

TOWN OF EDEN – PLANNING BOARD MINUTES

EDEN TOWN HALL – 7:00PM

June 5, 2019

- MEMBERS:** Brian Reed – Acting Chairman
- PRESENT:** Tony Weiss
Joe Eppolito
William Zittel
Bethany Fancher-Herbert
- EXCUSED:** William Mahoney, Frank Meyer, Andrew Romanowski, Scott Green
- OTHERS:** David Johnson- Town Engineer
Jesse Baker - Code Enforcement Officer
Town Council – Susan Wilhelm
Christopher Knox, P.E.; Crawford & Associate Engineering, P.C.
Alex Curlin –Nexamp, Inc.
Ronald & Edward Riefler

Minutes from last meeting

Mr. Eppolito made a motion to approve the minutes of April 3, 2019 meeting. Seconded by Mr. Zittel; All “Ayes” motion approved.

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**Planning Board Alternate Member:**

Mr. Reed recognized Ms. Fancher-Herbert as a full voting member this evening due to many members excused.

**Eden Solar, LLC – 7501 Sisson Highway - Site Plan Review**

Chris Knox from Crawford & Assoc. explained to the board that Nexamp has revised their site plan due to concerns from the Planning Board at the last meeting in April 2019.

**Items that were revised include:**

- Fully delineated wetlands- 200ft. - 300ft. away from construction
- Adjusted solar array area to be smaller
- Modified fencing reconfiguration
- Agriculture access road – reconfigured for continuous farming operations
- Screening modified to balsam fir/ eastern white pines – purposing 10’ on center alternating species and range of heights. Arborvitaes (deer like to eat) the reason for the change
- Site view received – shows eye height from 6’ across the property and the three stages of growth, will be maintained and documented OEM and on plans

**Items still need to be addressed:**

- Maintenance plan needs to be updated
- Detailed battery storage system on plans with dimensions – 53’ long x 16’ height

- Underground line utility issues with National Grid will need confirmation.
- Airport comments about glare – Nexamp did reach out to the airport but has not received any comments yet. Nexamp feels reflective glare well outside a glare analysis.
- Discussion about the project being submitted to NYS Ag and Markets along with a Notice of Intent for the conversion to solar.
- Conversion fee for converting existing farmland to utility solar.
- An Interconnection agreement must be provided.
- A removal and restoration plan is required
- A removal and restoration bond is required – 1.5 x removal price
- Utility lines shall be buried 48” below grade – a note stating such is to be added to the plans
- Final plans will require the stamp of a NYS Licensed Professional

**Items discussed by members:**

- Noise generated from air conditioning units on battery storage building – there will be 6 units and they are located far from neighboring properties. Noise level equal to residential units.
- Topsoil from the development area and where it will be stored - There will be no disturbance or stripping of land, they will utilize as is, if they encounter wet spots will use geo-fabric and clean stone.
- Mowing of grass areas and how many times a year approximately? 2-4x a year, with the lack of sunlight grass does not grow as high. Special seed mix researched for the area.
- Riser poles – in our Solar Code it states no above ground poles. Board members agreed it’s all or nothing. Board members asked Nexamp to reach out to National Grid and see what other options there may be if they do not agree to underground lines.
- The next submission if we receive all that is required and asked for we can declare Lead Agency, a Negative Declaration and send our recommendation to the Town Board. Concurrently with the Planning Board’s review of the project the Town Board can set a date for the public hearing at their next meeting

**Riefler – Major Subdivision – Eckhardt Road**

Mr. Reed explained to the board that this Major Sub-division was previously approved by this board in 2016. Due to time constraints the approval has since expired. The Riefler’s were told they will need to start from the beginning and re-apply for approval.

Mr. Ron Riefler handed the board a time line of what has taken place over the years and now they have hired new counsel that has been working on their Major Sub-division. He told the board nothing has changed since 2016 and would like to move forward again.

Items needed for an approval from the board:

- Document in a side box the lot numbers and dimensions of each lot on Final Plat
- Civil Engineer to sign the Final Plat
- Erie County Health to sign Final Plat
- Surveyor to sign and stamp Final Plat

- All fees paid – public hearing waiver and recreation fee.
- Chairman Mahoney will be the last to sign Final Plat then you have 62 days to file with Erie County to be compliant with the Town Code.

**Board discussion:**

The board discussed the previous approval process and all agreed to waive the public hearing again and that the applicants will not have to come back to the board until they have all signatures required.

Secretary to the Planning Board has sent out SEQR to all agencies involved and given Mr. Riefler the Agricultural Data Statement to complete and forward to the farm operations within 500' of the project. The DEC contacted Jesse Baker, Code Enforcement Officer and told him there is a new requirement for submitting the SEAF (Short Environmental Assessment Form) it is online and the Riefler's will need to resubmit online. Mr. Riefler told the board that they will be in tomorrow morning to take care of it.

The fees will need to be paid before the board will give Final approval. Sketch, Preliminary and Final Plats have all been paid for. The applicant will still need to pay the recreation fee for each lot and the public hearing waiver fee.

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**Mr. Zittel made a motion to adjourn the Planning Board meeting. Seconded by Ms Fancher-Herbert; All "Ayes" motion approved.**

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Mr. Reed asked the board about their thoughts on changing the date of the next Planning Board meeting it is scheduled for the day before July 4th. We can either schedule it for July 2nd or the next week of July 9th. Board members agreed to July 2, being closer to the actual day of our regular meeting.

The next meeting is tentatively scheduled for July 2, 2019 at 7:00 p.m.

Respectfully submitted
Diane Herzog
Secretary Eden Planning Board