

TOWN OF RIDGEWAY  
410 West Ave  
Medina, NY 14103  
PLANNING BOARD MINUTES  
January 6, 2021

MEMBERS PRESENT:

Tom Fenton (Chairman)  
Thomas Kline absent  
Tim Elliott (Asst, Chairman)  
Richard Fisher  
Kathy Blackburn

Others Present

Shaun Logue- MRB  
Mike Frateschi-TJA

Others present VIA Telecommunication Meeting

Mark Sweeney- Sweeney Law  
Bill Perrine-C&S

CALL TO ORDER:

Chairman Fenton opened the meeting with Pledge of Allegiance at 7:03 pm

APPROVAL OF THE AGENDA:

Chairman Fenton called for a motion to approve the January 6, 2021 Agenda. Motion was made by Kathy Blackburn to accept the meeting agenda; second by Richard Fisher. All were in favor and the motion was carried.

APPROVAL OF THE MINUTES:

Chairman Fenton called for the approval of minutes for the December 2, 2020 meeting. Motion was made by Kathy Blackburn to accept the minutes as written; second by Richard Fisher. All were in favor and the motion was carried.

Chairman Fenton called for the approval of minutes for the December 14th, 2020 Special meeting. Motion was made by Kathy Blackburn to accept the minutes as written; second by Richard Fisher. All were in favor and the motion was carried.

COMMUNICATIONS:

The Planning Board Members were reminded to sign their Oath of Office at the end of the meeting.

OLD BUSINESS:

Special Use Permit- Medina Solar Project. Two sites- 11074 and 11202 Ridge Road. The Planning Board received responses from C&S Engineering an TJA Energy in regard to MRB Group's recommendation letter dated 12/11/2020. Shaun Logue-MRB Group- stated that they had gone over the responses and had sent another letter to The Planning Board, C&S and TJA dated January 4<sup>th</sup>, 2021, Shaun met with

them C&S and TJA on January 6, 2021. All are in agreement to addressing all comments. Chairman Fenton asked the board if they had any questions concerning the two projects. On recommendation of special counsel, Hodson Russ, Chairman Fenton asked for a resolution to Approve with conditions the Special Use Permit for the TJA-NY-11074 Ridge Rd Medina LLC Solar Energy Project at 11074 Ridge Road, Town of Ridgeway.

RESOLUTION 1: 1-6-2021

**Resolution Approving with conditions the Special Use Permit for the TJA-NY-11074 Ridge Rd Medina LLC Solar Energy Project at 11074 Ridge Road, Town of Ridgeway.**

WHEREAS, the Planning Board of the Town of Ridgeway (the "Planning Board") has received an application from TJA-NY-11074 Ridge Rd Medina LLC for a 3 MWac solar energy generating facility at 11074 Ridge Road, Medina, New York 14103, in the Town of Ridgeway (the "Project"); and

WHEREAS, the Planning Board has, acting as Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA"), issued a Negative Declaration of Environmental Significance for the Project and no agency has objected to the Town acting as Lead Agency; and

WHEREAS, the Planning Board has conducted a duly noticed public hearing and referred the Project to the County Planning Board.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Town of Ridgeway that:

1. The Planning Board hereby makes the following findings

a. The proposed Project is a Utility-Scale Solar Energy System as defined in Section 790 of the Town Zoning Code

b. The proposed Project meets all setbacks and other requirements, including height limitations and coverage ratios for utility scale solar under the Town Code. The Project is proposed for use district in which utility solar is authorized.

c. In accordance with the criteria of the Town Code the proposed Project is accessible to emergency vehicles and personnel, all support structures and devices are non—reflective or painted a drab color, the information provided demonstrates that the system shall not reflect solar rays onto neighboring properties, public roads, or public parks, artificial lighting is shielded and limited to safety purposes only,

d. The Site Plan meets all requirements of the Town Zoning Code, including providing for necessary landscaping and screening.

e. As noted in the environmental review, the development of the Project will not have a significant adverse impact on fish, wildlife, or plant species or their habitat or other significant habitats identified by local, state or federal agencies.

f. The proposed special use is consistent with the general intent of the Town's Comprehensive Plan and with each of the specific purposes set forth in the Town Zoning Code.

g. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the zoning district.

h. Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.

i. The proposed special use satisfies each and all standards and conditions specified for such special use (utility-scale solar) by the relevant provisions of the Special Use Permit Article of the Town Zoning Code.

j. In making its determination on the Site Plan for the proposed Project, the Planning Board has considered the General Criteria listed in section 1105 of the Town Zoning Code, to the extent each item is considered appropriate. In addition to the determinations made within the determination of environmental significance, and those referenced in these Findings, the Board notes that it has reviewed the adequacy of storm-water and drainage facilities, and finds that they are in compliance with the requirements of the Code, reviewed the adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation, considered the protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances, the adequacy of fire lanes and other emergency zones and the provision of fire hydrant,

2. The Special Use Permit and Site are approved subject to the following conditions, which in addition to any conditions for obtaining building or other permits under Section 790 of the Town Zoning Code.

- a. The Town Engineer review letter dated January 4, 2021 is to be addressed prior to the site plans being signed by the Planning Board Chair.
- b. The Town Code Enforcement Officer may make an on-site visit at least once

over the course of the year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.

- c. Special Use Permit approval is conditioned on the TJA-NY-11074 Ridge Rd Medina LLC Solar Energy Project Operations & Maintenance Manual dated 2020 per the Town Engineer letter dated January 4, 2021.
- d. Special Use Permit approval is conditioned on the TJA-NY-11074 Ridge Rd Medina LLC Solar Energy Project Decommissioning Plan (the "Decommissioning Plan") last revised December 21, 2020, which is hereby accepted, with the conditions stated in the Town Engineer's January 4, 2021 letter,
- e. Special Use Permit approval is conditioned on the Stormwater Pollution Prevention Plan (SWPPP) for the TJA-NY-11074 Ridge Rd Medina LLC Solar Energy Project last revised December 2020. No permits shall be issued until the NYSDEC Acknowledgement letter has been received by the Town Building & Zoning Department.
- f. Prior to obtaining a building permit, the Applicant must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Ridgeway at its discretion) for the removal of the Solar Energy System, with the Town of Ridgeway as the designated assignee/beneficiary, in the amount approved by the Planning Board in the Decommissioning Plan.
- g. The Decommissioning bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal, or a mechanism for a licensed engineer retained by the Applicant to submit a revised estimate every three years for approval by the Planning Board.
- h. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season. All trees shall be installed at a minimum height of 8' at planting and if to be replaced.
- i. ACOE and NYSDEC permits, if any, are to be obtained and provided to the Town of Ridgeway prior to issuance of permits.
- j. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 90 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Solar Energy Systems or without production of energy and offsite sale to and consumption by one or more customers for Solar Energy Systems.
- k. As part of the requirements for a certificate of completion, at the completion of the project, as-built drawings shall be submitted. These drawings should accurately represent the location of all project related utilities and

structures. They should also demonstrate compliance with the Town's Local Law #1 of 2019

3. This Resolution is effective immediately

PASSED AND ADOPTED this 6th day of January, 2021 by the Planning Board of the Town of Ridgeway.

Offered by Tim Elliott who moved its adoption.

Seconded by Kathy Blackburn.

Adopted: 3 Ayes (Tom Fenton, Tim Elliott, Kathy Blackburn)

0 Nays

1 Abstention (Richard Fisher)

Chairman Fenton asked for a resolution to Approve with conditions the Special Use Permit for the TJA-NY-11202 Ridge Rd Medina LLC Solar Energy Project at 11202 Ridge Road, Town of Ridgeway.

RESOLUTION 2: 1-6-2021

**Resolution Approving with conditions the Special Use Permit for the TJA-NY-11202 Ridge Rd Medina LLC Solar Energy Project at 11202 Ridge Road, Town of Ridgeway.**

WHEREAS, the Planning Board of the Town of Ridgeway (the "Planning Board") has received an application from TJA-NY-11202 Ridge Rd Medina LLC for a 5 MWac solar energy generating facility at 11202 Ridge Road, Medina, New York 14103, in the Town of Ridgeway (the "Project"); and

WHEREAS, the Planning Board has, acting as Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA"), issued a Negative Declaration of Environmental Significance for the Project and no agency has objected to the Town acting as Lead Agency; and

WHEREAS, the Planning Board has conducted a duly noticed public hearing and referred the Project to the County Planning Board.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Town of Ridgeway that:

1. The Planning Board hereby makes the following findings

a. The proposed Project is a Utility-Scale Solar Energy System as defined in Section 790 of the Town Zoning Code

b. The proposed Project meets all setbacks and other requirements, including height limitations and coverage ratios for utility scale solar under the Town Code. The Project is proposed for use district in which utility solar is authorized.

c. In accordance with the criteria of the Town Code the proposed Project is accessible to emergency vehicles and personnel, all support structures and devices are non—reflective or painted a drab color, the information provided demonstrates that the system shall not reflect solar rays onto neighboring properties, public roads, or public parks, artificial lighting is shielded and limited to safety purposes only,

d. The Site Plan meets all requirements of the Town Zoning Code, including providing for necessary landscaping and screening.

e. As noted in the environmental review, the development of the Project will not have a significant adverse impact on fish, wildlife, or plant species or their habitat or other significant habitats identified by local, state or federal agencies.

f. The proposed special use is consistent with the general intent of the Town's Comprehensive Plan and with each of the specific purposes set forth in the Town Zoning Code.

g. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the zoning district.

h. Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.

i. The proposed special use satisfies each and all standards and conditions specified for such special use (utility-scale solar) by the relevant provisions of the Special Use Permit Article of the Town Zoning Code.

j. In making its determination on the Site Plan for the proposed Project, the Planning Board has considered the General Criteria listed in section 1105 of the Town Zoning Code, to the extent each item is considered appropriate. In addition to the determinations made within the determination of environmental significance, and those referenced in these Findings, the Board notes that it has reviewed the adequacy of storm-water and drainage facilities, and finds that they are in compliance with the requirements of the Code, reviewed the adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation, considered the protection of adjacent or

neighboring properties against noise, glare, unsightliness or nuisances, the adequacy of fire lanes and other emergency zones and the provision of fire hydrant,

2. The Special Use Permit and Site are approved subject to the following conditions, which in addition to any conditions for obtaining building or other permits under Section 790 of the Town Zoning Code.

- a. The Town Engineer review letter dated January 4, 2021 is to be addressed prior to the site plans being signed by the Planning Board Chair.
- b. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
- c. Special Use Permit approval is conditioned on the TJA-NY-11202 Ridge Rd Medina LLC Solar Energy Project Operations & Maintenance Manual dated 2020 per the Town Engineer letter dated January 4, 2021.
- d. Special Use Permit approval is conditioned on the TJA-NY-11202 Ridge Rd Medina LLC Solar Energy Project Decommissioning Plan (the "Decommissioning Plan") last revised December 21, 2020, which is hereby accepted, with the conditions stated in the Town Engineer's January 4, 2021 letter,
- e. Special Use Permit approval is conditioned on the Stormwater Pollution Prevention Plan (SWPPP) for the TJA-NY-11202 Ridge Rd Medina LLC Solar Energy Project last revised December 2020. No permits shall be issued until the NYSDEC Acknowledgement letter has been received by the Town Building & Zoning Department.
- f. Prior to obtaining a building permit, the Applicant must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Ridgeway at its discretion) for the removal of the Solar Energy System, with the Town of Ridgeway as the designated assignee/beneficiary, in the amount approved by the Planning Board in the Decommissioning Plan.
- g. The Decommissioning bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal, or a mechanism for a licensed engineer retained by the Applicant to submit a revised estimate every three years for approval by the Planning Board.
- h. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season. All trees shall be installed at a minimum height of 8' at planting and if to be replaced.

- i. ACOE and NYSDEC permits, if any, are to be obtained and provided to the Town of Ridgeway prior to issuance of permits.
- j. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 90 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Solar Energy Systems or without production of energy and offsite sale to and consumption by one or more customers for Solar Energy Systems.
- k. As part of the requirements for a certificate of completion, at the completion of the project, as-built drawings shall be submitted. These drawings should accurately represent the location of all project related utilities and structures. They should also demonstrate compliance with the Town's Local Law #1 of 2019

3. This Resolution is effective immediately

PASSED AND ADOPTED this 6th day of January, 2021 by the Planning Board of the Town of Ridgeway.

Offered by Tim Elliott who moved its adoption.

Seconded by Kathy Blackburn.

Adopted: 3 Ayes (Tom Fenton, Tim Elliott, Kathy Blackburn)

0 Nays

1 Abstention (Richard Fisher)

The Planning Board received a draft copy of the Revised Battery storage law from Dan Spitzer, Special Council to the Town. Chairman Fenton asked for a motion to send the revised plan as written from Dan Spitzer, back to the Ridgeway Town Board. Kathy Blackburn made the motion with a second by Tim Elliott. All were in favor and the motion carried.

NEW BUSINESS:

There was none

Chairman Fenton asked if there were any other issues or concerns. Since there were none, Chairman Fenton asked for a motion to adjourn the meeting. Richard Fisher made the motion and was seconded by Kathy Blackburn. All were in favor and the motion was carried. The meeting was adjourned at 7:18pm.

Next meeting is scheduled for February 3rd, 2021 at 7:00 pm.

Respectfully Submitted by  
Joelle Brown  
Planning Board Clerk