

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, May 18, 2021 at 7:30 p.m.

ATTENDANCE: Chairperson Patty Pfister - present
 Jeff Conte - present
 Phil D’Agostino - present
 Steve Catone - present

Also present: Paula Browe, 1783 W. Kendall Rd., Bob and Diane Furness, 1775 W. Kendall Rd., Mike Furness, 1879 Peter Smith Rd., Bob McGregor, 1909 W. Kendall Rd., Gary Morris, Executive Director of Development, 116 Sardinia Cir., Jupiter, Florida 10509, Janet Ward, Project Developer, 20 Center St., Brewster, New York 10509, Chris Georgiadis, NextEra Project Manager, 300 Alexander St., Rochester, New York 14607, Bruce Newell, Town Board Liaison, Deputy Code Enforcement Officer Strong, and Recording Secretary Bakutis.

Chairwoman Pfister called the meeting to order at 7:34 p.m.

REVIEW REVISED SITE PLAN FOR THE W. KENDALL ROAD SOLAR PROJECT:

Chris Georquadis explained they are here tonight to ask the board for their conditional approval of the Kendall Solar Project. The reasoning they are pushing the conditional approval is driven by the NYSERDA megawatt incentives. He tells the board for their project to stay economically feasible given the current access road and enhancements made to the site plan this incentive is very crucial for them to capture, noted the incentive may be gone in days to a couple of weeks. They have reached an agreement in principle for access, which simply means a steppingstone towards a finalized contract. Essentially, they have agreed on terms and obligations pending further legal review and finalized details. He would like to note that they are absolutely committed to working through these finalized details in order to obtain access and they believe given the conditions outlined they can absolutely make it happen. The site plan is reflective of the details outlined by the landowner and other members of the community and will address the items now.

1. Elimination of secondary access road – New location is 240’ from the northern property line which is Furness property line. Access road will stand about 20’, 240’ to 260’ on the parcel they plan on accessing.
2. They have also included a stronger vegetative buffer with twelve on center spacing to lesson the visual impact from surrounding property owners and the community. The trees when planted will be about 7 to 8 feet at planting height, they are evergreen trees that will grow a minimum of about one foot per year. Hopefully by the eighth and ninth year of growth they will be about 16 feet in height which will be taller than the top height

of the solar panels. Member D'Agostino asked if a tree dies will it be replaced. Chris said they have a one-year warranty on the trees as is, usually after the first two years they are good to grow as long as they are maintained and watered. As it stands right now there is no technical replacement of the trees. Janet Ward, Project Developer, responded saying the warranty is to the contractor that is planting the trees, the operation and maintenance plan to the project, when the vegetative maintenance is done the flood plan scaping is inspected, so any trees that die or are diseased are replaced with the same size tree originally planted with a similar species and that will be for the life of the project.

3. Visual Barrier – They were initially thinking fencing mesh, it does not fully block things the way they had expected, the current site plan shows the revision. Deputy Code Enforcement Officer Strong questioned if the mesh fence will boarder the whole project? Chris responded no just the western front. DCEO Strong asked is this just going to benefit the Furness? Chris said yes but the other houses are on the western side, Janet's response was the landscaping goes to the corner, so it blocks the site there and wraps around to the north.
4. Culverts – They have two listed but understand two may not be enough, they are performing calculations on that culvert to ensure the drainage system will effectively work in that area. Their goal is to improve storm water drainage in that area.

Chris closed with saying these are the items that were discussed and outlined in principal and other members of the community. They are committed with working through the legalities of making this access project come to fruition, in order to do so they are looking to obtain conditional approval tonight so they can apply and receive the incentives tomorrow.

Member Conte questioned what type of vegetation will be from the road to the fencing and who will maintain the vegetation and where does the lease line start? Janet responded by saying the lease line would be the vegetative buffer and the access road, and the property owner will maintain outside the vegetative buffer to the property line. They will maintain the vegetation and the access road. Property owner meaning, property who they are leasing the property from, the Furness would not be responsible. The board feels that is a cause for concern seeing as the property owner does not live in town. In the past the farmer leasing the property was maintain the land, so now that it's just going to run wild up to the Furness property line, they would like NextEra to possibly extend their lease up to the Furness property line. The new lease line creates a new issue. There is about 500 feet between the lease line and Furness property line. Chairman Pfister questioned if the laydown field was outside the area? Janet said correct and explained once the construction is completed the area will be returned to it's pre-existing condition, the property owner maintains outside the fence to the property line.

Chairman Pfister explains what is required prior to the hearing for the final site plan: The town engineer's need to review the it, SEQR parts two and three still needs to be completed, legal agreement for the decommissioning plan still needs to be settled, the board still needs to see the legal agreement with the Furness and their approval, conservation easement details for the board to review, emergency management still has some issue and questions and were not able to review until tonight and as we're discussing this tonight there are more modifications that

need to be added to the site plan. DCEO Strong added they are trying to finalize the access road agreement and all we heard tonight is two parties trying to work out a lease, and culvert and drainage issues still need to be added to the site plan. DCEO Strong also passed out a letter he prepared in regard to Emergency and Management he states based on review of the plans dated January 7, 2021 which he was told was the most current set of plans, he provided Chris, Janet and the planning board a copy of the letter, he also provided the letter from Emergency and Management for the Center Road project. He brought up the fact that the finished site plan will have to have its own public hearing because this site plan has to be revised.

Jeff Conte made a motion for a 60-day extension, seconded by Phil. All in favor.

Per Chairman Pfister, if everything is in order by June 15th she will schedule a public hearing for June 29th. Which means, in order to schedule the public hearing NextEra needs to provide all the information for the open items to the board and there has to be enough time for the town attorney and engineer to review, once that is done the public hearing can be scheduled. DCEO Strong wanted Chris, Janet, Gary and the planning board to be aware that he was informed that this board had requested that the Center Road project be sent to the county planning board, and it is on their agenda for next Thursday, May 27th. Chairman Pfister requested four more full size 24" x 36" copies of the Center Road project mailed to the town hall.

CANNABIS LAW DISCUSSION:

Board members discussed their views regarding cannabis and if it should be equated with adult themed town code and laws. Town Board Liaison Newell was questioned on what the town's expectations were from the planning board. Liaison Newell suggested the board look at the NYS laws regarding cannabis and send the town board a few points, wait for their response and go from there. All agreed.

SHORT TERM RENTAL DISCUSSION:

Discussed home-owners associations making their own laws vs. town law. Another option is case by case laws prepared by the planning board as well as deciding on the conditions for that property.

APPROVAL OF MINUTES:

No quorum so the minutes from the April 27, 2021 meeting will be tabled and reviewed at the next regular scheduled meeting.

NEW BUSINESS:

Discussion was held on how to keep the public informed of current agenda items. Patty will bring it up Bruce and Tony's attentions.

ADJOURNMENT:

Jeff Conte made a motion to adjourn, seconded by Steve Catone. Meeting adjourned at 9:04 p.m.

NEXT MEETING:

Regular scheduled meeting rescheduled for Tuesday, June 29, 2021 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary