

Town of Eden - Planning Board Minutes

November 6, 2024 7:00 pm

MEMBERS PRESENT:

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

OTHERS:

Town Council – Vincent Vacco, Susan Wilhelm
Town Engineer – Justin Steinbach
Applicants – **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 October minutes.

Mr. Reed made a motion to approve the minutes from the October 2, 2024 meeting. Motion approved unanimously.

Eden Knoll Solar LLC – Site plan review

Mia and Brooke from GreenSpark reviewed updates:

- The size of the proposed layout has been reduced from 18.57 acres to 16.33 acres, to a shift back to reduce the viewshed interruption from Knoll Road.
- The proposed project is now set back 669 feet.
- With these changes all but one row is still visible. We will attempt to lower that panel or remove the row. We would be happy to have this change stipulated as a condition of approval.
- As requested, references have been provided including the town of Huron, the town of Henrietta and the village of Brockport.

The Planning Board has received additional correspondence from Mr. Goldberg. It is acknowledged and will be forwarded to GreenSpark.

Mr. Reed did reach out to all references. The town of Henrietta pointed us to their website where all documentation is available for review. Mr. Reed is currently coordinating a time to speak with Roger Galante, the Building Inspector for the town of Huron, and did reach out to Mayor Blackman in Brockport but have not yet heard back. Any board member can feel free to reach out to any of the references provided as well with their questions.

Site plan review

- Drawing C-002: this is largely a reprint of NYS Ag and Markets solar energy project documentation. A couple sections appear to be missing. Please note on the drawing GreenSpark's adherence to the latest edition for all aspects from construction through monitoring and remediation, site stabilization and decommissioning to encapsulate all in the site plan.
- Drawing C200: the north end grid interconnection shows a utility pole and five customer poles. Our code is very clear that there should be minimal utility poles installed. GreenSpark will need to confirm what can be done with National Grid with the undergrounding of the five customer-owned poles. Nexamp was able to comply with this request. Mr. Reed provided GreenSpark with a copy of the Nexamp drawings for reference. If there is pad mounted equipment, we will need to consider some type of screening or fencing.
- The line-of-sight photos were discussed. The Board would like to see additional line of sight photos; for the north end of the array and the south end of the array from Knoll Road looking towards the array. The provided photos are a little misleading and almost point away. The photos are not realistic to what will actually be seen. There is concern that panels will still be visible from Knoll Road. Mr. Buchanan noted that GreenSpark has done a good job moving the panels off the top of the hill and back. Realistically they will be visible to some extent and this is a permitted use. Mr. Rice advised that there is nothing else in our code where it is required that what you build is not visible at all.
- The vegetation/screening along Knoll Road blocks the view that residents are concerned about it. Moving that screening back to the fence line would be more beneficial and preserve the natural view.
- The planting mix has been changed to Fuzz and Buzz mix. Justin noted this mix tends to be a typical mix that other solar developments do use. This mix was also proposed for Nexamp.
- GreenSpark did receive the CESIR. However, the study was conducted on the wrong substation. GreenSpark is currently working with the utility to expedite the re-evaluation of the correct substation.

Operations & Maintenance Plan

- Exhibit A, Section J, Item 24: The general site is called out to cover the fences, the gates, and your access roads. Screening maintenance needs to be added here. This screening maintenance should initially be annually to ensure the plantings have taken. At some point it could probably be spaced out further. It should also be noted that vegetation screening should occur early in the season so any problems can be addressed in a timely manner.
- The grazing agreement, which was submitted as a separate document, should be included in the Operations and Maintenance plan as an appendix.
- The Knox Box program was discussed to allow Town emergency personnel access in the event of a fire or emergency.

Decommissioning Plan

- Page 3, Paragraph 4, last sentence: this plan also covers the case of abandonment. Please add 'or termination of the special-use permit for the solar facility.'
- Page 5 lists two reasons for the decommissioning process to begin. Please add a third reason: 'The facility's special use permit was terminated for any reason.'
- Page 5, the very next paragraph states 'project owner provides written notice within six months of commencing decommission'. Please change this to read 90 days.

- Page 5, at the very end of the same paragraph add the sentence, ‘The Town of Eden shall be promptly notified in writing of every incidence of the facility ceasing to be operational within 10 days of the onset of such event.’
- Page 5, second to last paragraph add: ‘In addition to the annual escalator mentioned above, the owner shall pay for the town's engineer to verify the acceptability of the decommissioning bond amount at the time of annual renewal ff the special use permit on a periodic basis as set forth in the conditions of the special use permit and said bond amount shall be increased to the amount determined by the town's engineer.’
- Page 5, last paragraph after “of the site prior to construction.” We just want to insert satisfactory to the town, will be provided.’
- Page 7, Under Environmental Effects after the last sentence, add the sentence: ‘The Town's representatives shall be provided access to the site during decommissioning to monitor compliance with this agreement.’

Because there will be no additional substantial changes, this updated site plan information will be resubmitted to the Erie County and the Town of Boston for feedback.

Other Business – Existing Code Reviews

Recreational Use Setbacks

At the October 2nd meeting, research on the recreational setbacks was discussed. It was determined that the Planning Board recommendation was that our current setbacks for recreational uses were appropriate. The Town Board has asked that we formalize this with a motion and a vote.

Mr. Reed motioned to recommend no changes to the Town’s current recreational use setbacks as they are sufficient as compared to neighboring towns, seconded by Mr. Romanowski. Motion approved unanimously.

Lighting Requirements

Town Code does not currently have a lot of information about lighting requirements. Frank, Joe and Marc researched light spillage and dark sky requirements. They reviewed Amherst and West Seneca codes. They have created a draft code Chapter 225-17 Light Trespass (attached).

- We may want to eliminate the Prohibit Light Source language and work solely off complaints, should they arise.
- The sub-committee will work on some edits to the proposed code. The Board will then revisit at the December meeting and formalize a recommendation to the Town Board.

Mr. Reed motioned to adjourn the Planning Board meeting, seconded by Dr. Meyer; Motion approved unanimously.

Respectfully submitted,
Shelly Griebel, Secretary

A. Overview.

1. The prevention of light spillage (trespass) beyond property boundaries is of paramount concern to residents of Eden. MU-1 and MU-2 standards may further constrict standards presented in this chapter.

2. Definitions

A. Dark Sky Compliant: A fixture must be fully shielded and emit no light above the horizontal plane. There shall be no sag or drop lenses, side light panels, uplight panels, etc. Approved fixtures shall employ warm-toned (3000K and lower) white light sources or may employ amber light sources or filtered LED light sources.

B. Full cutoff fixture: a type of outdoor lighting that has no direct up-light, meaning that it does not emit any light above the horizontal plane.

C. A foot candle is a measurement of lumens per square foot, and is the imperial equivalent of lux, which is the metric measurement of lumens per square meter.

B. Illumination Level

1. Fixtures shall be dark sky compliant.

2. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line does not exceed 0.2 on adjacent residential use properties and 0.5 on adjacent commercial sites and public rights of way.

3. No direct light source shall be visible at the property line or above.

4. Lighting shall not be oriented to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

C. Sites adjacent to residential uses.

1. All lights shall be full cutoff fixtures to mitigate potential light nuisances to any residential use.

2. Illumination at the public right-of-way line when a nonresidential use is across the public right-of-way from a residential use shall not exceed one footcandle.

3. All light fixtures located within 50 feet of any residential use property line shall not exceed 15 feet in height.

4. Security lighting fixtures such as wall packs shall be full cutoff fixtures.

5. Canopy Area Lighting. All development that incorporates a canopy area over fuel sales, automated bank machines, or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution. Areas under a vehicular canopy shall have an average of 10 foot candles as measured at ground level at the inside of the outside edge of the canopy.

D. Prohibited Light Sources

1. Lighting fixtures that have flashing, rotating, moving, pulsing or alternating colored sources, except between Thanksgiving Day and January 15.

Note – this could probably be tweaked further. Section C may seem redundant (much of this code is from Amherst) but helps to get points across. An issue could be Prohibited Light Sources – what about Halloween? We should probably include Oct. 15-31 or thereabout.