

## **TOWN OF PAVILION PLANNING BOARD**

### Regular Meeting Minutes

March 16, 2022

**Present:** Bill Fuest (Chairperson), Patrick Boyd, Don Brooks, Liz Conway, Lisa Schiske, Tim Welch

**Absent:** Gary Kingsley, Lisa Sauer (clerk)

**Guests:** Mark Boylan Esq. (Town Legal Consultant), Matt Mahaney (Town Zoning Officer),

**Others Present:** Robert LaPoint (Town Supervisor), Jim Thater (Liaison to Town Board), Don Oberlin (Town Board member), Steven C. Mellott (Senior Project Manager at Fisher Associates, working on behalf of NY CDG Genesee 4 LLC), Daniel Huntington (Project Developer BW Solar/NY CDG Genesee 4 LLC)

**Visitors:** Jesse & Jolene Coots

The meeting was called to order 7:01pm by Bill Fuest. The Pledge of Allegiance opened the meeting.

Minutes from the 2/16/22 meeting were reviewed. Moved by Don Brooks to approve minutes, seconded by Liz Conway. Voice vote unanimous (6 votes)

### **New Business:**

Steve Mellott, (Senior Project manager for Fisher Associates) and Daniel Huntington (Project Developer BW Solar/NY CDG Genesee 4 LLC) opened the meeting by presenting to the board their site plan review for building a 4.275 Megawatt Solar Farm for which they are requesting a Special Use Permit from the Town of Pavilion. The project boundary is approximately 31.03 acres, of which 19.6 acres is the fenced in solar panel array area. BW/NY CDG Genesee 4 LLC has signed a 40 yr. lease agreement for their project with land owners Suzanne and Doug Waite. After the presentation of the site plan, Daniel and Steve reviewed the questions that the Planning Board had previously submitted via email, and provided answers for the questions.

It was stated by Daniel Huntington that if BW Solar ever sold their LLC, any potentially granted Special Use Permit for this project would transfer to the new owners of the LLC with the purchase. Jesse Coots asked the Planning Board Chairman if all Special Use Permits that are granted to an LLC in the Town of Pavilion can be transferred to the new owners of that LLC should it be sold. The question was directed to the Town of Pavilion Attorney, Mark Boylan, who stated "I would say yes".

The NEC code for enclosures of electrical installations over 600v nominal requires a 7ft surrounding fence. According to Town of Pavilion Zoning Code on fencing (Section 614), the fencing height can not exceed 6ft. Therefore, Zoning Officer Matt Mahaney will put in an application with the ZBA requiring a variance approval of a fence height of 7ft.

Daniel Huntington shared that this Solar Farm Project will require between 10,000-15,000 solar panels and that there could be delays in being able to procure all of the panels required due to high demand and supply chain issues. Bill Fuest reminded the applicant that if and when the SUP is granted, they will have one year to begin construction. Matt Mahaney reminded the board that an extension could be made available if the applicant isn't able to meet the 1 yr. deadline.

8:15PM motion to adjourn by Pat Boyd, seconded by Don Brooks. Voice vote unanimous (6 votes)

Draft submitted by Lisa Schiske 3/19/22