

Town of Eden - Planning Board Minutes

July 11, 2024 7:00 pm

MEMBERS PRESENT:

Brian Reed, Chairman
Frank Meyer, DDS
Dan Buchanan
Jennifer Crowe

EXCUSED:

Andy Romanowski
Marc Timblin
Katrina Schmitt-Ruof
Joe Eppolito
Andy Tarasek

OTHERS:

Town Council – Vincent Vacco
Zoning Board of Appeals – Kristin Kent, Curtis Neureuter
Town Engineer – Dave Johnson
Applicant – **Eden Family Dental PLLC – 2763 West Church Street**
Valerie Sarcione, Senior Designer - Nussbaumer & Clarke
Dr. Kirsten Riester
Mr. Patrick Riester
- **Eden PV, LLC – 2394 West Church Street**
Sam Parker-Fann, Permitting Project Manager – RIC Energy LLC
Sheila Ransbottom, Project Engineer - Wendel Companies
- **Eden II PV, LLC – 2027 Eden Evans Center Road**
Sam Parker-Fann, Permitting Project Manager – RIC Energy LLC
Sheila Ransbottom, Project Engineer - Wendel Companies
- **Knoll Eden Solar LLC – 9549 Knoll Road**
Mia Morgillo, Solar Developer Associate – GreenSpark Solar
Brooke Mayer, Commercial Development Manager – GreenSpark Solar

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

Ms. Crowe made a motion to approve the minutes from the June 5, 2024 meeting. Seconded by Mr. Buchanan; Motion approved unanimously.

Eden Family Dental Site Plan Review

Ms. Sarcione stated that Eden Family Dental is seeking a site plan approval to construct a 1,340 sq ft addition to the existing dental facility at 2763 West Church Street. They are also proposing interior renovation to the existing structure along with demolition of the existing garage. The parking lot will remain the same. The lighting plan and photometrics remain to be worked on. The site plan has been updated to include demolition of the existing garage.

After discussion with the applicant the following items still need to be noted on the site plan:

- Outdoor lightning photometric plan and cut sheet in order to understand any additional lighting.
- For the proposed green space, Mr. Reed noted some detail is needed regarding what will be put in there. Dr. Riester stated that area will likely be small plants.
- The site plan should note the vinyl siding and that it will match/coordinate with the existing building.

- Existing signage and proposed new signage should be reflected on the plans along with sizes for all. Mr. Reed advised applicant to reference Town Code 225 29A, 17 for a sizing chart.
- Parking lot - Bollards and 4” rise curb
- If applicant chooses to have a Knox Box, this should be noted on the site plan.

Mr. Reed asked to see a drawing with lot lines. Ms. Sarcione will provide. Mr. Reed noted that the proposed addition will maintain the same foot print area as the existing garage. Ms. Sarcione noted that it will actually move further inside the property lines. Mr. Buchanan stated that it will be higher than the previous building. Mr. Rice advised that the height maximum is 35’ and this structure is below that.

Mr. Reed advised applicants that there can be no vote until the Board is provided with an updated site plan with the above additions. The next Planning Board meeting will be on August 7, 2024.

Eden PV LLC - 2394 West Church Street

Dr. Meyer made a motion to open the public hearing for SEQRA review for Eden PV LLC. Seconded by Mr. Buchanan; Motion approved unanimously.

Any audience member who wishes to speak can now do so. Please keeps comments to three minutes. The following individuals spoke:

Mr. Lamont Beers, 2880 Woodspirit

What is the benefit to Eden of this project?

Mr. Reed stated that part of our Solar Code (Town Code Section 172) puts forth to the Town Board options or opportunities for host community agreements or some type of benefit. It will be up to the Town Board once we move through SEQRA and site plan processes, to negotiate with each individual solar company a host community agreement that provides a benefit to the town.

I got something in the mail from Nexamp that I could participate in a future solar farm somewhere.

Mr. Reed noted that will be part of these installations, not just a contribution to the town. There is also an opportunity for a PILOT (Payment In Lieu of Taxes) but there can also be opportunity for Eden residents to have discounted power. The solar companies may choose to offer that to the residents.

Michael Rosowicz, 2100 New Jerusalem Road

Will these benefits be published? Any host community agreements should be public record. You should be able to look at Town Board minutes to see those.

How do you get to look at them? That’s a negotiated value for things such as farmland preservation or recreation opportunities in the town. Things of that nature have been considered in the past. It may be a dollar amount donated back to the town, indicated in host comm agreement between town and solar farm.

How do you access them? Mr. Rice stated that if it’s not in a minute record publicly you’d FOIL (Freedom of Information) the information. Mr. Reed advised that you would go to the Town Clerk requesting to FOIL the host community agreement for the specific project. They would have to provide you a copy of that agreement.

I want the town to get something out of it. Mr. Reed assured that’s what the host community agreement is. There are no details now but that’s up to the Town Board to negotiate.

Is there a time frame for this agreement to be negotiated? Before the special use permit is approved the Town will negotiate those terms. The process runs as follows: The Town Board initializes the Special Use Permit application. They then refer it to the Planning Board to review the site plan for things such as landscaping, impact on the environment, construction details, stormwater prevention details, etc. This process can take anywhere from one to three months or longer, depending on what we find and changes made with the solar company. Once we have that complete these two projects have a use variance request. The Zoning Board of Appeals will need to rule on those as well which will add time. If all goes very smoothly it's possible by late this year there could be an approval. There are lots of steps first – this is the first of many.

Ms. Crowe made a motion to close the public hearing for Eden PV LLC. Seconded by Dr. Meyer; Motion approved unanimously.

The Planning Board, along with representatives from the Zoning Board of Appeals, conducted a preliminary review of Part 2 of the SEQRA; the goal being to provide recommendations to the Town Board on what is discovered regarding how the environment and community is impacted by the proposed project. This matter will then be tabled until the next meeting, allowing more time to review the site plan and allow the applicant time to review and respond to the Town Engineer's comments. The following points were raised (applicant responses in italics):

- If a panel transformer leaks, can anything leech into the soil? Mr. Reed noted that part of the operations and maintenance plan we would expect inspections and remediation of any transformer leaks. Mr. Reed further noted that transformers that leak are extremely rare. It is a good call out to add to the operations and maintenance plan to ensure there is inspection around any transformers or any oil-filled equipment. *Transformers are located in one area. They can be filled with oil or a type of vegetable oil. The transformers are completely solid and self-contained, a consistency similar to a window pane. All components are to specific codes.*
- Once installation is complete, will there be any replanting or will the land go back to what it was naturally? Mr. Reed advised that will be covered in detail in the site plan as part of operations and maintenance and ultimately, the decommissioning plan. *We will use seed mix after the installation of facility.*
- Regarding the question of interfering with nesting, breeding, foraging or overwintering habits for predominant species, Mr. Reed asked if this could be addressed with wildlife fencing? Ms. Kent noted that Erie County, in their response, said that we should consider having access to the larger animals to go through. *We can do wildlife fencing. However, if a deer can get through, a human can get through which can present a safety concern. We have found on other sites that the landscaping creates a wildlife corridor which increases connectivity for mid-grade and larger species.* Mr. Buchanan stated there are two ways to do wildlife fencing – with smaller holes at the bottom or with the smaller holes at the top. Which way would you install the wildlife fencing? *We install with the bigger holes at the bottom and smaller to the top.*
- What is the Impact of the soil from commissioning the solar farm to the decommissioning of it, you tend to get a better product of the soil at the end. Can you talk a little bit about that? *Typical modern practices are rough on soil. The most common way to get soil back is to rest. This project will essentially rest the soil for 30 years. It will be seeded with pollinator seed mix which will help fix nutrients back into the soil. The land will not be regularly driven on or compacted. Army Corp has determined the pilings for the structures do not count as an impact to soil. Over the life, something that is minimally impacting the soil. There will be no crops that are stripping nutrients but rather plants that are putting nutrients back in. Decommissioning restores the land to a status that is farmable.* Mr. Reed noted that the key is a solid decommissioning plan. Mr. Buchanan agreed that, if all happens that way, you have a better product in the end. I don't see a negative impact to the soil but it depends on

making sure everyone follows through. Mr. Rice commented that because no chemicals are used, after decommissioning the soil would also be considered organic.

- Regarding impairment of aesthetic resources, Ms. Kent stated that several residents have commented that this type of project will impair their enjoyment of the aesthetics in their neighborhood visually. The Board reviewed the sub-questions and based on these criteria; this will have a small impact. The Planning Board will take into consideration a screening plan with landscaping so that it is not visible from the roadways. Surrounding properties within 200' are aware of this project and have entered into good neighbor agreements.
- Relating to noise concerns, construction hours are 7am – 7pm, Monday through Saturday. Mr. Reed asked how the steel foundations are installed; is it pile driven? *Yes. It is a very short installation timeframe – no more than one week. The transformers are the only thing that will really make noise. It is the equivalent of a loud refrigerator.*
- Regarding potential sky glow, Mr. Reed noted that there will be no lightning installed but conceded there is concern about reflectivity and glare from the panels. *The panels are anti-glare coated so they do not have a reflection or glare.* Mr. Reed asked if this is noted in the site plan. *Yes.*
- For the question of being inconsistent with community plans, this is a proposed solar field in an agricultural setting. There is also a use variance needed, which has been applied for separately with the Zoning Board of Appeals. Per the Town Solar Code (Section 172,8 L Agricultural Assessment, any proposed solar field cannot be more than 25% of prime soils or farmland of statewide importance. This site is 23%. There are currently no plans to do anything on the remaining lands or a secondary use within the area? *No. To clarify this parcel is not zoned agricultural. Farming of this land would go against the current zoning of this parcel.* Mr. Rice noted that farming of land is allowed; there would not be a 'home' farm in this zone.
- There is one missing good neighbor agreement as mentioned at the last meeting. *Yes. We are currently working with that resident to get the agreement completed.*

The next scheduled Planning Board meeting is August 7th at 7pm. At that time the Planning Board will finalize Part 3 of the SEQRA and submit a recommendation to the Town Board. We will also want to conduct a more thorough review of the site plan. The Town Board will ultimately decide on the SEQRA declaration. Their meeting is tentatively scheduled for August 14th, and then Zoning Board of Appeals will be August 15th. Ms. Kent advised only if the outstanding information is received. We will then potentially have a public hearing for the site plan with comment on the decommissioning plan in the month of September. The site plan approval will likely be determined in October.

Eden II PV LLC - 2394 West Church Street

Dr. Meyer made a motion to open the public hearing for SEQRA review for Eden PV LLC. Seconded by Ms. Crowe; Motion approved unanimously.

Michael Rosowicz, 2100 New Jerusalem Road

Years ago, if a transformer leaked it went into a buffer area. The transformer and the oil were inspected every few months. Is there a container area? *The transformer is fully cloaked and on a concrete pad.*

What are the benefits to the Town? *If there's a host community agreement, if you go to clerk file and file a foil request, you'll be able to see the agreement. The Town Board will likely have a public hearing for special use permit. That is also your opportunity to talk to your elected officials about what they're doing to protect or benefit the town.*

Will the reseeded include alfalfa or legumes to help build soil? *Its typically a base mix of clovers which build up soil, native asters and seeds conducive to pollinator habitat. We can provide a specific seed mix.*

Will there be upgrades to the Delameter Road substation? *Yes.*

Paul Alessi, 2450 West Church Street

At what point in this process when do the good neighbor agreements need to be completed? *They will need to be completed before we approve the site plan because there are specific requirements regarding setbacks and notifications. I haven't made headway with the company. Ms. Parker-Fann noted that a few offers have been made. She will pass the information along to Mr. Taravella.*

Mr. Lamont Beers, 2880 Woodspirit

Is this power going into National Grid? *Both sites are National Grid*

I would assume if there's enough solar farms, National Grid is going to have to upgrade their facilities; who pays for the upgrades? *The solar company will pay for those upgrades.*

Ms. Reed made a motion to close the public hearing for Eden II PV LLC. Seconded by Mr. Buchanan; Motion approved unanimously.

All members agree that the SEQRA is substantially the same for this project. This project is 16% of prime farmland, well below the 25% threshold.

The Planning Board will complete Part 3 of the SEQRA review and recommendation on August 7th. We do need to stress the importance of the decommissioning plan. Review CPL comments and submit a formal response directly to CPL. July 24th would be the deadline for receipt of information.

Knoll Eden Solar LLC – 9549 Knoll Road – Special Use Permit

This project is Knoll Eden Solar at 9549 Knoll Road. Applicants have appeared before the Town Board. The Town Board has referred the project to the Planning Board for SEQRA and Site Plan review.

Ms. Morgillo stated that GreenSpark has in the sustainable energy business for over 20 years, based out of the Rochester area. This is a 4-megawatt AC project, utilizing approximately 18.25 acres of a 90-acre parcel. The parcel is currently used for farming. We do intend to use solar grazing on this site.

Mr. Reed made a motion to set escrow for the proposed project at \$30,000. Dr. Meyer seconded. Motion approved unanimously.

The prime land being used for the proposed project is 22.3%. The Board conducted an initial review of the site plan, with the following comments (applicant comments in italics):

- What is farmed on the property now? *It's been a rotation, generally either corn or hay.*
- There may be some adverse visual impacts from Feddick Road. Feddick and Knoll Roads sit high and then there's a valley. We may want to notify the Town of Boston. *There are a lot of trees behind the project.*
- We have been requiring screening with other projects. Whether that screening is at the road or in front of the panels is up to you. With the line of site analysis, it is beneficial to show actual pictures of the site and with proposed vegetation.

- It appears the fencing holes will be smaller at the bottom. What is the benefit of that? *It will prevent smaller animals from entering where there will be animals grazing. It depends on the master service agreement for grazing; what the goals are for inside the fence.*
- The timeline for completion is 11 months? *Yes.*
- *Ms. Morgillo commented that, per Code 225-30 D6, a SWPPP is only required if you're within MS4 overlay district. Therefore, it's not technically required here but we do have one prepared if you'd like to look at it.* Mr. Johnson stated that it will actually be an erosion control plan. You should follow DEC Solar recommendations. We would like to see that.
- You're aware of decommissioning plan and bond of 150% with a 2% annual increase, reevaluated every 5 years, scrap price cannot be included.
- Is there a substation upgrade required? *We are awaiting our CESIR report, which is due in November. The hope is to start development in the summer of 2025.*
- Where are you putting geotextile fabric, on the whole site? *Just on the access road.*
- Is the proposed action a subdivision or include a subdivision? *We do intend to pursue a subdivision so that landowner can keep the AG exemption. The AG exemption can be kept without the subdivision. The acreage used for the solar farm would be deducted from the total for the exemption. You should follow up with the town Assessor Sue Johnson. If you subdivide it, you will not be in compliance with town code requiring use of only 25% of the parcel.*
- You answered that there has been a spill. *All spills have been recorded on the DEC Spill Analysis site and all have been closed, meaning remediated or not a hazard.*
- Outstanding items will be the line-of-sight analysis detail, the SWPP, \$30,000 escrow and response to CPL comments. We will hold the SEQRA public hearing next month.

Mr. Reed made a motion to set the public hearing for the SEQRA for Knoll Solar at 9549 Knoll Road for August 7, 2024 at 7:00 pm. Seconded by Dr. Meyer. Motion passed unanimously.

The tentative timeline moving forward will be to have the SEQRA public hearing in August, September will be Part 3 of the SEQRA and site plan review and October will be the site plan Public Hearing.

Mr. Buchanan motioned to adjourn the Planning Board meeting, seconded by Ms. Crowe; Motion approved unanimously.

Respectfully submitted,
Shelly Griebel, Secretary