

TOWN OF RIDGEWAY
410 West Ave
Medina, NY 14103
PLANNING BOARD MINUTES
August 2, 2023

MEMBERS PRESENT:

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

Others Present

Curtis Jakubec
John Gebera
Jason Raduns- Code Enforcement
Shaun Logue- MRB
Jenn Delaney- Nexamp, Inc
Mark Kenward- Erdman Anthony
Sydney Shivers- Next Era
Janet Ward- Next Era

CALL TO ORDER:

Chairman Fenton opened the meeting with Pledge of Allegiance at 7:01 pm

APPROVAL OF THE AGENDA:

Chairman Fenton called for a motion to approve the August 2nd, 2023 Agenda. Motion was made by Kathy Blackburn to accept the meeting agenda; second by Richard Fisher. All were in favor and the motion was carried.

APPROVAL OF THE MINUTES:

Chairman Fenton called for the approval of minutes for the July 5th, 2023 meeting. Motion was made by Richard Fisher to accept the minutes as written; second by Tom Kline. All were in favor and the motion was carried.

COMMUNICATIONS:

Chairman Fenton stated that they have begun construction on the cell tower on Marshall Road. Marie Wehling has accepted a position on the Zoning Board of Appeals as a permanent member.

NEW BUSINESS:

Public Hearing for Curtis Jakubec-SUP recreational pond at 10839 Ridge Road, Medina, NY was opened at 7:04pm. The applicant Curtis Jakubec was present as well as one neighbor for the public hearing. The County Planning Board has approved the application as submitted to them with the stipulation we change the error stating 95' setbacks to 105' setbacks. There were no other questions, concerns or comments from the participants. Chairman Fenton called for a motion to close the public hearing at 7:25 pm. A motion was made by Kathy Blackburn with a second by Richard Fisher. All were in favor, and the

motion was carried. Tim Elliott made a motion to approve the SUP application with the setback changes, a second was made by Kathy Blackburn. All were in favor and the motion carried.

A sign permit application was submitted by Automotive Solutions for an illuminated 3' x 8' sign to go on the front of the building. The board discussed the application with code enforcement officer. The board stated that the town of Ridgeway regulations state signage cannot be over 64 square feet and no more than two signs will be permitted. The property is already over that square footage and has two signs. Per planning board suggestion, Code enforcement officer will contact the county planning board to gain assistance on what constitutes as a sign i.e.: phone number, address, etc. as well as recalculate the entire properties sign square footage. A motion was made to send entire application, once information from code enforcement is obtained, to the Town of Ridgeway Zoning Board of Appeals. The application is tabled until next month.

Code enforcement office- Jason Raduns presented an updated special use application for ponds for the board to consider using. A motion to adopt this form going forward was made by Kathy Blackburn with a second by Tim Elliott. All were in favor and the motion carried.

OLD BUSINESS:

2800 Swett Road Solar- Janet Ward and Sydney Shivers from Next Era were here to update the planning board on the status of the project in regard to correspondence from Jason Raduns, code enforcement officer. Janet indicated that NextEra is the new developers of the program, Sydney Shivers is the contact person as of right now. She stated that mowing of the property was completed 8/1/2023. They have been in contact with the landscaping company. They will be sending out a representative to address the dead trees in the tree line. They will not be replaced until the fall, as that is the optimal time for planting. Operations and maintenance plan states mowing inside the fence two times per year. Due to the pollination mix planted they won't be mowing that until it is done pollinating. The land owner is responsible for mowing between the fence and the trees and the remaining perimeter. He is aware that NextEra did go ahead and mow this on 8/1/2023. New contact information was given to the Code Enforcement office. Testing and completion should take place by the end of August 2023. Once permission to operate letter is drafted and finished project drawings are completed, Next Era will contact Jason for a final inspection and close out the building permit. Next Era will pay \$3000.00 for the renewals for 2021, 2022, and 2023. Going forward annual renewal will be due each year by the end of the month in which the project was completed and building permit closed out. Code enforcement will send invoices for the annual renewals to Sydney Shivers. Sydney will contact Code enforcement if Contact information should change. A motion was made to extend the SUP/Building permit until 10/31/2023 by Tim Elliott with a second by Tom Kline, all were in favor and the motion was carried. Richard Fisher abstained from the vote.

2668 Swett Rd Solar 1, LLC- extension request due to National Grid needs more time (SUP extended until 8/3/2023 due to sale of the project) Marc Kenward from Erdman Anthony and Jenn Delaney from Nexamp were present. Marc stated he was no longer involved in the project but Borrego/New Leaf asked him to present on their behalf because he was familiar with the project and the Town of Ridgeway. The project was sold from Borrego to New Leaf Energy and then again to Nexamp, Inc. Borrego is strictly doing operation and maintenance. National Grid issued a three-page memo dated 5/2023, indicating a policy change that would not be completed until late fall. They are handling all the projects in order of their submissions. They have to wait their turn. It is out of Nexamp's hands, they are hoping it is done by the end of October. They are asking for another 6-month extension until 1/31/24. A

motion was made by Kathy Blackburn to extend the SUP until 1/31/24, with a second by Tom Kline. All were in favor and the motion carried. Richard Fisher abstained from the vote.

Ridge Road Solar- New ownership is DSD, new project manager Ben Dritenbas, civil engineer- Wes Standish and new engineering company WSP, they are inquiring what they need to do to move the project forward. they stated they have minor changes since taking over. After conference call they will be submitting formal changes by 8/21/23 to have on the agenda for September 6th meeting.

The code enforcement office asked the boards opinion on charging a penalty for solar projects that change ownership prior to being complete. It is becoming the norm that one company starts the project off. Once they get approval for the SUP they sell off to another developer, sometimes changing engineering companies as well, then once it's completed another company takes over for the operations and maintenance of the project. This is involving huge amounts of paperwork needing to be updated, longer time frames to complete projects and an overall lack of communication to the code enforcement office. The planning board agreed it is getting more complicated. The code enforcement will come up with a checklist for all solar projects to ensure we have all the information needed throughout the project and talk to the Town Board as well.

Chairman Fenton asked if there were any other concerns, comments or issues. Since there were none, Chairman Fenton asked for a motion to adjourn the meeting. Kathy Blackburn made the motion and was seconded by Tim Elliott. All were in favor and the motion was carried. The meeting was adjourned at 8:00 pm.

Next meeting is scheduled for September 6, 2023 at 7:00 pm.

Respectfully Submitted by
Joelle Brown
Planning Board Clerk