

Town of Eden - Planning Board Minutes

October 1, 2025 7:00 pm

MEMBERS PRESENT: Brian Reed, Chairman
Dan Buchanan
Joe Eppolito
Fran McLaughlin
Andy Tarasek
Marc Timblin

EXCUSED: Frank Meyer, DDS
Andy Romanwoski, Vice Chair
Katrina Schmitt-Rouf

OTHERS: Glenn Christner, Code Enforcement Officer
Bridget O'Toole, Esq., Town Attorney for Alternative Energy
Dave Rice, Part Time Code Enforcement Officer

APPLICANTS: Kelly's Place – 8121 North Main Street
Alex Laks, Elite Property Management
Curtis Martin, TG Estates
RIC Development LLC:
Jim Taravella, Project Manager – Development
Peter Sorgi, Esq., Hopkins Sorgi & McCarthy LLC
Sheila Ransbottom, Project Engineer (Wendel Companies)

Mr. Buchanan called the meeting to order at 7:00pm.

At the August 6, 2025 Planning Board meeting a resolution was adopted declaring the Planning Board as Lead Agency for the Greene Acres Family Farm project. As the Town Board had previously declared itself as Lead Agency, the August 6, 2025 resolution is hereby rescinded.

Motion made by Mr. Buchanan, seconded by Mr. Reed. Motion approved unanimously.

Mr. Buchanan read the following Negative Declaration Recommendation motion for Greene Acres Family Farm into the minutes:

The Planning Board carefully reviewed this project, comparing it to all the listed “Criteria” for determination of significance set forth in SEQR Regulations (6NYCRR 617.7). Based upon the foregoing, the Town of Eden Planning Board determined that the proposed project will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations.

The result of this review is that a Notice of Determination of Non-significance (Negative Declaration) is hereby recommended to the Town Board for the proposed Greene Acres Family Farm – 3618 Eckhardt Road. Via email, motion made by Mr. Buchanan; seconded by Mr. Timblin. Motion unanimously approved.

Mr. Timblin made a motion to approve the minutes from the September 3, 2025 meeting; seconded by Mr. Eppolito. Minutes approved.

8121 N Main Street – Kelly’s Place – Site Plan Review Public Hearing

Kelly’s Place is applying to build the final two apartment buildings from the original plan. The board has reviewed the site plan and had the following comments (applicant responses in italics):

- At the September meeting, there was some question about the SWPPP. *The previous SWPPP has been closed out. Because the area of disturbance exceeds one acre, a new SWPPP will be opened.*
- The new fencing on the site plan will match the existing fencing? *Yes.* It will be right on the property line and run parallel to Route 62? *Yes.*

Mr. Buchanan made a motion to open the public hearing at 7:09pm, seconded by Mr. Reed. Motion approved.

Mr. Buchanan asked if anyone present would like to speak.

Larry Hawkins – 8065 North Main Street

Mr. Hawkins expressed the following concerns:

- Privacy – this is basically in my backyard. The road for Kelly’s Place is 2 feet taller than the grade of my property. A six-foot privacy fence won’t do much.
- When the project stopped a few years ago, no one ever maintained the back area. I spend a lot of time in my backyard and take good care of my property. The previous owners did not do the things they said they would.
- Concerned about how new lighting will shine onto my property.
- There is a walking path and bench meant for residents in the back but that also has never been maintained.

Ryan O’Gorman – 8014 North Main Street

- I am concerned about fencing. Not for the privacy but we farm that field right next to Kelly’s Place. When we are on big equipment, we would never see anyone in the field. For safety reasons, there should be fencing along that property line as well.
- How will new lighting affect my property?

Mr. Buchanan made a motion to close the public hearing at 7:20pm, seconded by Mr. Reed. Motion approved.

Based on resident concerns, Mr. Buchanan asked if Kelly's Place would consider an 8-foot fence along Mr. Hawkin's property line and a 6-foot privacy fence between the property and the ShurFine parking lot. Mr. Rice noted that, per Code, if a fence is higher than 6 feet, it's considered an accessory structure and must be 5 feet off the property line. *Yes. We can make those fencing changes.*

Mr. Buchanan asked if Kelly's Place is willing to maintain and improve the walking path area. *In years past there were kids on four wheelers and ATVs going back there. We were concerned about someone getting hurt. Therefore, we stopped maintaining it.* Mr. Eppolito suggested posting signage prohibiting recreational vehicles.

Mr. Reed made a motion to approve the site plan for the expansion of Kelly's Place with the following conditions:

- **8-foot privacy fence to run from the northbound property through near Sure Fine, jog down to 6 feet and continue behind Sure Fine building on the north side of the property.**
- **6-foot privacy fence That'll run on the north side along the farm field**
- **A plan to continue to improve maintenance of property and walking path**

Motion seconded by Mr. Buchanan. Motion approved unanimously.

2394 West Church St – Eden PV LLC – Site Plan Determination

This is a proposed a 3.2-megawatt utility-scale solar project. RIC has gone through the SEQRA process, EIS process and have received a use variance from the Zoning Board of Appeals.

The below items were discussed (*applicant responses in italics*):

- Have all Good Neighbor agreements been completed? *There is one resident we have been unable to contact. This project was originally designed with 570 watt, 2-panel arrays. Just recently we have secured 630 wat, 1-panel arrays. These smaller panels will allow us to shift the field in such a way that we meet the 200-foot setback requirement for that parcel.*
- This change will require an updated site plan, SWPPP and Decommissioning Plan. *We will provide those updated documents.*

Mr. Reed made a motion to adopt the below resolution granting site plan approval; seconded by Mr. Eppolito, motion approved unanimously.

**TOWN OF EDEN PLANNING BOARD RESOLUTION
GRANTING SITE PLAN APPROVAL FOR THE PROPOSED
EDEN PV SOLAR PROJECT**

WHEREAS, Eden PV, LLC (the “Applicant”) applied to the Town of Eden Planning Board for Site Plan Approval for the construction of a 3.2 MW community solar energy generation facility at 2394 West Church Street, Eden, New York (the “Project”); and

WHEREAS, the Applicant filed its application for site plan approval for the Project on or about January 31, 2024, and provided supplements on or about February 14, 2024, May 14, 2024, July 25, 2024 and August 19, 2025 (the “Application”); and

WHEREAS, the Project will be located on approximately 14.17 acres of a 98-acre parcel and will consist of approximately 5,902 solar panels, 10 inverters, 1 transformer, underground and limited overhead electrical lines, an access road, fencing, stormwater controls, and associated landscaping; and

WHEREAS, the Town Board, as Lead Agency, accepted a Final Environmental Impact Statement and adopted a Findings Statement on September 10, 2025, concluding that the Project avoids or mitigates adverse environmental impacts to the maximum extent practicable; and

WHEREAS, pursuant to Article VI of the Town Zoning Code, the Planning Board is authorized to review and approve site plans, taking into account the factors set forth in §§ 225-25 through 225-27, and other applicable provisions;

WHEREAS, the Planning Board makes the following findings of fact with regard to the site plan of the Project:

1. Ingress and Egress / Traffic Circulation – The Project provides safe and adequate access from West Church Street via an upgraded gravel access road. The internal circulation is sufficient for construction and maintenance vehicles, and emergency access has been reviewed and accepted subject to coordination with the Eden Fire Department.
2. Parking – Parking needs for the Project are minimal and are limited to occasional maintenance visits. A staging/parking area has been designated on the Site Plan, which satisfies Town Code § 225-27 regarding off-street parking.
3. Utilities and Services – Electric interconnection has been reviewed through a completed Coordinated Electric System Interconnection Review (CESIR) and is feasible at the Delameter Road Substation. No water or sewer demand is generated by the Project.
4. Drainage and Stormwater Management – A SWPPP has been prepared and accepted for the site and will be updated based upon revised site plan dated 10/1/25. Grading, erosion, and sediment control measures shown on the Site Plans are consistent with Town standards and NYSDEC requirements.
5. Screening and Landscaping – An updated landscaping plan was provided with the FEIS in response to Planning Board comments which provides for adequate visual screening of the Project. A pollinator-friendly seed mix has been proposed for groundcover, and existing vegetation will be preserved where feasible to buffer the facility. These measures provide adequate screening and environmental benefit.

6. Compatibility with Adjacent Uses – The site is currently used as a golf driving range and is surrounded by low-density residential and agricultural land. With proposed landscaping, setbacks, and Good Neighbor Agreements, the facility is compatible with adjoining uses.
7. Environmental Resources – The Project avoids jurisdictional wetlands and streams to the maximum extent practicable. Agricultural mitigation measures consistent with NYSDAM Solar Guidelines will be implemented.
8. Public Health and Safety – The Project poses no undue hazard. Equipment is compliant with electrical codes, inverters produce minimal electromagnetic interference, and shut-off mechanisms will be clearly marked for emergency responders.
9. Conformance with Town Code – The Project, as conditioned, complies with the Town of Eden zoning and site plan standards, including setbacks, height, and yard requirements, and satisfies the standards in the Town’s site plan review regulations. The Applicant obtained a use variance for the Project from the Zoning Board of Appeals on September 18, 2025.
10. Operations and Maintenance – The Applicant has submitted an Operations and Maintenance Plan providing for routine inspections, vegetation management, and component testing to ensure safe, ongoing facility performance.
11. Decommissioning – A Decommissioning Plan provides for removal of all solar modules, racking, inverters, transformers, and foundations at the end of the project life, with restoration of the site to pre-existing or agricultural conditions. The plan will be revised in light of the 10/1/2025 drawings and submitted to the Town Board for approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board hereby joins and adopts the SEQRA Findings Statement of the Town Board dated September 10, 2025.

AND THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board hereby **GRANTS** site plan approval for the Project as described in the Application subject to the following conditions:

1. Obtaining a Special Use Permit from the Eden Town Board.
2. Maintenance of existing and planted vegetation as specified in the landscape plan for the life of the project.
3. Implementation of the SWPPP and erosion control measures during construction.
4. Obtaining all necessary permits and jurisdictional determinations from NYSDEC and the U.S. Army Corps of Engineers prior to work in regulated areas.
5. Adherence to NYSDAM Agricultural Mitigation Guidelines under the supervision of an Environmental Monitor.
6. Establishment and maintenance of pollinator-friendly vegetation as proposed.
7. Execution of an acceptable decommissioning agreement and posting of financial security in the amount of 150% of the approved decommissioning cost estimate, with automatic annual escalators.
8. Execution of an acceptable PILOT and/or Host Community Agreement between the Town Board and the Applicant.
9. Maintenance of required Good Neighbor Agreements with adjoining landowners.

10. Submission of a revised site plan and SWPPP consistent with the drawing presented to the Planning Board dated October 1, 2025.
11. Coordination with emergency responders, including training and marking of shut-off equipment.
12. Continuous compliance with all federal, state, and local laws and approvals.

AND THEREFORE, BE IT FURTHER RESOLVED, that upon satisfaction of the above conditions, the Planning Board Chair is authorized to sign the Site Plans, and this Resolution shall constitute the Planning Board's final action granting Site Plan Approval.

2027 Eden Evans Center Road – Eden II PV LLC – Site Plan Determination

This is a proposed a 4.02-megawatt utility-scale solar project. RIC has gone through the SEQRA process, EIS process and have received a use variance from the Zoning Board of Appeals.

This project also had one outstanding Good Neighbor Agreement and will utilize the smaller panels and arrays to move the project to beyond the 200-foot setback requirement. This change will require an updated site plan, SWPPP and Decommissioning Plan.

Mr. Reed made a motion to adopt the below resolution granting site plan approval; seconded by Mr. McLaughlin, motion approved unanimously.

**TOWN OF EDEN PLANNING BOARD RESOLUTION
GRANTING SITE PLAN APPROVAL FOR THE PROPOSED
EDEN PV SOLAR PROJECT**

WHEREAS, Eden II PV, LLC (the “Applicant”) applied to the Town of Eden Planning Board for Site Plan Approval for the construction of a 4.04 MW (AC) community solar energy generation facility at 2027 Eden Evans Center Road, Eden, New York (the “Project”); and

WHEREAS, the Applicant filed its application for site plan approval for the Project on or about January 31, 2024, and provided supplements on or about February 14, 2024, May 14, 2024, July 25, 2024 and August 19, 2025 (the “Application”); and

WHEREAS, the Project will be located on approximately 22.65 acres of a 99.49-acre parcel and will consist of approximately 10,600 solar panels, 13 inverters, 2 transformers, underground electrical collection with a short overhead gen-tie line, an access road, fencing, stormwater controls, and associated landscaping; and

WHEREAS, the Town Board, as Lead Agency, accepted a Final Environmental Impact Statement and adopted a Findings Statement on September 10, 2025, concluding that the Project avoids or mitigates adverse environmental impacts to the maximum extent practicable; and

WHEREAS, pursuant to Article VI of the Town Zoning Code, the Planning Board is authorized to review and approve site plans, taking into account the factors set forth in §§ 225-25 through 225-27, and other applicable provisions;

WHEREAS, the Planning Board makes the following findings of fact with regard to the site plan of the Project:

1. Ingress and Egress / Traffic Circulation – The Project provides safe and adequate access from Eden Evans Center Road via a permeable gravel access road. The internal circulation is sufficient for construction and maintenance vehicles, and emergency access has been reviewed subject to coordination with the Eden Fire Department.
2. Parking – Parking needs are minimal and limited to occasional maintenance visits. A staging/parking area has been designated on the Site Plan, which satisfies Town Code § 225-27 regarding off-street parking.
3. Utilities and Services – Electric interconnection has been reviewed through a completed Coordinated Electric System Interconnection Review (CESIR) with National Grid and is feasible at the Delameter Road Substation. No water or sewer demand is generated by the Project.
4. Drainage and Stormwater Management – A SWPPP has been prepared and accepted for the site and will be updated based upon revised site plan dated September 25, 2025. Grading, erosion, and sediment control measures shown on the Site Plans are consistent with Town standards and NYSDEC requirements.
5. Screening and Landscaping – Existing vegetation will be preserved where feasible, and supplemental plantings of native trees and shrubs will provide additional screening. A pollinator-friendly seed mix will be used for groundcover, enhancing environmental benefits.
6. Compatibility with Adjacent Uses – The site is primarily agricultural and buffered by wooded areas and setbacks. With landscaping and fencing, the facility is compatible with adjoining residential and agricultural uses.
7. Environmental Resources – The Project avoids jurisdictional wetlands and streams to the maximum extent practicable and will obtain any required permits from the US Army Corps of Engineers and/or NYS Department of Environmental Conservation. Agricultural mitigation measures consistent with NYSDAM Solar Guidelines will be implemented.
8. Public Health and Safety – The Project poses no undue hazard. Equipment is compliant with electrical codes, inverters produce minimal electromagnetic interference, and shut-off mechanisms will be clearly marked for emergency responders.
9. Conformance with Town Code – The Project, as conditioned, complies with the Town of Eden zoning and site plan standards, including setbacks, height, and yard requirements, and satisfies the standards in the Town’s site plan review regulations. The Applicant obtained a use variance for the Project from the Zoning Board of Appeals on September 18, 2025.
10. Operations and Maintenance – The Applicant has submitted an Operations and Maintenance Plan providing for routine inspections, vegetation management, and component testing to ensure safe, ongoing facility performance.

11. Decommissioning – A Decommissioning Plan provides for removal of all solar modules, racking, inverters, transformers, and foundations at the end of the project life, with restoration of the site to pre-existing or agricultural conditions.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board hereby joins and adopts the SEQRA Findings Statement of the Town Board dated September 10, 2025.

AND THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board hereby **GRANTS** site plan approval for the Project as described in the Application subject to the following conditions:

13. Obtaining a Special Use Permit from the Eden Town Board.
14. Maintenance of existing and planted vegetation as specified in the landscape plan for the life of the project.
15. Implementation of the SWPPP and erosion control measures during construction.
16. Obtaining all necessary permits and jurisdictional determinations from NYSDEC and the U.S. Army Corps of Engineers prior to work in regulated areas.
17. Adherence to NYSDAM Agricultural Mitigation Guidelines under the supervision of an Environmental Monitor.
18. Establishment and maintenance of pollinator-friendly vegetation as proposed.
19. Execution of an acceptable decommissioning agreement and posting of financial security in the amount of 150% of the approved decommissioning cost estimate, with automatic annual escalators.
20. Execution of an acceptable PILOT and/or Host Community Agreement between the Town Board and the Applicant.
21. Maintenance of required Good Neighbor Agreements with adjoining landowners.
22. Submission of a revised site plan and SWPPP consistent with the drawing presented to the Planning Board dated September 25, 2025.
23. Coordination with emergency responders, including training and marking of shut-off equipment.
24. Continuous compliance with all federal, state, and local laws and approvals.

AND THEREFORE, BE IT FURTHER RESOLVED, that upon satisfaction of the above conditions, the Planning Board Chair is authorized to sign the Site Plans, and this Resolution shall constitute the Planning Board's final action granting Site Plan Approval.

Meeting adjourned at 7:54pm.

Respectfully submitted,
Shelly Griebel, Secretary