

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, October 27, 2020 at 7:00 p.m.

ATTENDANCE:

Chair. Andrew Kludt	- present
Jeff Conte	- present
Phill D'Agostino	- present
Steven Catone	- absent
Patty Pfister	- present

Also present: Brian Harper (via phone), Dan, Engineer Dan, Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

Chairman Kludt called the meeting to order at 7:04 p.m.

DISCUSSION SOLAR PROJECT ON W. KENDALL ROAD:

Town of Kendall Engineers recommended that the town could accept the completed application from Next Era for the solar project on West Kendall Road. The engineers had two issues regarding the decommissioning plan, one is the Town Boards jurisdiction, they did ask for the Planning Boards input regarding the financial aspect of the bond. second is the removal of the panels.

OVERVIEW FROM BRIAN HARPER:

Brian stated they originally submitted two projects in November of last year, both being solar projects with battery storage on them, one on W. Kendall Rd., second on Center Rd. They finally received sign off from the DEC for W. Kendall Road, they are still waiting for the sign off from the DEC for Center Road, aka: Orleans project. Battery storage was taken off both projects, no longer energy storage tanks on the site. For the W. Kendall Rd. project, they had the access road coming in from the north, off the old railroad easement, they changed that to be coming in directly off W. Kendall Rd. to the center of the project. Panels will be directed down eastward and going up north to the point of the National Grid connection 30-point KB lines that run along the other side of the project. They spent a few days with Kathy Spencer and associates from DiBella, they reviewed the decommissioning plan, site plan and the SWPP and application seems to be in a good position now.

Andrew asked why isn't there going to be battery storage at the projects now and what was the determining factor for that?

- Brian explained that they never had the incentive for these projects so they where almost like a portfolio line basis, so they were going to move forward with just having projects with permitted battery storage and use others as back-up in the future.

Brian explained it's just how economics work, they have to keep a certain amount of panels on the project to then apply the excess tax credit to the batteries, it was becoming non-economical to keep the lower watt panels on site to make room for potential batteries that may or may not come in the future.

Andrew wanted to confirm a change with the driveway, asking Brian that it looks like it is going to come directly off West Kendall Road right through the middle of the field directly west of the solar panels and the solar panels will still be in the same location directly all the way in the back of the field, and no access out to the old railroad tracks, Brian confirmed yes that is correct. Brian said they could not use the existing road that was there, it was probably twelve feet at its widest point and wetlands on each side of it, the new road will be twenty foot wide.

LaBella's have not approved the final SWPP yet, Brian believes that will happen around the same time the permit is issued.

LaBella's sent a decommissioning plan:

- Decommissioning of insurance bond.
- Expected life expectancy – warranted for 25-years with 5-year extenders.
- Removal of all above and below ground equipment, our code reads all above ground and below ground equipment and structures must be removed from the site, the solar plan reads anything below 3-feet deep under ground can be abandoned in place. Brian said that it can be revised to read removal of the 3-foot requirement and all equipment and material need to be removed from the project.
- Land scaping and swells would be left as long as the landowner and the Town of Kendall agrees to it with written approval.
- Andrew requested an updated and completed packet
- Phil D'Agostino's concern is what are the chances that the company/developer isn't going to go bankrupt in ten years or sell the site to a developer. Brian said that is when the town would call the decommissioning bond and they would come take the panels and leave the site in good condition.

Brian asked what the next steps would be, Andrew told him if we could get the completed finalized packet together with all the actual pertinent information then we could review it and agree with what LaBella's was saying that they feel that it's a completed application and then we could schedule a public hearing and schedule the County planning board meeting and go from there, have the public hearings and we can make a decision on it. Andrew will double check on dates for a public hearing and Brian will try to get the completed packet out by next week. The county will not approve anything without the SWPP.

- Exits and entrances within the fence perimeter, there will be two gates, only one will go to the public road and it is a drivable lane.
- There will be training for our fire department.
- Energy storage will be removed from the site plan. There will not be any.

CODE ENFORCEMENT UPDATE:

CEO Hennekey told the board property owners, Ronald and Vicki Breslawski have 96 acres and would like to subdivide the property. After discussion, the board approved the subdivision contingent on receipt of a revised site plan with the required side set-back of 25-feet.

APPROVAL OF MINUTES:

Minutes from the September 22, 2020 meeting submitted by Recording Secretary Bakutis were reviewed. Jeff Conte moved to accept the minutes as amended, seconded by Phil D'Agostino. All in favor.

ADJOURNMENT:

Jeff Conte made a motion to adjourn, seconded by Phil D'Agostino. Meeting adjourned at 8:03 p.m.

NEXT MEETING:

Tuesday, November 24, 2020 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary