

TOWN OF EDEN – PLANNING BOARD MINUTES

EDEN TOWN HALL – 7:00PM

August 7, 2019

MEMBERS William Mahoney – Chairman

PRESENT: Andrew Romanowski

Joseph Eppolito

William Zittel

Bethany Fancher-Herbert

Frank Meyer

Scott Green

EXCUSED: Brian Reed

ABSENT: Tony Weiss

OTHERS: Brian Kulpa- Town Engineer

Jesse Baker - Code Enforcement Officer

Town Council – Susan Wilhelm, Gary Sam, Michael Byrnes

Christopher Knox, P.E.; Crawford & Associate Engineering, P.C.

Alex Curlin –Nexamp, Inc.

Melissa Hartman – Town of Eden Supervisor

RESIDENTS: Sally Stephen, Julie Bensley, Carol Knight, Jer & Sue Kopryanski, Janice O’Brien, Rob Helice,

Judy Conners, Ed Krycia, Brian Hackford, Cathy Hackford

Minutes from last meeting

Mr. Zittel made a motion to approve the minutes of the June 5, 2019 meeting. Seconded by Mr. Meyer; All “Ayes” motion approved.

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

Mr. Mahoney - the applicant has brought with them revised plans. The applicant missed the deadline for the submission of the new documents therefore neither the town engineer, building department nor planning board have had any opportunity to review the submission. Included in this submission are updated drawings, decommissioning plan and a new FEAF. Mr. Mahoney asked the applicant if they could walk the board through the changes that were made and advised the applicant we will be providing comments as a courtesy and that the comments provided are not final due to the fact the applicant just submitted the documents to the planning board and the board has not had time to review them.

Mr. Alex Curlin from Nexamp explained to the board that they have relocated the access drive and buried the interconnection.

Mr. Chris Knox from Crawford & Assoc. explained to the board that Nexamp has revised their site plan due to concerns from the residents regarding the location of the entrance, see drawing C-1.1. The drawings have been revised for a new entrance location south of the Gill property and tucked against an existing tree-line in a

less-open area to further reduce potential visual impact. There is no need for an easement due to this area being existing frontage of the property.

Mr. Mahoney- asked if there were dimensions on the plans for the new access drive to the proximity of neighboring properties, with that new access drive, some initial thoughts that come to mind are:

- The 18" culvert that is within that drain line, in the ditch, you may want to look at the flow and ensure the space between this new structure and the existing driveway culvert are working in concert with each other. The new culvert shouldn't create pooling or undermining of the existing structures. Potential look at connecting them?
- Also, with the fact that you moved the access drive on Route 75 you will need to reach out to NYSDOT asking for comments on the new location.

Mr. Curlin – we have already coordinated with the NYSDOT with the revised drawings.

Mr. Knox - the drawings and Decommissioning Plan include revisions to note electrical conduit burial depth of 48" and that buried conduit is to be left in place after the project life (per NYS Ag & Mkts). The point of interconnection which we had a lot of coordination with National Grid about and we were able to work out a way to mount most of the equipment to eliminate all but one overhead line at the road.

Mr. Mahoney – C-1.2 drawing you can see how you moved back a lot of the actual electrical equipment.

- A suggestion would be if you could add additional screening to lower the visual impact of the equipment. Maybe a few small conifers could be placed around the equipment to lessen the visual impact.

Mr. Knox – On page C-5.1 we have updated the electrical conduit depth to 48" minimum burial depth as requested in accordance with the Town Code and also in accordance with the NY Ag & Mkts. We also the revised Decommissioning plans for the burial depth, it stipulates the conduit would stay in place after the life of the solar farm which again is in accordance with NYS Ag & Mkts.

Mr. Mahoney – I would like to talk about the Decommissioning Plan since we just received it. We have not had the opportunity to fully review it. The Planning board is very sensitive to the Town of Eden's Agriculture and Farm Protection Plan. This board would like to make sure everything is decommissioned back to what it is today.

- One item that was noticed is that the foundations are only removed 1' below grade. We would like you to reconsider that in accordance with Decommissioning Plan such that when the solar field is decommissioned the fields would turn back into agricultural fields and not having the potential of hitting foundations in the middle of the fields is important. As well as the screenings and plantings would be part of the decommissioning plan.

Mr. Knox – National Grid will remove their entire infrastructure and we would be responsible for our equipment.

Mr. Eppolito – asked the applicant if they could leave the gravel access road to a point after decommissioning for future agricultural land use. Also, there is not a good access to northern field which is a very wet area, could you possibly leave an opening on Eckhardt Road between screenings.

Mr. Mahoney – if the corner fence posts/gates are incased in concrete.

- I would like to request that it is in the decommissioning plan to remove all materials/concrete related to the fencing.

Mr. Curlin then discussed salvaging the products after the life of the Utility Solar Farm. It would be at market value they would use a third- party recycler.

Mr. Mahoney – we will need at least 1 ½ times decommissioning costs in the form of a bond and we have to come up with what we all agree to with decommissioning costs. The offset of today's market for those types of panels may not be the same in 35 years. The Town Engineers will help assist in determining the appropriate value.

Mr. Knox – the only other notable change that was made to the site plan was the fence moved tighter to the array increasing the agricultural land that could be reused after the project is constructed. It was about a 5 acre increase in the amount of farmland available.

Mr. Knox/Mr. Curlin – were asked questions about certain items: (answers in italics from applicant)

- **Snow plowing** - *it will be very limited not every snowfall.*
- **Battery containment storage** - *they are self contained with a fire suppression system in place.*
 - Mr. Mahoney requested an earth tone color to these storage units to blend in.
 - The Town of Eden Fire Inspector, David Rice is researching fire department protocol for utility solar requirements for the Fire Access to gated area.
- **Site lighting/emergency lighting**- *no outdoor lighting for this facility at all if needed at night the workers would have flashlights or port lights.*
- **Gas well on property** – *We are in contact with National Fuel and they are on the same page as Eden Solar.*
- **Signage** – *informational only in case of an emergency according to code requirements.*
- **Generator** – *it is powered by diesel fuel.*
- **Maintenance** – *occasional weed whacker used, mowing very minimal.*
- **Hamburg Airport** – *a SEQR was sent out and we have tried unsuccessfully to reach them but found out they are actually inactive and in the process of selling. We did get in contact with a private aviation company that works out of that airport, Little Bird Airways. We spoke to Claudia Shiles she's the pilot and owner of Little Bird Airways. She confirmed that the owners of the airport did receive the SEQR circulation and chose not to respond. We were interested in Ms. Shiles feedback and discussed the project with her. We pointed her in the direction of an existing*

solar installation in Lackawanna and she did several flights over that facility to get a feel of how this project might affect the airport based on her flights she wasn't concerned in the least. She couldn't see any glare at all and was going to make a recommendation to the owners of Hamburg Airport to write a letter saying that they had reviewed it with her and they didn't have any concerns.

Items that have been complied with:

- **Conversion fee** – for converting existing farmland to the utility solar has all been handled.
- **Interconnection agreement** – received from National Grid.
- **Bond** – you have provided some calculations that the town engineers will look at.
- **Utility line burial** – complied with the code on the utility lines being buried 48” deep.
- **Site Plan stamped by NYS licensed professional**– when site plan finalized.
- **Fees** – have all been paid.

Mr. Mahoney – with respect to the Town of Eden Agricultural and Farmland Protection Plan. I want to make sure for the record that you are aware that this project borders on prime agricultural soils. This site is still an 84- acre parcel that has been farmed for many years and is a value to our town as well as the community. The Farmland Protection Plan specifically warns about the vulnerability of these types of parcels. The Planning Board will be discussing this in detail at our next meeting and we would suggest the applicant be prepared to address how they intend to comply with the Farmland Protection Plan. For our next meeting, I'm asking board members to go over in fine detail the site plan and the decommissioning plan to make sure we have a good conversation with respect to what our recommendation would be back to the applicant and town board for their consideration during their review of the special permit.

Mr. Knox - finally, the FEAF document has been revised to account for all revisions depicted by the current drawings.

Mr. Kulpa – asked if they could amend the EAF to represent what our Comprehensive Master Plan prioritizes with respect to that area being existing farmland and not just a Rural Residential Parcel. The County was part of the Town of Eden's Comprehensive Master Plan process and I think you should inform them of this and let them know that this falls within the land use change that may have a bearing on this project. The second item is a question about the proposed action under D. 2 (f); the applicant was asked if they use heavy equipment on the site regularly? Mr. Curlin answered no heavy equipment – very minimal if any (weed whacker).

Items still need to be addressed (this is not all inclusive only a quick list of comments after a brief review of the documents just submitted):

- Diameter of and effect of new culvert for the access road and measurements to neighboring properties to ensure equipment and roadways are in accordance with the town code.

- Details with regard to the battery storage system and all associated fire protection equipment, access points, other equipment etc. It was also requested the final color be of earth tones and shown on the drawings.
- Decommissioning Plan – add comments to remove all concrete/materials related to fencing and all screening. All materials are to be removed so the site can be converted back to Agricultural.
- Amend EAF – to reflect C.2 (a) second part (change to Yes) Comprehensive Master Plan very sensitive to existing farmland, land use change.
- Additional comments will be provided by the town engineer, building department and planning board at the next meeting once their review is complete.

The applicant has agreed to stay after the meeting and address any questions residents may have.

The current status of this project is that the Planning board has not yet approved the site plan we have asked for some additional information, and this new submission is to address some of these questions. The Town Board has not granted a Special Use Permit and both approvals have to occur before anything can move forward.

Riefler – Major Subdivision – Eckhardt Road- Final Approval

Mr. Mahoney explained to the board the history of this Major Sub-division on Eckhardt Road. The Riefler Major Sub-division was previously approved by this board in 2016 but due to a time lapse in the applicant's approval it was null and voided after 62- days of not filing with Erie County. Currently, Mr. Riefler is at the third and final stage of his resubmitted Major Sub-division application for the second time. He has complied with what the board had requested.

Requested items for a Final approval:

- Civil Engineer to sign the Final Plat
- Erie County Health to sign Final Plat
- Surveyor to sign and stamp Final Plat
- All fees paid

Mr. Mahoney made a motion to approve Riefler Major Sub-division of 7 lots at 3834 Eckhardt Road with the condition that the applicant gets a letter from Erie County Sewer approving an Infiltration/Inflow report. Seconded by Mr. Zittel; all "Ayes" motion approved. The applicant now has 62 days to file the Mylar with Erie County to be compliant with the Town Code.**

**** After the meeting it was agreed upon through our Chairman and Co-chairman that Mr. Riefler did supply the Erie County Health Dept. sign off which would be acceptable to being the Infiltration/Inflow requirement.**

Mr. Meyer made a motion to adjourn the Planning Board meeting. Seconded by Mr. Eppolito; All "Ayes" motion approved.

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The next meeting is tentatively scheduled for September 3, 2019 at 7:00 p.m.

Respectfully submitted

Diane Herzog

Secretary Eden Planning Board