

Town of Eden - Planning Board Minutes

June 5, 2024 7:00 pm

MEMBERS PRESENT:

Brian Reed, Chairman
Andy Romanowski
Marc Timblin
Katrina Schmitt-Ruof
Joe Eppolito
Frank Meyer, DDS
Andy Tarasek
Dan Buchanan
Jennifer Crowe

EXCUSED: Frank Meyer, DDS

OTHERS: Town Council – Rich Ventry, Susan Wilhelm
Zoning Board of Appeals – Kristin Kent, Curtis Neureuter, Herb Stockschlaeder
Town Engineer – Dave Johnson

APPLICANT: RIC Development LLC: Jim Taravella, Project Manager – Development
Sam Parker-Fann, Permitting Project Manager
Sheila Ransbottom, Project Engineer (Wendel Companies)

Mr. Reed called the meeting to order at 7:00pm and asked for comments on the April minutes.

Mr. Romanowski made a motion to approve the minutes from the April 3, 2024 meeting. Seconded by Mr. Eppolito; Motion approved unanimously.

Mr. Reed noted that Rich Ventry and Susan Wilhelm are here from the Town Board as well as Kristin Kent, Curtis Neureuter and Herb Stockschlaeder from the Zoning Board of Appeals. They have interest because of certain aspects related to the use variance so they are present to gather information regarding the site plan. Part 1 of the SEQRA will be reviewed as well. Each project will be addressed separately.

Eden Solar - 2394 West Church Street

Jim Taravella spoke on behalf of RIC and noted that this project is a 3.2-megawatt AC project., encompassing approximately 14 acres of a 98-acre parcel. This parcel is split by the roadway. The other side of the parcel is agricultural. This portion is currently used as a recreational driving range. Mr. Reed asked if Mr. Taravella knew the acreage split between the two sections of the parcel. Mr. Taravella stated that he does not have that information on hand but believes roughly 60% is the other half that is currently being used for agriculture. This project will be approximately 655 feet from the road and can barely be seen if you drive by. It does have adequate rear set back. For the side setback we do have good neighbor agreements for reduced setbacks as required. Mr. Reed asked if these neighbors were aware that these setback guarantees are for the life of the

permit. Mr. Taravella responded that they are per the agreements in Appendix I. Mr. Reed asked if, with these agreements, can this go right to the property line? Mr. Rice advised that it's subject to the Accessory Structure rear setback requirement in R2 of 5 feet. Mr. Taravella noted that the shortest rear setback they have is 80 feet. Mr. Romanowski pointed out that these agreements are not fully executed. Mr. Taravella will send updated copies to the Building Department.

The following questions and comments were posed by the Boards (applicant responses in italics):

- Can you clarify the definitions of prime land and prime land if drained? *If land is drained, it's prime. If it's not drained, it is not. No drains or tiles are on site at this property so it does not fall into that category.* Mr. Johnson noted that CPL will review all prime farmland maps.
- The panels are listed as anti-reflective. Will all other components be as well? *All components are galvanized.* Can green fencing be accommodated? *Yes – it can.*
- The transmission line is buried but coming out of the station is above ground? Mr. Reed noted that this is in reference to the Town Solar Code 172-8 Item C. Mr. Rice noted that it will be buried with one pole out near the road. *This is something we do not have a lot of control over. It is worked through with the utility company.* Mr. Tarasek asked if they would be direct buried or in concrete casement? Mr. Rice advised that it is not high enough voltage for concrete. Mr. Reed asked the applicant to do additional research on this point. *We will provide additional documentation from National Grid.*
- Is there a grounding plan? *There will be on the construction level drawings. These are permit level drawings.*
- If there is stripping of topsoil, where does that go? *We try not to move a lot of earth. What is moved will either be lost filling low spots or stockpiled for decommissioning. It depends on what the landowner and Town wants.*
- Are there storm sewers being put in? *There are no storm sewers on site.* They are called out on the diagram. *That is an existing storm sewer and will remain.*
- There is only one entrance and exit. Should there be an emergency exit on the back side? Mr. Reed and Mr. Rice believe this should be worked out with the Eden Fire Department.
- The useful life is listed as 30 years. Is there maintenance on the panels? *There is an operation maintenance schedule in Appendix M. This outlines typical activities i.e. mowing etc. It is remotely monitored through a central monitoring facility. If there is an issue a maintenance crew would be sent out. There will be very little traffic going back to these sites.*
- Residents will see the panels only on full tilt. How often are they at full tilt? *In the early morning and late evening. The rest of the time they're horizontal.* Are the trees far enough off the panels to avoid shading the panels? *The panels will not be shaded.*
- What is the plan for maintenance on the shrubs i.e. if something were to die off? We will want to ensure there is a plan to replace things down the road as needed. *It's not uncommon for a condition of approval to require that a walkthrough of vegetation be conducted to make sure there isn't a dead spot. It can be listed as a condition of the Special Use Permit. In the early days of solar it was a problem. We now have a landscape architect create these.*
- In the County referral response, there was discussion about conversion of Town land to non-agricultural uses. As a Town, we want to think about how we manage agricultural land being converted to other uses. We do not want to overcommit. *It is important to note that this property does not currently have an agricultural use.*

- The County response mentions animals that move through these fields. With fencing, what is the impact to their ability to move through? *The landscaping will provide cover for the animals. Wildlife fencing could also be added as a condition of approval of the special use permit.*
- It is noted that 300 tons of solid waste will be generated. What does that consist of? *It is packaging, crates and other shipping materials. We do tend to over-estimate that quantity. Where is this disposed of? The Chaffee landfill or any transfer station that will accept it. It is material that any regular landfill would accept.*
- When equipment fails and is replaced, is that regulated and not thrown in a landfill? *Yes - recycling technology for panels has grown a lot over the years. The panels are made of aluminum silica. Who regulates it and are they recycled? We replace panels when they fall below 80% of capacity. Panels still produce electricity and can be used in other capacities. Broken or damaged panels would be recycled.*
- How did you determine that the adjacent property isn't used for hunting or trapping? *It is not public hunting lands.*
- The soil conditions map provided states that the reference maps are from Natural Resources Conservation Service. The response from Erie County indicates different percentages of prime farmland than you calculated. You reference the County AG SE district 15. Are we certain that this map is appropriate for Erie County? Mr. Johnson advised that all maps will be reviewed and compared thoroughly.

The Boards reviewed SEQR EAF PART One. Part Two does have corresponding questions that will be addressed at the next tentatively scheduled meeting on July 11, 2024.

- It was noted that there should be coordination with the Fire Department and Emergency Squad to ensure there's adequate space for vehicle turn around, Knox Box etc.
- Total number of panels will be 5,902; 227 racks. The largest proposed structure is between 12 and 14 feet, which is below 20-foot limit in the Code.
- During the heaviest construction of 3 to 4 months, a 10–15-person crew will be on site. There will not be dump trucks. The panels typically arrive in shipping containers. They will arrive regularly. Applicant can work with the Town to restrict delivery hours as needed.
- The listed construction schedule is 7a – 7p Monday through Saturday, with no work occurring on Sundays or holidays.
- There will be no pesticides as the vegetation works to the Applicant's advantage.

The Applicant did provide an additional report regarding the SEQR EAF. Mr. Reed asked if there were any questions based on that information. All are encouraged to review this document prior to our next meeting.

- Mr. Tarasek inquired about the additional stormwater. *There is currently stormwater runoff. We will not be changing that pattern.*
- Given this is an agricultural parcel, one consideration will be how this land is restored to useable farmland down the line once the life of the project is complete. *Ms. Parker-Fann responded that they do rest and reseed the land. They tend to use a good native and herbaceous seed species. It actually sets up a desirable future for the land.*
- Mr. Stocksclaeder asked if there is a finite life of this project. *We do not have a perpetual lease of this property. Once the lease term is up, the project is decommissioned. A redacted copy of the lease can be provided for review.*

- Does the landowner have the option to renew the lease? *These landowners will have the option to renew the lease twice, for five years each, up to a total of 35 years.* Does the landowner have the option to renew beyond that? Mr. Rice noted that would require a new Special Use Permit and additional approvals from the Planning Board.

Mr. Reed proposed to set the escrow for each proposed project at \$30,000.00. Ms. Schmitt-Ruof made a motion to approve, seconded by Mr. Eppolito. Motion was approved unanimously.

Eden II Solar - 2027 Eden Evans Center Road

This is a 99.49-acre property zoned R2. The proposed solar project is 20 acres. The front set back is 792 feet. The rear set back is 1700 feet. For the side setback we have a minimum of 67 feet. There is just one neighbor for this project. We do have a signed good neighbor agreement.

The following questions and comments were posed by the Boards (applicant responses in italics):

- Mr. Reed noted that it appears that a second good neighbor agreement is needed based on distance. Ms. Schmitt-Ruof confirmed that an agreement will be needed for Clementina Garcia. *Mr. Taravella will review and provide.*
- Mr. Reed noted that this project has a little different buffer. It is provided from the road. He inquired if the neighbors are aware there is no buffering. *Mr. Taravella noted it has been discussed. One neighbor is through the woods so no additional buffering is required.*
- Mr. Eppolito stated that these properties are about a mile apart. Mr. Reed asked if National Grid has any concerns about needing to upgrade the distribution? *Mr. Taravella noted that a study is performed outlining all upgrades RIC would be responsible for.* Mr. Reed asked if both projects affect the same substation? *Mr. Taravella confirmed this.*
- Ms. Kent asked if the lease allows the landowner to lease the remaining land for another use such as agriculture or a residence? *Mr. Taravella confirmed that it does.*
- Mr. Eppolito inquired if the landowner has access to the road to get to other areas of the property? *Mr. Taravella advised that they do.*
- Mr. Reed asked the applicant to go over the wetlands on this property. The project does encroach on them in a couple areas. *Ms. Parker-Fann noted there is an area that is DEC jurisdictional wetlands. They have confirmed that they are only claiming jurisdiction of a small portion plus the 100-foot adjacent area. We will avoid that area. The remainder is Army Corp of Engineers. We will need to coordinate with them for the access road.*
- Mr. Reed noted that the County letter notes that approximately 50% of this site contains prime farmland. They point to the Town solar code that states no more than 25% of farm soils/farmlands can be used. Mr. Reed wondered if this was per site? Mr. Johnson and Mr. Rice indicated that it is per site. Mr. Reed stated that this plan is well over. Mr. Tarasek noted that both prime and prime if drained are indicated. Mr. Johnson reiterated that all prime farmlands will be reviewed.
- On the Landscape Plan there is no landscaping along one whole row. Why is that? *That area is wetlands and therefore, there can be no planting.*

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- It was noted that there should be coordination with the Fire Department and Emergency Squad to ensure there's adequate space for vehicle turn around, Knox Box etc.
- Mr. Eppolito asked if construction of both sites will be at the same time? *Mr. Taravella - yes, if they're both approved, we would like to do them both together. If one is approved sooner than the other, we will proceed separately.*
- Mr. Buchanan asked if the applicant has any issues with getting needed materials and if so, do you anticipate any time delays? *Mr. Taravella noted that he is not in procurement but he has heard of some delays. If it becomes an issue with these projects, they would keep the Town updated.* Mr. Ventry noted that projects must be completed within 18 months of the issuance of the Special Use Permit.

The next meeting is tentatively scheduled for July 11, 2024 at 7:00 pm.

Mr. Romanowski motioned to adjourn the Planning Board meeting, seconded by Mr. Tarasek ; Motion approved unanimously.

Respectfully submitted,
Shelly Griebel, Secretary