

TOWN OF GAINES PLANNING BOARD MEETING
CARLTON RECREATION HALL, 1853 OAK ORCHARD ROAD, ALBION, NY
NOVEMBER 3, 2021

Meeting Called to Order by Chairman Watt at 7:10 P. M.

Pledge to the Flag led by Justin Kirby

PRESENT: Christopher Watt, Chairman; Gerald Monagan; Brenda Radzinski; Justin Kirby

GUESTS IN ATTENDANCE: Doug Bower, Charlene Stillwell, Clark Stritzel, Michael Metcalf, Ken Haylett, Brian and Dawn Ettinger, Jared Perram from the Pescara Solar Project, Andrew Gordon representing AES, Terresa Bakner Attorney representing AES; Adam Wingard (Main Contact person for AES via Teleconference); Mark Purvett the contractor for AES via Teleconference; Shaun Logue MRB Group and Dan Strong, Town of Gaines Codes Officer

APPROVAL OF MINUTES

Chairman Watt asked for a motion to approve the minutes of October 5, 2021 with a few minor corrections; Motion moved by Gerald Monagan and 2nd by Justin Kirby

Ayes 4; Nays 0

Motion Carried.

ANNOUNCEMENT:

Carole Patterson has put in her resignation as of October 26, 2021 due to health issues, so she will no longer be part of the meetings. Chairman Watt sends his thoughts in hopes that she gets to feeling better soon.

NEW BUSINESS:

Ken Haylett – Seasonal Labor Housing located on Kenyonville Road.

Chairman Watt started the discussion, Ken Haylett is looking to create a Seasonal Labor House located on Kenyonville Road. He stated all of the information was present and complete except for the official blue prints, they are waiting on these; a rough site plan had been received at this time. The site is not in our district and the area is surrounded by 4 sides of orchard. A permit was submitted for the property next door as this is where the house will be built. Chairman Watt then asked about some paperwork that needed to be taken care of. Ken Haylett stated he had sat down with Dan Strong and filled out some forms, but at the time they filled them out, it was stated it was the wrong time of year as they are dealing with the State and their timeline. However the project will still be able to move forward. As long as Ken can get all of the updated information submitted to the Board by Monday they will be able to send this to the Orleans County Planning Board. Ken Haylett stated this would not be a problem. The Town of Gaines Planning Board will also plan on doing a public hearing at the December 7th meeting.

Chairman Watt asked for a motion to send this project to Orleans County Planning Board; Motion moved by Brenda Radzinski and 2nd by Justin Kirby

A Roll Call Vote was then taken

Chairman Watt – Yes

Justin Kirby – Yes

Gerald Monagan – Yes

Brenda Radzinski – Yes

Ayes 4; Nays 0

Motion Carried.

Brian Ettinger – creating Bakery at residence on Brown Road

The discussion to Brian Ettinger. Chairman Watt let the board know that Brian and Dawn Ettinger are looking to create a Bakery in the barn that is next to the house on Brown Road called the County Pumpkin Bakery. The property is located on Brown Road across from hole 3 of the Brown Road Golf Course. Brian told the board that the business was going to be running with them mostly doing deliveries that people order. Once in a while there would be people doing pick up, but not enough traffic to affect the traffic flow nor many vehicles parked in the driveway. Chairman Watt stated that that application was complete and all of the information was included except for the hours of operations, he would need to know the day and times the business would be open. As long as this information was reported to the Board by

Monday they would be able to send them to the Orleans County Planning Board. Brian stated he would be very happy to get this information to them right away. Chairman Watt then stated they would also plan on doing a public hearing for this application at the December meeting as well.

Chairman Watt asked for a motion to send this project to Orleans County Planning Board; Motion moved by Gerald Monagan and 2nd by Justin Kirby

A Roll Call Vote was then taken

Chairman Watt – Yes

Justin Kirby – Yes

Gerald Monagan – Yes

Brenda Radzinski – Yes

Ayes 4; Nays 0

Motion Carried.

OLD BUSINESS:

PESCARA Solar Project:

The discussion then moved onto the Pescara Solar Project, Jared Perram was present representing this project. Jared reviewed with the board the Town of Carlton had completed their part of the project and the Town of Gaines now has the lead. Chairman Watt confirmed with the board he had received all of the information from the Town of Carlton, but had not had a chance to look everything over, assumed everything was there. Chairman Watt just had one question regarding the cell company and getting the information straightened out. Jared confirmed; yes and there was a refusal being taken care of and Attorney Doug Heath had all the information, but he was not present at tonight's meeting. Shaun from MRB Group then let the board know an amended SEQR was being present to the Chairman due to the merger of the 2 properties. This had to do with the non-distribution of flow, there were not any changes or updates made. All is the same, no point in doing it twice, it was just to show the parcel and the merger, a brief pause was made while the Chairman reviewed it. After the review of the SEQR, Chairman Watt felt all of the information was accounted for and they would be able to send this project to the Orleans County Planning Board.

Chairman Watt asked for a motion to send this project to Orleans County Planning Board; Motion moved by Justin Kirby and 2nd by Brenda Radzinski

A Roll Call Vote was then taken

Chairman Watt – Yes

Justin Kirby – Yes

Gerald Monagan – Yes

Brenda Radzinski – Yes

Before the discussion ended Jared thanked the board and stated he looked forward to the December 7th meeting to go over the information from the Orleans County Planning Board.

Ayes 4; Nays 0

Motion Carried.

UDERITZ SOLAR PROJECT

No representatives for this project was present. Shaun from the MRB Group updated the Board letting them know they were still working out decommission with this project. They were also going to create a letter to the Town of Gaines Board to approve the estimate. Finally, the conditional part that was approved via the Town Board is still being worked on, they have a few minor conditions that need to be taken care of. At this time no action taken.

STENDTS SOLAR PROJECT

The discussion then moved onto the STENDTS Solar Project, Chairman Watt gave the floor to Shaun from the MRB Group. Shaun shared with the board and the public that was there that they were going to move forward with this project and start the second part of the SEQR. Chairman Watt, Dan Strong and Doug Health met and reviewed the plans knowing they would be moving onto the second part of the SEQR. Shaun from the MRB Group started the discussion and let the board know based on the information he had the hearing from September 7th had closed and they have a 62 day leeway to keep things open if need be, but the 62 days comes up to November 8th, so at that point it will officially close. The goal tonight is to go over, review SEQR part 2 as the Town of Gaines Planning Board will be the lead agency for this project. If the board agrees they can then move forward and go over part 2 of the SEQR. Shaun from the MRB Group made a suggestion with the 62 days both AES and the board should agree and continue to the December 7th

meeting and create letter showing this designation. Chairman Watt agreed to this and Terresa Bakner, Attorney for AES also agreed and stated a letter would be created and sent to the board.

Chairman Watt asked for a motion become to lead agency for the STENDTS Solar Project; Motion moved by Justin Kirby and 2nd by Brenda Radzinski

Ayes 4; Nays 0

Motion Carried.

Shaun from the MRB Group then continued with the start of the SEQR part 2 process. However just before Shaun was able to get started Doug Bower who was in the audience had walked up to the board and handed them some notes regarding the hearing from September 7th. The board briefly reviewed them and will discuss at a later time.

The SERQ part 2 then proceeded. Shaun from MRB Group and Planning Board started going over the questions and there were many discussions on a few of the questions that they reviewed.

One of the discussion included Chairman Watt questioning AES about the correct acre total, according to his notes he is seeing 30 acres is mentioned on the part 1 of SEQR. MRB has a copy showing of the first part of the SEQR showing one total and was dated January 2019, Attorney Terresa Bakner (AES) has one dated 9/21/2021. From what they could tell this copy was the updated version and they will make sure to get a copy sent over to MRB to review. The only concern regarding this matter is that the lead agency designation was already done and an amendment was submitted and sent due to the AEF and changes were made.

The discussion then went on stating part 1 of SEQR was not using the Blue Prints before the changes were made to those and then issued. With the distribution this was a concern as a bigger area is being shown as being disturbed than previous plans. This matter needs to be clear as things are getting more updated from when this project started. Initial materials were used to do part 1 of the SEQR and changes will be allowed to be made at this time.

SEQR Part 2 continued on with more discussion.

The next discussion that came up while going through the SEQR questions regarded the soil for the access road. Shaun from the MRB Group stated he had spoken to Luke who is doing the survey on the soil in this area regarding the concerns the Board had. Chairman Watt felt that the soil boings test that were requested by the board for the driveway and this should have been taken care of 2 months ago when they talked about it and it was asked AES would, but for some reason it is not being taken care of. AES stated they have their engineer taking care of this and will give the board an update. Shaun from the MRB Group confirmed the way they have it set up to be built will not cause any issues. If there is an issue, they will have to reevaluate and come up with a better idea, but at this point everything mentioned and shown in the plans are legit. AES is following all of the rules according to the Army Core Engineer Nation Wide Permit Program and the access road will meet these requirements and no plans will be signed or approved if it is a haul road. Also a letter from Luke will be sent to the board approving these plans to regenerate and in accordance with the DEC stating this information.

Part 2 of the SEQR continued on with more discussions and concerns of the board. Several items were denoted in the SEQR 2 and were determined to be moderate to perhaps severe in the review, as the board went through SEQR 2.

SEQR Part 2 continued with more discussion.

Part 2 of the SEQR was concluded. Once this was completed Chairman Watt had a few other items to visit about. He wanted to know why the access road was being put in the spot they have mentioned, his reasoning for this is because he knows that STENDTS have other parts of the land that could be used. Adam Winguard spoke up and stated the landowner requested to have it placed here and was asked to have it there by someone named Carrie James, who was not known by anyone. Chairman Watt also stated the board would need more information regarding the wetlands, would like to have a clearer plan added to the final plans that AES will need to present. Shaun from MRB stated AES would need to respond to all of these items and present more details to the board for review.

Chairman Watt then moved on and let the board know that they were reminded about the public hearing and the understanding that it was recessed back in September. They have had their chance to look over and review all of the

information that was updated and provided to them. It was brought to Chairman Watt's attention that it was stated in the September minutes that it was recessed and would be reopened at another meeting. Chairman Watt decided at this point based on the details that were discussed no further decisions would be made on and plans on doing a public hearing at December 7th meeting followed by then moving to part 3 of the SEQR. At that point the board will also decide whether they will approve or decline.

ADJOURNMENT

Motion to adjourn at 10:00 P. M. by Justin Kirby, 2nd by Brenda Radzinski.

Ayes 4; Nays 0

Respectfully submitted,

Sarah Bradshaw

Secretary