

TOWN OF PAVILION PLANNING BOARD

Special May 25th Planning Board Meeting Minutes/Solar Farm Application

Present: Bill Fuest (Chairperson), Patrick Boyd, Don Brooks, Liz Conway, Lisa Schiske, Lisa Sauer(Clerk)

Absent: Gary Kingsley, Tim Welch

Guests: Mark Boylan Esq. (Town Legal Consultant), Jon Hinman PE(MRB Group-Town Engineering), Matt Mahaney (Town Zoning Officer),

Others Present: Jim Thater (Liaison to Town Board), Daniel Huntington (Project Developer BW Solar/NY CDG Genesee 4 LLC), Steven C Mellott(Senior Project Manager), Douglas Waite (Property Owner)

Visitors: None

The meeting was called to order at 7:00 pm by Bill Fuest. The Pledge of Allegiance opened the meeting.

Minutes from the 5/18/22 meeting were reviewed. Moved by Don Brooks to approve minutes, seconded by Lisa Schiske. Voice vote unanimous (5 votes)

Solar Farm Special Use Permit application -located at 6464 Shepard Rd. Tax Map No. 15.-1-38.11 Applicant Name: NY CDG Genesee 4 LLC. Property Owners: Suzanne and Douglas Waite

Confirmation that the decommissioning Plan/Bond Proposal is acceptable to the Town: Conditions of final approval:

Final decommissioning Plan/Bond needs to be signed off by a NY State Licensed Engineer.

Current estimate is 0 for tree removal however, in the event the property owner changes or present owner changes their minds, there needs to be an estimate for tree removal.

Final estimated amount needs to be provided for erosion and sediment control.

Status update of the SEQR process from MRB Group: No further comments from outside agencies. OK to proceed with Part II and III (Full Environmental Assessments Forms) per Jon Hinman PE.

Designating Lead Agency Resolution: Bill Fuest read through the document: SEQR-Determination of Significance Resolution to the Board. The proposed action is to be a Type I action under Part 617 of the State Environmental Quality Review(SEQR) Regulations. The Resolution was offered by Lisa Schiske and seconded by Don Brooks. To Declare a Lead Agency. Roll Call vote-Bill Fuest-yes; Patrick Boyd-yes; Don Brooks-yes; Liz Conway-yes; Lisa Schiske-yes. So carried.

*Noted (2 members absent) 5 members sufficient for a quorum

Environmental Assessment Form Part 2: (Identification of Potential Impacts)- Reviewed by Board Members included that there is no impact on community health, no impact on geological features, surface water, groundwater, flooding, plants and animals. There will be a small impact on community character, but small due to mitigation due to planting of trees. There will be emissions by heavy construction equipment vehicles, during construction only and finally impact on noise level during construction only. No other changes or questions by the Board members.

Determination of significance Resolution: Bill Fuest read through the Document: Be It Further Resolved based upon the information and analysis, the proposed action will not result in any significant adverse environmental impact.

Determination of Non-Significance on the proposed development. The Resolution was offered by Liz Conway, seconded by Don Brooks. Roll Call vote. Bill Fuest-yes; Patrick Boyd-yes; Don Brooks-yes; Liz Conway-yes; Lisa Schiske-yes. So carried

Sign Environmental Assessment Form Part 3: (Evaluation of the Magnitude and Importance of Project Impacts And Determination of Significance) The project will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued. Document signed by Bill Fuest(Chairperson)

Resolution to issue a Special Use Permit: Jan 26th,2022 ,The Town of Pavilion received an application pursuant its Commercial Solar Law for a Special Use Permit submitted by CDG Genesee 4 LLC for a 4.275MW solar production facility. April 14, 2022 The Genesee County Planning Board pursuant to section 239-m of Genesee Municipal Law recommended approval. The Planning Board hereby approves the Special Use Permit based on the site plan and layout dated May 12,2022 subject to compliance by Applicant with the following conditions: Approved Decommissioning Plan, amendments around tree removal, cost of erosion and sediment control and signed by a NY State licensed engineer.. With the Amendments -The Resolution was offered by Lisa Schiske and seconded by Don Brooks. Roll Call vote: Bill Fuest-yes; Patrick Boyd-yes; Don Brooks-yes, Liz Conway-yes; Lisa Schiske-yes. So Carried.

Bill Fuest thanked the Application team for all their due diligence as well as the MRB Group, Mark Boylan, Matt Mahaney and The Planning Board Members

Cancellation of June Planning Board Meeting- The Board Members agreed due to no new business pending, this was verified by Matt Mahaney.

7:30 pm motion to adjourn by Lisa Schiske, seconded by Don Brooks. Voice vote unanimous (5 votes)

Draft submitted by Lisa Sauer 6/7/22