

TOWN OF GAINES PLANNING BOARD MEETING  
CARLTON RECREATION HALL, 1853 OAK ORCHARD ROAD, ALBION, NY  
JULY 6, 2021

Meeting Called to Order at 7:02 P. M. by Chairman Watt.  
Pledge to the Flag.

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

EXCUSED: Carole Patterson

ABSENT: Doug Heath, Attorney for the Town

GUESTS IN ATTENDANCE: Walter Batt, Adam Wingard, Doug Bower, Dan Deibel, Charlene Stillwell, Clark Stritzel; Tim Uderitz, Don Uderitz, Dana Woolston, Donna Smith, Andrew Gurden, Ray Burke, Drazen Gasic from LaBella Associates and Sherman Gittens, MRB Group

#### APPROVAL OF MINUTES

Chairman Watt asked for a motion to approve the minutes of June 1, 2021; Motion by Brenda Radzinski and 2<sup>nd</sup> by Gerald Monagan to approve the minutes.

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 hold a Public Hearing on August 3, 2021 by Gerald Monagan and 2<sup>nd</sup> by Justin Kirby.

Ayes 4; Nays 0; Excused 1, Patterson

Motion Carried.

#### OPEN PUBLIC HEARING FOR STENDTS SOLAR PROJECT/BACON ROAD AT 7:07 P.M. (CONTINUED - RECESSED FROM THE JUNE 1, 2021 MEETING)

Chairman Watt opened Public Hearing which was recessed on June 1, 2021. Adam Wingard, AES, thanked the Planning Board for their hard work on this project.

Doug Bower listed the problems he has with this project. The Town website failed to list the meeting or legal notice; the signs were not on the property for this July meeting; notices, certified letters or regular mailing letters were not received by the surrounding property owners/neighbors. He went on to say that none of the rules were followed. He met with the engineers and was told the rules would be followed, but they have not followed through with anything, and he was just given "lip service".

The Bacon Road has problems with storm water, and he feels this project will make it worse. He stated in the Town of Gaines Zoning law it indicates that a project should be compatible with the neighborhood, and this project is not compatible.

Charlene Stillwell said this project will ruin the integrity of the neighborhood. Mentioned the flooding issues on Bacon Road. At the May meeting was told they would receive letters or a video conference call, but it didn't happen. She wanted to know who will maintain the frontage. Chairman Watt said the Town of Gaines maintains 12 feet.

Daniel Diebel questioned the buffer zone, approximately 50 feet between his property and the panels. Adam Wingard said there will be 15 to 20 feet of vegetation between his property and the panels.

Doug Bower questioned the drainage problem they have on Bacon Road. Adam Wingard said the existing grading will remain the same. The agriculture field to grass will make pre-existing conditions better than before the project. He indicated the project is not close to existing problems with flooding. Doug Bower said he thinks the ground water will be a problem. Daniel Diebel asked about water flow. Adam Wingard explained that civil engineers designed the maps, the retainage pond, etc. They studied the land throughout the seasons for the past year or more.

Walter Batt said the water has been an on-going problem, he has had to replace his driveway three times in the last 30 years; the amount of water that comes through takes out the blacktop and stones; he said a stand-alone retention pond won't help, and there's no place for the water to go. Adam Wingard said the water will be significantly reduced. Walter Batt then said he was concerned about the wildlife, deer, geese, etc. He said he doesn't disagree with the principles of solar projects, just worried about the water and wildlife. He questioned how many posts this project requires, Adam Wingard indicated between 300 to 400 posts would be installed; when asked about the noise for the installation, Adam indicated only during the construction period there would be noise for 3 or 4 months. There was a question regarding the Decommissioning Bond.

Walter Batt asked about damage to septic systems, etc. Adam Wingard said AES will assess the problem for future expenses, but ditches are under the landowners control.

Walter Batt and Doug Bower met with Katie Sommerfeldt, District Field Manager from Orleans County Soil & Water and took her around the property. She did not want to release intergovernmental maps, surveys, etc. without permission from the entity.

Sherman Gittens from the MRB Group, representing the Town of Gaines and the Planning Board, wanted to clarify something said, he spoke with Katie Sommerfeldt from Soil & Water, and she told him that she did not release anything to the neighboring property owners, but suggested they contact the town officials to view maps, etc. Sherman said the Decommissioning Bond is not a Town expense, but rather to make sure the taxpayers do not have to pay any expenses. The Town Planning Board has the right to ask for money for certain things that happen. He also wanted to point out the limited scope from the DEC, as there are requirements before the issuance of the Special Use Permit.

Walter Batt went to the map and pointed out his water problems. He's always had water problems in the spring each year (with cows up to their bellies in water), but he fears this project will make it worse. Sherman Gittens questioned if Katie Sommerfeldt saw the layout of the project to Walter's land? Adam Wingard said the map has been reviewed by the U. S. Army Corp for 4 to 6 months, as well as the DEC. Chairman Watt asked if there was a berm around the retainage pond. Adam Wingard pointed it out on the map. Sherman said they are not allowed to discharge any drain water on to your property, and if they do, documentation of any drainage would need to be presented to the Town.

Clark Stritzel questioned if the land in question could be declared "Wetlands" and the project could be halted. He was told that wetlands have already been noted in all maps and documents, changing the declared status of the land would not be a possibility.

Doug Bower said in his discussions with Katie Sommerfeldt, she was concerned about the posts driven into the soil, and she had called the engineers but hadn't heard back from them. Sherman Gittis said his discussions with Katie relating to the posts was to make sure the posts are not inhibiting the natural flow of the water. Private property owners need to maintain their property; has nothing to do with the project.

Adam Wingard said the Planning Board has put aggressive measures in place to address the maintenance of this project. Chairman Watt said we as a Board understand the concerns the landowners have and will get something in writing for the on-going care of this project, and at this time would like to recess the public hearing.

Motion to recess Public Hearing at 8:30 P. M. by Justin Kirby and 2<sup>nd</sup> by Gerald Monagan and reconvene Public Hearing on August 3, 2021. Location to be determined.

Ayes 4; Nays 0; Excused 1, Patterson

Motion Carried.

#### OPEN PUBLIC HEARING FOR UDERITZ SOLAR PROJECT

Motion to open Public Hearing at 8:41 P. M. for the Uderitz Project by Justin Kirby and 2<sup>nd</sup> by Brenda Radzinski.

Ayes 4; Nays 0; Excused 1, Patterson

The representative on behalf of NextEra Energy and standing in for Janet Ward, Chris Georgiadis, spoke to the Board. They have a PowerPoint presentation for the Uderitz Solar project, but because there were no public present for this project, they would give the paper copies to the Board members for review.

All property owners were notified of the Public Hearing regarding this project. Copies of the certified letter and the copies of the return receipts from all neighboring parcels stamped by the U. S. Postal Service were given to the Board.

This project is with a 25-year lease, with (2) five-year options to renew.

The Decommissioning Bond will be recalculated after 30 years if they chose to extend 5 years more. The Board discussed the fencing, various approvals and the Negative Declaration of SEQR. No public comments were received.

At this time the Planning Board will move approval to the August 3, 2021 meeting.

Motion to close Public Hearing at 8:52 P. M. by Brenda Radzinski; 2<sup>nd</sup> by Justin Kirby.

Ayes 4; Nays 0; Excused 1, Patterson

## OLD BUSINESS

Jared Perram from Saturn Power, representing the Pescara Solar Project spoke to the Board regarding the status of the project, and was seeking the Board input on where they stand, what needs to be done, etc.

Chairman Watt said he was annoyed because Saturn was scheduled to be at the June meeting, but didn't show, but was in the Town of Carlton the following night. Saturn also had the Carlton Planning Board present the project to the County Planning Board, but the County denied accepting the project because both Gaines and Carlton need to be presented as one project and no project is to be sent without the SEQR completed and accepted by the Town Planning Board. Chairman Watt also stated that Saturn needs to work with both towns on this project, anything else will only delay the project.

A discussion started by Chairman Watt on the buried 35 KVW cable connecting the two projects. First the depth must be 5 feet for safety. The 3 foot is unacceptable for going through an agricultural field and there needs to be a legal and recorded right of way. Saturn said they have an agreement by letter for the right of way. Chairman Watt again told Saturn we need a legal document. The Planning Board is not going to "take the heat later" because some things are not in our hands and documented. To date, the Planning Board has not seen the full plans for the Town of Carlton portion. Chairman Watt stated that Saturn was to send a full copy to the Town of Gaines of the Carlton portion, and vice-versa to Carlton. This has not been done. Saturn said they were sent in late May. Jared said there were no major comments received and they thought they were moving forward tonight. Sherman Gittens (MRB Group) said the maps were received and he will make sure Mr. Watt and the Board get a copy.

Chairman Watt said the SEQR needs to be checked because the entrance plans were sent to the NYSDOT, but he believes that portion of Rt. 279 has now come under the jurisdiction of the Orleans County Highway Department. Another concern is right of ways to give access to all other agricultural portions of the farm.

Saturn would like to keep moving forward and move to the County Planning Board. Chairman Watt indicated we will see where we are and if all the information is available for the Town Planning Board so that a joint application of the two towns can made at the next Gaines Planning Board meeting, it would be possible to get the documents to the County Planning Board.

Jared said he would look forward to hearing from the Board.

## ADJOURNMENT

Motion to adjourn at 9:20 P. M. by Justin Kirby, 2<sup>nd</sup> by Brenda Radzinski.  
Ayes 4; Nays 0; Excused 1, Patterson

