

TOWN OF GAINES
PLANNING BOARD MEETING
June 1, 2021
CARLTON RECREATION HALL
1853 OAK ORCHARD ROAD ALBION, NY 14411

Meeting called to Order at 7:05 P. M. by Chairman Watt.
Doug Bower led the Pledge to the Flag.

Present: Christopher Watt, Chairman; Gerald Monagan; Carole Patterson; Justin Kirby
Absent: Brenda Radzinski

Guests in Attendance: Attorney John Gavenda, Charleen Stillwell, Daniel Deibel, Clark Stubl, Doug Bower, Andrew Gordon (AES), Josh Baird (AES), Doug Heath (Attorney for Town), Drazen Gasic, Sherman Gitten (MRB Group), Kevin Overford, Janet Ward (Nextera Energy Resources)

APPROVAL OF MINUTES

Chris Watt called for a Motion to approve the minutes of May 4, 2021, 1st by Gerald Monagan and 2nd by Carol Patterson.

Ayes - 3; Nays – 0; 1 Absent for this part of the meeting (running late) – Justin Kirby

Absent – Brenda Radzinski

Motion Carried

NEW BUSINESS

Open Public Hearing - Subdivision of Dunham Parcel

A long rectangular 40 foot parcel with a house on it owned by Dunham Farms is being divided. They have two buyers. The front parcel with the house is being sold to one buyer and met all the rules for a house lot. The back piece is being sold to a bordering neighbor and will be merged with his property. Attorney Gavenda who represents Dunham Farms emphasized that the Towns Zoning laws were being followed. There were no other people to speak for or against. After the hearing was closed and regular meeting reopened, Chairman Watt asked for a motion.

Chairman Chris Watt called for a Motion to approve the Subdivision of Dunham 1st by Carole Patterson and 2nd by Gerald Monagan

Ayes - 3; Nays – 0; 1 Absent for this part of the meeting (running late) – Justin Kirby

Absent – Brenda Radzinski

Motion Carried

After the motion was carried, Chairman Watt then asked Attorney Gavenda when he was going to need the paperwork that needed to be signed. Attorney Gavenda stated the parties would like to get things taken care of as soon as they could. Chairman Watt stated he would get what he could taken care of on his by the end of the week, but a copy of the minutes could take up to 2 weeks. Attorney Gavenda was fine with this and thanked the board for their time.

Open Public Hearing for STENDTS Solar Project/Bacon Road

The discussion started with Chairman Chris Watt introducing Andrew Gordon and Josh Baird from AES who are representing this project. At 7:21 the Public Hearing for this project was opened and welcomed anyone in the audience to share their thoughts and concerns. In the audience at tonight's meeting included Doug Bower, Dan Diebel, Charleen Stillwell and Clark Stubl. There were many concerns and discussions between AES, the Board, Sherman Gittens from the MRB Group and the audience. Some of the concerns they discussed included house value, loss of land that farmers could use as well as the loss of trees and wildlife and maintaining the area. Andrew and Josh both discussed what would be done to make sure that each of these would not be a problem. Planning on sharing the information they have about the study that was done regarding house value, would make sure to not take away too many trees or disturb the wildlife. As for maintenance of the area in and around the solar panels, Andrew stated they were going to make sure to hire a team that was used to the New York climate elements. Both Andrew and Josh stated they were going to make sure to be neighborly and good citizens while out building these panels and would try not to disrupt the residents located around the area where the solar panels would be. Other concerns included how long ago the solar rules were adopted as the audience felt

there should have been more publication regarding this concern. It was expressed that this project was adopted by the Town Board in August of 2019 and it was published multiple times in the newspaper. Andrew Gordon from AES mentioned that letters were sent out for the Bacon Road Project. Dan Deibel and the rest of the audience stated that they never received a letter from them. Chairman Chris Watt asked if there was a way to see the list of addresses they had. Andrew Gordon assured Chairman Watt it would not be a problem. A few other concerns were brought up: Doug Bower mentioned how they should think about making sure there are flag people when the crew comes in to start building the solar panel. He felt this was a concern as when they were there doing the survey they were taking up the road and made it hard for residents to get through as they were taking up a lot of the road for parking and there is not much space there to begin with. Andrew Gordon stated he would make sure to mention this to the higher up reps and in order to make sure it is resolved. Other minor issues were discussed including how it works when you are able to get connected to the solar panels and how they produce the electricity to your household and whether the grid system could handle the power, how the actual panels would be maintained, fire hazards and how they would be maintained such as battery backups. Doug Bower's main concern was why the Town Board felt this was a good idea to bring in solar projects and if there was any way to stop this project from happening. Sherman Gittens from the MRB stated the Planning Board has no power once it was adopted; there is nothing that can be done to stop the process, therefore, those permitted will be going up. There was then a discussion whether anyone can have solar panels in their own yard. Justin Kirby commented that he has some on his barn on his property and Chairman Chris Watt stated, yes it is possible as long as you have the correct permits and don't go over the capacity limit. The final concern that was discussed was the drainage ditch that floods every year in a spot that the solar panels would be built on. Dan Deibel was very concerned that if this does not get checked out there could be a big problem with flooding. As of right now it floods in the spring after the winter thaw and floods the yards around this area. If AES does not check this out it could become a problem to the point where it will just flood everyone's yard in the vicinity of the project and make things worse than what they already are. This ended up being a discussion between the Board, AES and the audience to the point that Chairman Chris Watt felt that AES is going to have to do a thorough look into this situation and come up with a solution. In the end, the hearing was recessed until next month's meeting so that AES could have time to figure out what will do to fix the situation with the drainage ditch and have the board review what they come up with. This will also give the audience a chance to come back and finish with their questions and comments. Chairman Chris Watt recessed the STENDTS solar project at 8:30 P.M. and will reopen it on the next meeting July 6th at 7:00 P.M. and again the hearing may be located at the Carlton Rec Hall, if available.

Uderitz Solar/Gaines-Waterport

The discussion for this project started with Janet Ward from NextEra Energy Resource approaching the board. She discussed how the County Planning Board approved them to move forward with the project. She then stated that they had a few items that needed to be updated. A few of these items included the approval from Soil and Water, getting the sign off from Storm and Water, DOT approved the site plan, and the grass height was updated. Janet mentioned she spoke to John Papponetti who mentioned the driveway permit needs to be changed from state and addressed to Orleans County. This minor situation should be corrected as soon as possible. Janet Ward then mentioned she has created a list of addresses of those who live in the neighboring area where the project will be built to inform them about the public hearing. Once the public hearing is scheduled the letters will then get sent out. She then asked the board if a public hearing could be scheduled for next month's meeting and would it be possible to close SEQR. Chairman Chris Watt only had one concern regarding the Soil and Water and wanted to get clarification, other than this information he felt that it would be okay to close SERQ. Janet Ward stated that the Soil and Water clarification would get sent to the board right away. Once they decided to close SEQR Sherman Gittens from the MRB Group then explained what needed to happen next. He told the board they would be moving to part 2 of the SEQR, which would include questions that the board needed to answer. The Board, Janet Ward and Sherman Gittens took some time to discuss whether they would take the time at tonight's meeting or try to do it another day. They were trying to figure out what would be best for everyone. There were also concerns that if this was not done tonight would/wouldn't they be able to do the public hearing next month or would they have to wait until August. After a period of time and more discussion the Planning Board decided that they would proceed with part 2 of the SEQR process and fill out the questionnaire. Sherman read each of the questions and the board did a quick discussion on certain questions and then answered them. Once all of the questions were answered and discussed, Sherman Gittens from the MRB Group stated that a copy of the part 2 SEQR process would get sent to the board and then he would have Chairman Chris Watt take care of and sign the information that was needed for Part 3. Once all of this was taken care of this would complete the closure of SEQR. A copy of this would

also get sent to Janet Ward and the DOT. Sherman also then mentioned the board would need to state motions and vote on a negative declaration (no environmental impact). The board agreed and a motion was made.

Chairman Chris Watt called for a Motion on a negative declaration (no environmental impact 1st by Justin Kirby and 2nd by Gerald Monagan.

Roll Call Vote was then done:

Chairman Chris Watt – Yes

Justin Kirby – Yes

Carole Patterson – Yes

Gerald Monagan – Yes

Brenda Radzinski - Absent

Ayes - 4; Nays – 0

Absent – Brenda Radzinski

Motion Carried

Chairman Chris Watt then call for another Motion Declaring the Planning Board as the Lead Agency 1st by Justin Kirby and 2nd by Carole Patterson.

Roll Call Vote was then done:

Chairman Chris Watt – Yes

Justin Kirby – Yes

Carole Patterson – Yes

Gerald Monagan – Yes

Brenda Radzinski - Absent

Ayes - 4; Nays – 0

Absent – Brenda Radzinski

Motion Carried

Chairman Chris Watt then called for a motion to send the Uderitz Solar project to a hearing scheduled for July 6th at 7 P.M., 1st by Justin Kirby and 2nd by Carole Patterson.

Ayes - 4; Nays – 0

Absent – Brenda Radzinski

Motion Carried

Pescara Solar Project

Nothing was mentioned about this project at tonight's meeting as no further action is being taken at this time.

No further business.

AJOURNMENT

Chairman Chris Watt called for a motion to adjourn at 9:49 P. M. 1st by Justin Kirby, 2nd by Carol Patterson.

Ayes - 4; Nays – 0

Absent – Brenda Radzinski

Motion Carried

Respectfully submitted,
Sarah Bradshaw, Secretary