

TOWN OF RIDGEWAY
410 West Ave
Medina, NY 14103
PLANNING BOARD MINUTES
October 7, 2020

MEMBERS PRESENT:

Tom Fenton (Chairman)
Thomas Kline
Tim Elliott ABSENT
Richard Fisher
Kathy Blackburn

Others Present

Janet Ward- Next Era
Shaun Logue- MRB
Michael Frateschi- TJA
Anna Callard
Mike Kuhman
Jennifer Schamberger- Hodson Russ

Others present VIA Telecommunication Meeting

Joe Hamel- Next Era
Ed Thering

CALL TO ORDER:

Chairman Fenton opened the meeting with Pledge of Allegiance at 7:00 pm

APPROVAL OF THE AGENDA:

Chairman Fenton called for a motion to approve the October 7th, 2020 Agenda. Motion was made by Kathy Blackburn to accept the meeting agenda; second by Tom Kline. All were in favor and the motion was carried.

APPROVAL OF THE MINUTES:

Chairman Fenton called for the approval of minutes for the September 9, 2020 meeting. Motion was made by Kathy Blackburn to accept the minutes as written; Tom Kline seconded the motion. All were in favor and the Motion was carried.

COMMUNICATIONS:

Tom Fenton attended training offered Association of Towns- webinar 9/25/2020 12-2pm on Planning & Zoning Basics and Citing of Major Solar, Wind and Alternative Energy Generation: New Legislation. The planning board received approval from the county planning board for the 10749 Ridge Rd Pond SUP. Chairman Fenton shared that Keeler Construction on Route 31a will be expanding their paving business.

NEW BUSINESS:

Chairman Fenton opened the Public hearing for Steven Miller's SUP for a 40,000 sq ft pond located at 10749 Ridge Road. Since no residents were present specifically for the public hearing, Chairman Fenton

left the public hearing open for 5 minutes then closed the public hearing. The planning board members looked over the application and discussed the site visit made by chairman Fenton and Dan Wolfe-code enforcement officer. It was determined that they would like a better map of the property with delineations with measurements of where the pond is located specifically with measurements for pond and distances from property lines. Chairman Fenton called for a motion to approve the SUP with the above stipulation. Kathy Blackburn made the motion with a second by Richard Fisher. All were in favor and the motion was carried.

OLD BUSINESS:

2800 Swett Road Solar Project

The planning board had tabled the decision to approve/disapprove the project plan until this meeting, October 7, 2020. The board looked over a letter of recommendation from MRB Group dated 9/29/2020 that had 4 specific points of interest. Chairman Fenton called for a motion to adopt the following resolution:

RESOLUTION 7: 10-7-2020

**Resolution Approving With
Conditions the Special Use Permit
and Site Plan for the DG New York
CS, LLC Solar Energy Project at 2800
Swett Road, Town of Ridgeway**

WHEREAS, the Planning Board of the Town of Ridgeway (the "Planning Board") has received an application from DG New York CS, LLC for a 3.19 MWac solar energy generating facility at 2800 Swett Road, Lyndonville, New York 14103, SBL # 47.-1-65, in the Town of Ridgeway (the "Project"), which application, as amended deleted the energy storage facility and made other changes to conform to the requirements of the Town Code; and

WHEREAS, the Planning Board has, acting as Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA"), issued a Negative Declaration of Environmental Significance for the Project and no agency has objected to the Town acting as Lead Agency; and

WHEREAS, the Planning Board has conducted a duly noticed public hearing and referred the Project to the County Planning Board

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Town of Ridgeway that:

1. The Planning Board hereby makes the following findings
 - a. The proposed Project is a Utility-Scale Solar Energy System as defined in Section 790 of the Town Zoning Code

b. The proposed Project meets all setbacks and other requirements, including height limitations and coverage ratios for utility scale solar under the Town Code. The Project is proposed for use district in which utility solar is authorized.

c. In accordance with the criteria of the Town Code the proposed Project is accessible to emergency vehicles and personnel, all support structures and devices are non—reflective or painted a drab color, the information provided demonstrates that the system shall not reflect solar rays onto neighboring properties, public roads, or public parks, artificial lighting is shielded and limited to safety purposes only,

d. The Site Plan meets all requirements of the Town Zoning Code, including providing for necessary landscaping and screening.

e. As noted in the environmental review, the development of the Project will not have a significant adverse impact on fish, wildlife, or plant species or their habitat or other significant habitats identified by local, state or federal agencies.

f. The proposed special use is consistent with the general intent of the Town's Comprehensive Plan and with each of the specific purposes set forth in the Town Zoning Code.

g. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the zoning district.

h. Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.

i. The proposed special use satisfies each and all standards and conditions specified for such special use (utility-scale solar) by the relevant provisions of the Special Use Permit Article of the Town Zoning Code.

j. In making its determination on the Site Plan for the proposed Project, the Planning Board has considered the General Criteria listed in section 1105 of the Town Zoning Code, to the extent each item is considered appropriate. In addition to the determinations made within the determination of environmental significance,, and those referenced in these Findings, the Board notes that it has reviewed the adequacy of storm-water and drainage facilities, and finds that they are in compliance with the requirements of the Code, reviewed the adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation, considered the protection of adjacent or

neighboring properties against noise, glare, unsightliness or nuisances, the adequacy of fire lanes and other emergency zones and the provision of fire hydrant,

2. The Special Use Permit and Site are approved subject to the following conditions, which in addition to any conditions for obtaining building or other permits under Section 790 of the Town Zoning Code.

- a. The Town Engineer review letters dated August 31 and September 29, 2020 are to be addressed prior to the site plans being signed by the Planning Board Chair.
- b. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
- c. Special Use Permit approval is conditioned on the DG New York CS, LLC Solar Energy Project Operations & Maintenance Manual last revised June 25, 2020, revised per the Town Engineer letter dated September 3, 2020.
- d. Special Use Permit approval is conditioned on the DG New York CS, LLC Solar Energy Project Decommissioning Plan (the "Decommissioning Plan") last revised September 3, 2020, which is hereby accepted,
- e. Special Use Permit approval is conditioned on the Stormwater Pollution Prevention Plan (SWPPP) for the DG New York CS, LLC Solar Energy Project last revised September 2020. No permits shall be issued until the NYSDEC Acknowledgement letter has been received by the Town Building & Zoning Department.
- f. Prior to obtaining a building permit, the Applicant must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Ridgeway at its discretion) for the removal of the Solar Energy System, with the Town of Ridgeway as the designated assignee/beneficiary, in the amount approved by the Planning Board in the Decommissioning Plan.
- g. The Decommissioning bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal, or a mechanism for a licensed engineer retained by the Applicant to submit a revised estimate every three years for approval by the Planning Board.
- h. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season. All trees shall be installed at a minimum height of 8' at planting and if to be replaced.
- i. ACOE and NYSDEC permits are to be obtained and provided to the Town of Ridgeway prior to issuance of permits.
- j. If the use of an approved Solar Energy System is discontinued, the owner or

operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 90 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Solar Energy Systems or without production of energy and offsite sale to and consumption by one or more customers for Solar Energy Systems.

- k. As part of the requirements for a certificate of completion, at the completion of the project, as-built drawings shall be submitted. These drawings should accurately represent the location of all project related utilities and structures. They should also demonstrate compliance with the Town's Local Law #1 of 2019

3. This Resolution is effective immediately

PASSED AND ADOPTED BY THE PLANNING BOARD OF THE TOWN OF RIDGEWAY on the 7th day of October, 2020

Offered by Kathy Blackburn who moved its adoption.

Seconded by Tom Kline.

Adopted: 3 Ayes (Chairman Fenton, Kathy Blackburn, Tom Kline)

0 Nays

1 Abstention (Richard Fisher)

Medina Ridgeway Solar Project- two sites- 11074 and 11202 Ridge Road. 11074 Ridge Rd (west), owned by Richard Fisher, is a 3000 kW PV generator system 2000 kW/4384kWh DC Coupled Battery Energy Storage System with interconnection to the West Region/Genesee Region. 11202 Ridge Rd, owned by Kenneth Fisher, is a 5000 kW PV generator system 4000 kW/8768 kWhr DC Coupled Battery Energy Storage System with interconnection to the West Region/Genesee Region. Mike Frateschi- TJA Solar was present to answer any further questions as well as Shaun Logue- MRB Group. Shaun reminded TJA to get the revisions in so we could also possibly move forward on the SEQR at the next meeting. Chairman Fenton then asked for a motion to adopt the following resolution:

RESOLUTION 8: 10-7-2020

RESOLUTION CALLING FOR A PUBLIC HEARING ON THE TJA-NY-11074 RIDGE RD MEDINA LLC AND TJA-NY-11202 RIDGE RD MEDINA LLC SOLAR PROJECTS AND REFERRING THE PROJECTS TO THE COUNTY PLANNING BOARD

WHEREAS, the Planning Board is considering two applications submitted by TJA-ny-1174 Ridge Rd Medina LLC and TJA-NY-11202 Ridge Rd Medina LLC for solar energy systems (the "Projects") on parcels with the mailing addresses of 11074 Ridge Road and 11202 Ridge Road in the Town of Ridgeway; and

WHEREAS, The Planning Board wishes to hold a public hearing on the Projects and receive input from the County Planning Board,

NOW, THEREFORE, BE IT RESOLVED,

1. A public hearing will be held on the Projects on November 4, at 7:05pm at the Town Hall. The Town Clerk Shal publish notice of the hearing in the Town's official newspaper and post the notice.
2. The Projects applications shall be referred to the County Planning Board.
3. This Resolution shall be effective immediately

PASSED AND ADOPTED by the Planning Board of the Town of Ridgeway on the 7th of October, 2020.

Offered by Kathy Blackburn who moved its adoption.

Seconded by Tom Kline.

Adopted: 3 Ayes (Chairman Fenton, Kathy Blackburn, Tom Kline)

0 Nays

1 Abstention (Richard Fisher)

OTHER NEW BUSINESS:

Chairman Fenton discussed appointing Tim Elliott as Vice Chairman for the Planning Board with the other members. He then asked for a motion to adopt the following resolution:

RESOLUTION 9: 10-7-2020

**RESOLUTION CALLING FOR THE
REFERRAL/APPROVAL OF TIM
ELLIOTT AS VICE CHAIRMAN OF THE
TOWN OF RIDGEWAY PLANNING
BOARD TO THE RIDGEWAY
TOWNBOARD**

WHEREAS, the Planning Board is considering appointing Tim Elliott as Vice Chairman of the Town of Ridgeway Planning Board; and

WHEREAS, the Planning Board wishes to receive approval from the Ridgeway Town Board.

NOW, THEREFORE, BE IT RESOLVED,

1. The request to appoint Tim Elliott as Vice Chairman of the Planning Board shall be referred to the Ridgeway Town Board
2. This Resolution shall be effective immediately

PASSED AND ADOPTED by the Planning Board of the Town of Ridgeway on the 7th of October, 2020.

Offered by Kathy Blackburn who moved its adoption.

Seconded by Tom Kline.

Adopted: 4 Ayes (Chairman Fenton, Kathy Blackburn, Tom Kline, and Richard Fisher)

0 Nays

Chairman Fenton asked if there were any other issues or concerns. He then stated that he had spoken to the town supervisor and shared that the Town Board was moving closer to adopting a Battery Storage law. Chairman Fenton asked for a motion to adjourn the meeting. Kathy Blackburn made the motion and was seconded by Richard Fisher. All were in favor and the motion was carried. The meeting was adjourned at 7:25pm.

Next meeting is scheduled for November 4, 2020 at 7:00 pm.

Respectfully Submitted by
Joelle Brown
Planning Board Clerk