what we've learned in this process now.

Mr. McIlroy - To move forward, I say we have to follow what we have today. That's, and there's nothing stopping Mario from going out there tomorrow and mowing everything. He could clear cut everything back there, and nobody would have any say over it. So that's something you have to keep in the back of your mind. We have to work within the parameters we have now.

Mr. Dermody - farmers are more constrained on woodland than private landowners. I pushed back three acres that had been previously, had overgrown before I bought the farm. I pushed it back and we had a call from the girls. At the office, they did an aerial overshoot. We see you cleared some land. You didn't fill out the proper form. You didn't get permission from the county committee. Well, I said but I said, if you look at the maps. Oh, wait a minute, she says you're right. I can see that it was previously cleared, and it got overgrown, and poor drainage. And you know, we pushed back and improved the drainage. And so now it's crop land again. But farmers are actually under more constraint like Joe and I are if we don't know, you know, David was a private landowner who is not involved with the farm program.

Mr. Campbell - So I will get a copy of the decommissioning agreement for that, I'll take a look at it. The reason I asked the question is because I think, you know, I'm always cautious about condition approvals. You because the approval comes first and the condition comes second and some courts are not big fans of conditions and approval when you start fighting it out whether the condition has been bad or whether it can be met. So, I think it makes sense. And, you know, the good thing about dealing with them is they're pretty respectful and responsive. They didn't really like Lance's comments. They thought they were overbearing, and they weren't. But you know, after some discussion, the rate where you want them to be is trying to make your concerns,

Ms. Falkner - Carl is on here if you have any questions for him.

Mr. McIlroy -There really isn't any reason for us to move on with SEQR on that one tonight. I think we're up in the air enough with enough things where it could be redundant. Be a waste of, that could be a waste of our time.

Mr. Brabant - And honestly, when we begin SEQR, there is a requirement right where we left off mentally how long it would be.

Mr. McIlroy – if no one has anything else, how about a motion to adjourn.

Resolution:

Mr. Dermody made the motion to adjourn at 9:04 pm, Mr. Wall seconded, all in favor, carried.

Aye – 5

Nay – 0

Respectfully submitted,
Donna Falkner
Clerk