

**TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES**

Tuesday, July 27, 2021 at 7:00p.m.

ATTENDANCE: Chairwoman Patty Pfister - present
 Jeff Conte - absent
 Phil D'Agostino - present
 Steve Catone - present

Also present: Travis Gascon, 1739 W. Kendall Rd., Ken Bell, 1791 Center Rd., Brian Harper, NextEra Energy Resources, LLC., Lina Saldarriaga, Lead Project Mgr. Distributed Generation, NextEra Energy Resources, LLC., Supervisor Camaratta, Town Board Liaison Newell, Code Enforcement Officer Hennekey, Code Enforcement Officer Strong, and Recording Secretary Bakutis.

Chairwoman Pfister called the meeting to order at 7:01 p.m.

PLUBLIC HEARING FOR THE W. KENDALL ROAD SOLAR PROJECT:

Chairwomen Pfister opened the public hearing at 7:01 p.m. and read the public notice:

Notice is hereby given that a public hearing will be held by the Town of Kendall Planning Board on Tuesday, July 27, 2021 at 7:00 p.m. at the Kendall Town Hall, 1873 Kendall Road, for the application of a special use permit and site plan review for NextEra Energy Project/DG New York Solar #2020-098.1, for a ground mounted solar energy system located at 1771 W. Kendall Rd., Tax ID #31.-2-27. The property is zoned Residential Agriculture (RA). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's Office. ALL current COVID-19 restrictions regarding public gatherings will be in effect. A copy of the application is available for review by contacting the Town of Kendall Clerk's Office at (585) 659-8721.

By Order of
Chair, Patty Pfister
Town of Kendall Planning Board

Buffer was discussed, Brian told the board it will be made up of a green mesh that is 955-linear feet. Bruce questioned the scale of the buffer to the public road access, Brian answered most likely 1,000 to 2,000-feet. Travis Gascon questioned how far his property was to the project site, Brian answered, it's 250-feet from the north edge of the property to the center of the road and it will be a temporary lay down area. It will be over 150-feet from Gascons property line. The board continued to review the site maps with further discussion, there are also trees lining the property line along Mr. Gascon's property. Chairman Pfister closed the public hearing at 7:17 p.m.

Discussion took place regarding a memo prepared the Orleans County Emergency Management dated May 14, 2021, for both the W. Kendall Rd. and Center Rd. project sites. EVS has added responses to the comments which pertain to the documents prepared by EVS Engineering, LLC. (Attached). Some of the concerns that were discussed at tonight meeting were:

1. The vegetation that will be used for both projects, will it survive in the areas climate and who will be maintaining it? Patty told Brian on the SWPPP where it says who will be maintaining the vegetation is blank. Brian told the board they have not chosen a company who will be supplying the trees yet, but whomever it shall be they usually ensure the vegetation for two years and NextEra will be responsible.
2. Operations and Maintenance Plan, who will be enforcing this plan, it states the stormwater runoff will have an inspection every twelve months, who will get the report, and who will take care of the problems that are identified? The Town of Kendall would like a report.
3. What happens when and if the project is sold, all the stipulations that are in these contracts? Brian explained they are long term owner operators; they have no intention of selling the projects. He told the board whenever they buy projects, they are held to the existing terms for the town. This board would like it included in the contract. The town attorney will be contacted. Brian will consult internally to put in the language that these stipulations run with these projects and what other entity would assume ownership would also be required to abide by whatever the board decides.

Patty confirmed with Brian that he received her emails regarding the impervious roadways and that it will need to go through the town's zoning board for an area variance if they choose to keep them as such. Also, she is still waiting to hear from the town lawyer regarding the purchase agreement between NextEra and Furness. There are no issues with the SEQR, it is ready and includes both projects. Furness's subdivision at the county and is contingent the board's approval.

OLD BUSINESS:

There is still an opening on the board.

PLUBLIC HEARING FOR THE CENTER ROAD SOLAR PROJECT:

Chairwomen Pfister opened the public hearing at 7:32 p.m. and read the public notice:

Notice is hereby given that a public hearing will be held by the Town of Kendall Planning Board on Tuesday, July 27, 2021 at 7:30 p.m. at the Kendall Town Hall, 1873 Kendall Road, for the application of a special use permit and site plan review for NextEra Energy Project/DG New York Solar #2020-099.1, for a ground mounted solar energy system located at 1770 Center Rd. The property is zoned Residential Agriculture (RA). All persons wishing to speak will be heard at this time. Application is on file in the Town Clerk's Office. ALL current COVID-19 restrictions regarding public gatherings will be in effect. A copy of the application is available for review by contacting the Town of Kendall Clerk's Office at (585) 659-8721.

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Phil informed Brian he received a message from Ken Bell, an owner of the property directly across the road from the project, saying he would like shrubs or trees on the Center Rd. side of the field so it will conceal the solar panels. Brian explained there will be trees to the south along with the green mesh fence that will be going to the top and bottom of the 7-foot fence. Discussion took place while reviewing site plan. Chair. Pfister acknowledged, all the reasons and arguments brought before the board tonight need to go to the zoning board prior to this board making any decisions. She calculated September 27th will be the 62 days until this board needs to make a decision, that gives enough time for the zoning board to review, we can possibly make a decision at our next meeting on August 24th, contingent on input from the fire department.

APPROVAL OF MINUTES:

Minutes from the June 29, 2021 were not reviewed due to there not being a quorum. They will be reviewed at the next regular scheduled meeting.

ADJOURNMENT:

Phil D'Agostino made a motion to adjourn, seconded by Steve Catone. Meeting adjourned at 8:16 p.m.

NEXT MEETING:

Tuesday, August 24, 2021 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary