

Town of Gaines Zoning Board of Appeals Minutes | 2020
February 11 7:00 P.M.

Meeting called to order at 7:02 by Chairperson Morrisey

Present – Morrisey, Miller, Navarra, Thom, Black

Guests – Olivia Meikle- Nextera Energy, Jerry Bentley, - Orleans
Emergency Management, Jerry Culhane, Tim Uderitz, Don Uderitz and
Janelle Uderitz, Dan Strong

Opened with Pledge of Allegiance

Morrisey announced that recording is permitted – we do not follow court
rules.

Motion was made by Miller, Seconded by Black to approve minutes from
January 14, 2020 meeting as amended. Approval was unanimous.

OLD BUSINESS

None

NEW BUSINESS

Pre-application Solar Farm discussion; Uderitz property, 2378 Gaines
Waterport Road Tax map #39.-3-23.1 and Nextera Energy Resources.

This is the first meeting under new solar rules. The Zoning Board of
Appeals is empowered to deal with solar at this time with respect to Local
Law #1 of 2019 – Solar Energy Systems. The newly formed Planning
Board may take over, but the ZBA will act until they do so.

Strong stated that the Town will not make copies. Any application will
need to be complete and presented to him two weeks prior to presentation
to the ZBA to allow time for application assembly.

Discussion – Who is applicant? The landowner or the contractor. Navarra stated that there are two parties – the landowner and the leasee. Their legal rights need to be documented.

Strong has told anyone involved needs to make themselves familiar with the town law.

Olivia Meikle from Nextera Energy presented her handout. Miller asked where their other solar farm locations are. Thom asked why they were wanting to locate here. The answer was that the necessary powerline was available, the land is flat and it is not a wetland. Thom said we have all the energy we need; in fact we produce more than we need. Meikle said we can buy it from National Grid if we want to. Morrissey referenced state policy.

This property is not in an ag district. There is a 34.5kV line available.

The CESIR was completed prior to presentation and has been accepted by National Grid. The Army Corps of Engineers are looking at wetlands and their report is expected soon.

Bentley asked if there would be any specialized equipment needed by the Town re a fire – the answer is no as the resulting emissions of any gases would be equivalent to those resulting from a house fire.

The Town Engineer will have to determine if there are any issues re disturbing more than an acre.

The access to the property will be a laneway. Strong pointed out that state law and emergency responders have requirements and it cannot be assumed the access is sufficient without reviewing those. There will need to be a detailed review since the Albion Fire Department is responsible for this property. The Town of Gaines will be a liaison between the applicant

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and the Emergency Responders. Meikle stated that there is a meter which monitors site info remotely..

There are concerns about battery location re proximity to any building. We also need the dollar amount unblocked in the CESIR.

Navarra said we need to know if there will be a surety bond needed. Information re any bond is contained in the decertification section of the Solar Law.

Since this is our first solar application, we are going to ask for everything.

Strong stated that there are guidelines for battery storage that need to be followed.

The Town code requires separate fencing around batteries. The Town attorney will look at any legal issues. National Grid will have to provide information as to why the power lines leading to the poles will not be buried. Neighbors will need to be notified prior to installation.

Miller asked if there would be unintentional islanding. There could be an issue if the system keeps operating while the power is off surrounding it.

Navarra wanted to know how much money people could save.

It was discussed that we should not get involved with any PILOT implications.

There needs to be a decommissioning plan implemented. Meikle stated that they remove and recycle.

The Town Board has not established application fees yet. They determine them. Meikle asked if we had any information as to when the fees would be set and what they would be – the answer is no.

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There was a motion made to have complete application to the code enforcement office two weeks prior to ZBA meeting in paper form, not electronic. Discussion re fees have not been set, but application can be submitted, we are going to ask Town to use engineer and other consultants, there needs to be a set of drawings submitted with respect to CESIR and USACE, and Town Engineer and Attorney have to review application.

The expectation is that the applicant has looked at the Solar Law and has met all applicable criteria prior to submission and that application needs to be to the code enforcement office 2 weeks before hearing. There needs to be 10 copies of the application at the next ZBA meeting – March 10, 2020. We will need to ask the Town if we can use the Town Engineer's services for reviewing the application.

Miller stated that we need to send the application to the County Planning Board when we determine it is complete as they will need to review it prior to any public hearing.

Motion by Miller, Seconded by Black – 10 copies of all solar applications be submitted 2 weeks before ZBA meeting which includes all documentation necessary and required as determined by the ZBA. Ayes – 5, Nays – 0 – Carried.

Motion by Black, Seconded by Navarra – Ask Town to enlist the services of the Town Engineer and Town Attorney and any other entity to review all applications with the applicant responsible for all fees. Ayes – 5, Nays 0 – Carried.

Motion by Miller, Seconded by Black – Ask Town Board to set all application fees and any other relevant fees needed for all large solar projects. Ayes – 5 Nays- 0 – Carried.

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Meikle asked about issue of setbacks. The consensus was that they are 100 feet from road and 50 feet within the property. Emergency responders are going to review.

Chairperson's Report and Member Comment

The Town Planning Board informed us that the Will meet the first Tuesday of each month.

Privilege of the Floor

None

Motion to adjourn was made by Black at 8:45, Seconded by Navarra; Ayes – 5, Nays – 0 Carried

Respectfully submitted: Lynda Blake

DRAFT