

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

Meeting Called to Order by Chairman Watt at 7:00 P. M.

Pledge to the Flag let by Justin Kirby

PRESENT: Christopher Watt, Chairman; Gerald Monagan; Brenda Radzinski; Justin Kirby; Susan Heard, acting Secretary

EXCUSED: Carole Patterson

GUESTS IN ATTENDANCE: Doug Bower, Charlene Stillwell, Clark Stritzel; Tim Uderitz, Don Uderitz, Ray Burke, Drazen Gasic from LaBella Associates, Jared Parram from the Pescara Solar Project, Chris Georgiadis representing NextEra Energy Resources and Sherman Gittens, MRB Group

APPROVAL OF MINUTES

Chairman Watt asked for a motion to approve the minutes of July 6, 2021; Motion moved by Gerald Monagan and 2nd by Brenda Radzinski. Ayes 4; Nays 0; Excused 1, Patterson Motion Carried.

NEW BUSINESS

Land Division – Raylin Development Inc., 14386 Ridge Road, Albion, NY Tax Map #51.-1-8.31

Chairman Watt stated this does not need to go the County Planning Board but does require a Public Hearing. The purchaser needs to be aware of the shared driveway. Mr. Burke said the buyer is aware of the shared driveway and has agreed to the terms.

Motion to open Public Hearing for Burke Land Division on August 3, 2021 by Brenda Radzinski and 2nd by Justin Kirby at 7:03 P.M.

Motion to close Public Hearing for Burke Land Division by Brenda Radzinski and 2nd by Justin Kirby at 7:08 P.M.

Motion to approve Application for Land Division by Brenda Radzinski and 2nd by Justin Kirby.

Ayes 4; Nays 0; Excused 1, Patterson Motion Carried.

Chairman Watt said the paperwork will follow within a week or so.

OPEN PUBLIC HEARING FOR STENDTS SOLAR PROJECT/BACON ROAD AT 7:10 P.M. (CONTINUED
RECESSED FROM THE JULY 3, 2021 MEETING)

Chairman Watt opened Public Hearing which was recessed on July 3, 2021. The solar company will not be attending this hearing and asked to be tabled until the September Meeting. They notified out Engineer on the 14th, but failed to notify Chairman Watt until last week, after the publication had been sent to the newspaper. Chairman Watt allowed the residents to make their comments, but no action will be taken. The final hearing will be recessed until the September meeting.

Doug Bower stated that bold faced lies were given from the Solar Company. The drainage runs right through this project. He stated that the homeowners could file an Article 78 and win because nothing has been done correctly. The project isn't supposed to change the topography of the land; there's a lot of wet land and Doug Bower suggests additional environmental studies be conducted.

Charlene Stilwell then asked if there are any clauses in the contract about what happens if the company decides to sell or goes bankrupt, etc. She was also wondering what would happen if they don't maintain the property, will the Town of Gaines clean it?

Chairman Watt stated if they don't maintain or keep up with the maintenance, we can go after them.

Clark Stritzel stated he has heard there's a constant buzz or hum associated with these solar projects. Charlene Stilwell said she visited the Medina Solar site today and it does hum.

Sherman Gittins said there is a mechanical part of the solar units that do have noise while generating energy; it's a conversational level of noise. The trees and buffer zone is created to mitigate the noise.

Motion to recess Stendt Bacon Road Project until September 7, 2021 (and continue Public Hearing) by Justin Kirby and 2nd by Gerald Monagan. The September meeting will be held at the Carlton Rec Hall again in September

Ayes 4; Nays 0; Excused 1, Patterson Motion
Carried.

OLD BUSINESS

Uderitz Solar Project

At the August Meeting, two options for decommissioning was discussed.

NextEra would keep 30 years, plus 18 months of 31 ½ years (the 18 months is a buffer time for decommissioning). The bond will be 2.50%. IF they wanted to extend, the Town would be notified and be part of the discussion.

Chairman Watt said if you want to extend, you would have to ask on the 28th year (in 2049). NextEra will incorporate this into their documents.

Chairman Watt said "Do not plant wildflowers", they harbor insects and create fire hazards; and are bad for farm land. NextEra said the wildflower mix had been removed from the plans after meeting with Emergency management officials.

Attorney Heath has family obligations (his son is getting married out of state) and would not be able to review and prepare by Monday August 9th; but will see if the Town Board will recess meeting until later in the month to not hold up the project.

Motion moved by Justin Kirby and 2nd by Gerald Monagan to have the Town Attorney prepare the information for the Town Board Ayes 4; Nays 0; Excused 1, Patterson

Sherman then said all conditional items need to be addressed before we can complete the NYSERTA paperwork.

Pescara Solar Project

Jared Perram addressed the changes that have been made as recommended in July. The changes included the cable depth has been changed to 5 feet. Pescara then signed documents. Then stated that 30 feet wide of the property; 49 feet on west side, but will get the 30 feet to the required 49 feet.

The planning board wants a legal survey that will be filed with the County. The documents from Crown Castle (Sprint) will be a waiver letter. Attorney Heath will review to see if it's sufficient.

Chairman Watt questioned the Rt. 279 front side that doesn't have the full 49 feet; Jared explained there's approx. 30 – 40, a neighbor's fence encroaches on the Pescara property; there's more than 49 feet on the Carlton side of the property.

The Board studied the maps; looking at access from Rt. 279. Attorney Heath would like to see the easements, leases, etc. and the proposed language. Jared will work to get everything together with the surveyors, leases, etc.

Chairman Watt then questioned the 5 Utility Poles, north or south on the access road. They need to get it to 49 ½ feet. Jared said the road frontage on Rt. 279 is 300 feet, which should give them plenty of room.

The Board then mentioned they need the waiver for the cell phone tower and final leased section. Sherman Gittins asked Jared to review the cell phone tower for Attorney Heath (who stepped out during the discussion). Jared would like the County Planning Board to begin review. Dan Strong said the County Planning Board would not look at the project without legal easements. Attorney Heath said to put the proposed language in the easement, and we can look at it.

Chairman Watt suggested we get everything together.

The Trench water depth, cell phone lease/wavier/conditional easement and the land locked parcel needs to be addressed with documents showing it's legally handled. If a variance is required, it will take time; doesn't look like it would be able to move to the County Planning Board this month. If Gerald Pescara wants to join the landlocked parcels, it will still take time.

Sherman Gittins said if you merge the parcels, you still won't have road frontage of 200 feet. Attorney Heath said we looked at the Carlton portion last month and he thought it was enough. Sherman said it's an existing non-compliant parcel. Attorney Heath said call the County Planning Board, tell them what we have and see if they would move it? He said we could recess the meeting and hold a special meeting. Chairman Watt said we will wait until September to move forward to the County Planning Board, there are too many outstanding matters.

No action taken at this time.

ADJOURNMENT

Motion to adjourn at 9:13 P. M. by Justin Kirby, 2nd by Gerald Monagan.
Ayes 4; Nays 0; Excused 1, Patterson

Respectfully submitted,
Susan Heard, acting Secretary