

TOWN OF GAINES PLANNING BOARD MEETING
JANUARY 4, 2022
TOWN HALL

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

Pledge to the Flag led by Justin Kirby

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

GUESTS IN ATTENDANCE: Lorienda Smith; Jared Perram; Gerry Culhane; David Thom

PUBLIC HEARING:

PESCARA Solar 1 Project

Hearing Opened at 7:02 P.M.

Chairman Watt asked if anyone from this project was present; Jared Perram was present and stated he would be happy to answer any questions or go over anything regarding the project.

David Thom spoke up and ask the board about how they were advertising the Public Hearings. Are they only being advertised in the Batavia Daily News and why they are not being advertised on the website? If you go to the website, the January calendar is blank and most people these days don't read the newspaper, someone needs to figure this out.

Chairman Watt stated he was not the one in charge of website, the Town Supervisor is. Doug Bower also stated the Newspaper is a legal way to advertise, so they have to use that method of means. David Thom felt someone should get after the Town Supervisor. Chairman Watt stated it has been mentioned a few times to the Town Board and perhaps Mr. Thom should address his concerns to the Town Board.

The hearing continued with a question from Lorienda Smith who resides near the property where they will be constructing. She was concerned about how this project is partially in the Town of Gaines and partially in the Town of Carlton. She was wondering how this was going to work. Chairman Watt stated this is a joint project and both the Town of Gaines and the Town of Carlton are working together. The Town of Carlton has made the Town of Gaines the lead agency for the project and a public hearing would also be held at the Town of Carlton. Jared Perram then asked Lorienda how she had heard about the public hearing, she stated she had received the letter that was sent out to all of the residents and was happy to get one, but the print was a little small and hard to read.

Jared then proceeded to let the board know the letters were sent out to all residents within 700 feet of the project to inform them of the project and that a public hearing was being held. He stated he had proof of all names and addresses of the residents who they had sent letters to. The letters were all sent out certified, so they were able to know who had received them and who had not. As of today, there were still five outstanding letters and one that had to be sent out a second time. Lawrence Richardson had not received the first letter, so they sent a second one out and that was received. Jared then stated he was also still waiting on confirmation from James Pescara who is the son of the property owner, but he would not have any issues. Katie, Gloria L. and Joseph M. had not confirmed if they had received their letters yet and Robert D. was sent a letter, but found out he is deceased. These letters were for the residents in Town of Gaines, a new set of letters will be sent out for the Town of Carlton Public Hearing. Jared then asked if the board needed to see a copy of the proof of letters sent out. Chairman Watt asked him to send them to Sherman Gittens from MRB for him to have.

The hearing then continued with Lorienda Smith asking the board about The Town of Gaines and them taking lead, what would the role be for The Town of Carlton. Chairman Watt stated the Town of Carlton has different regulations compared to The Town of Gaines. Sherman Gittens from the MRB Group spoke up and stated the lead agency has to deal with the SEQR process while the Town of Carlton will deal with the environmental regulations. Each town has to approve each project, Town of Gaines has PESCARA Solar Project 1 and Town of Carlton has PESCARA Solar Project 2. Each of the properties will be divided by fencing once everything is approved and finalized.

Lorienda Smith then wanted to know what the benefits would be having this solar project in our area? Lower taxes? Free electric? Jared stated there could be some kind of a discount on some electric bills. Information regarding this will be sent out, residents can then contact the company to see what kind of a discount they could get, and National Grid would be the one that would be handling all of this.

Chairman Watt then spoke up and stated lower taxes for the solar project would not happen as the assessments are done yearly determination. When Dick DeCarlo was Town Supervisor, the board chose to opt out of the fixed tax rate or PILOT Agreements.

Sherman Gittens then asked Chairman Watt if he thought Jared should share with the public an update on where things are at this time with the project. Chairman Watt stated there was a copy of the application for the public to view on their own if they wanted to, so it would not be necessary.

David Thom then stated he had not read anything about this project and was just wondering what the efficiency is of the panels and why are we allowing these to come into our area, are we in shortage of electric?

Jared stepped in and stated firstly, the efficiency of the panels will be 99.9%, kind of like a brand new car and will drop 1% each year for 34 to 40 years. After that time, they can then either take everything down and walk away or they can upgrade the panels as needed. As for the shortage of electricity, Jared stated we are not in a shortage, but we are being eaten up by New York City as they are getting bigger and using more power and are drawing from areas upstate. Therefore, these will help counteract with this situation. David Thom then asked if New York City needs more power why would this affect us, why aren't these projects being put down there instead of up here. It was stated the land up here is a lot better compare to the areas around New York City.

Lorienda Smith then stated she had noticed on the letter that this company has multiple offices; has one in the United States, Canada and Turkey; which one of these areas will own this particular project. Jared spoke up and stated it will be the United States. In addition, if there are problems with this project as they are moving forward, contact Saturn Powers or the Town Planning Board as they have most of the control on the project.

Sherman Gittens from MRB spoke up and stated this project is a Special Use Permit, which allows the Planning Board to add certain restrictions and qualifying items in the code. They have ownership of LLC, if the LLC is sold the Planning Board will make a Bill of Sales and has to be compliant, otherwise it will be pulled.

Lorienda Smith then asked if the purpose of this hearing was for the public to approve or disapprove this project.

Chairman Watt spoke up and stated this meeting is to have the public voice their concerns and all are welcome. The board wants to make sure they know what they are dealing with and not have any suspicions or have any red flags show up as they have seen with a previous project they dealt with. Therefore, anyone is welcome to share their thoughts and concerns whether here or outside of these meetings, so that is the purpose of the public hearings, and the Planning Board.

Sherman Gittens then spoke up and asked if anyone was interested in seeing the site plan to look over and review.

Lorienda Smith asked what part of the land would be in the Town of Gaines and what part would be in the Town of Carlton. Jared pulled out the site map, reviewed the areas with her, and explained the size of each property.

Chairman Watt then responded to the question regarding why the solar projects are being utilized in our area rather than in other places is because we have a lot more level land compared to other places. We also have good power lines and transmission lines. Therefore, they want to utilize these and many landowners are finding they can make use with them as well. Either these landowners get involved with these project or they end of selling or losing their land. Therefore, they use them to help their land financially.

There were no other questions or comments at this time and Chairman Watt stated they would hold another Public Hearing at next month's meeting to get any other questions or concerns before moving on.

Hearing Closed at 7:52 PM

Motion to continue with another Public Hearing at next month's meeting, February 1, 2022; Motion moved by Brenda Radzinski and 2nd by Gerald Monagan

Ayes 5; Nays 0

Motion Carried.

Regular meeting opened at 7:54 PM

APPROVAL OF MINUTES

Chairman Watt asked for a motion to approve the minutes of December 7, 2021; Motion moved by Brenda Radzinski and 2nd by Justin Kirby

Ayes 4; Nays 0; 1 Abstain – Justin Kirby was not present for December meeting

Motion Carried.

OLD BUSINESS:

Chairman Watt then asked Sherman Gittens from the MRB Group where things were with the Pescara project and the merger of a smaller area in the Town of Carlton. Sherman Gittens and Chairman Watt discussed a few things they needed to take care of before anything could move forward. They continued their discussion; Sherman stated he would pass on the information to Jared so they can get things figured out. Chairman Watt stated they had better get things taken care of as soon as they can, not sure why this had happened and why they are changing their minds. Sherman then spoke up and asked the board if they knew what he and Chairman Watt were talking about. Doug Bower spoke up and stated he did not know, but he is new to the board, and a little confusing. Sherman explained to the board what the situation was. He stated The Town of Carlton has 2 properties landlocked that will allow access, but there are some issues that need to be dealt with and merging these 2 lands would be best. A decision needs to be made quickly in order to move forward with this project as there are many steps to be done before completing and it was news to the Town Planning Board as they thought things were all taken care of. Saturn Power has to get the correct language written up for this and the Town Planning Board would have to approve it. Chairman Watt stated at the end of the conversation that a phone call might be needed in order to move this along. No further action taken at this time.

UDERITZ SOLAR PROJECT

Sherman Gittens from the MRB Group then moved on to let Chairman Watt know he had heard from Dan Strong; the Towns Codes Officer who had received a strange phone call. Sherman was told that some anonymous person had called and was asking about a solar project that we were working with. They assumed it was regarding the Uderitz Project; the person on the phone was asking questions about it as if they were possibly trying to purchase the project. Dan had no idea who the person was as they did not identify themselves and was not sure if it was a legit call. Sherman wanted the board to be aware of this. As of right now, the board is waiting on Attorney Doug Heath to get back to us with a few minor issues we are dealing with, still on hold. Doug Bower then asked if this project was approved yet or not. Sherman spoke up and stated it has been approved conditionally at this time. With it being approved conditionally, someone else can swoop in and purchase it if they wanted to, but would have to deal with the LLC; which would have to go through the board for this to happen. At this time, nothing more is known and are in the process of finding the underlying cause of this. No further action will be taken at this time.

NEW BUSINESS:

Updating our Solar Laws

Chairman Watt then moved on to let the board know they need to start getting their information together so they can start creating the new Solar Laws. They need to start getting information together as the moratorium is in place for 6 months. Therefore, the board will need to start getting things together soon, so they have time to create them. Doug Bower spoke up and let Chairman Watt know he had found some information and he dropped it off with the Town Clerk to put into Chairman Watt's mailbox for him and the board to review. Sherman Gittens from the MRB Group also stated he had some information he would be happy to share with the board, which might help. He also suggested the Town Planning Board figure out where they want to be regarding these laws and maybe have a public hearing to get opinions from the public. In the end, start thinking and gathering so they can get things figured out. No further action taken at this time, more discussion to come later.

ADJOURNMENT

Motion to adjourn at 8:26 P. M. by, Gerald Monagan 2nd by Brenda Radzinski.

Ayes 5; Nays 0

Motion Carried.

Respectfully submitted,

Sarah Bradshaw

Secretary