

WAYNE COUNTY PLANNING BOARD

MINUTES May 31, 2023

A meeting of the Wayne County Planning Board was held in person at 9 Pearl St. 2nd floor Conference Room, Lyons, NY. Determining that a quorum of members were present and current applicants represented, Chairman Steve Guthrie called the meeting to order at 6:55 p.m. and proceeded with a call to join in the Pledge of Allegiance.

Members in attendance were Steve Guthrie (Rose), Kenneth Conklin (Ontario), Mert Bartels (Macedon), Rob Burns (Lyons), Dennis Grabb (Sodus), Joe Firendino (Galen), Chad Mendenhall (Butler), Larry Lockwood (Huron), Bert Peters (Williamson), Bob Hutteman (Arcadia), Bob Milliman (Wolcott), and Patti Marini (Walworth). There were twelve (12) members present which exceeds the minimum attendance for quorum of the Board. Members. Member Matt Krolak (Palmyra) was absent. There are currently two vacancies on the 15-member. County staff in attendance were Brian Pincelli, Director, Ben Levine, Planner, and Deb Hall, Planning Secretary/clerk to the board. There were five (5) members of the public in attendance – John Moeller of REC Solar South Butler, Jason Zambreycki and Victor Ciaccia of Norbut Solar Farms, Erin Peters of D. Clark Distributors and Mark Sweeney, Sweeney Law Fir representing South Butler Solar.

ADMIN UPDATES / COMMUNICATIONS Chairman Guthrie asked for any administrative updates. Ms. Hall called attention the minor changes on the Agenda and last minute handout from NYS Dept. of Ag and Markets.

MINUTES Chairman Guthrie asked if there were any changes or comments to the previous meeting minutes of April 26, 2023. Hearing none, Mr. Hutteman made a motion to accept the minutes from the previous meeting, with a second from Mr. Milliman. Minutes were approved.

ZONING AND SUBDIVISION REFERRALS

Chairman Guthrie called for the Board to begin review of the list of referral applications. Ms. Hall read the meeting guidelines and confirmed with the project representatives that they understood that any recommendation voted on at this meeting would be returned to the local referring agency for final decision. Mr. Pincelli introduced the first referral on the agenda.

Project: Town of Butler – South Butler Solar LLC

Address: 4120 Rt. 89

Tax Map Ref. No. : 77114-00-079876 and 77114-00-986875

Type of Action(s): Special Permit

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Type of Action(s): Final Site Plan

Mr. Moeller and Mr. Sweeney explained that the project was seen by the town and county two years ago. The project footprint is the same as it was then with 4.89 MW production capacity. The only change was the removal of the battery storage component. New approvals are needed due to new Town Local Law regarding solar projects. He explained that the wetlands noted on the maps are non-jurisdictional wetlands and both DEC and Army Corp of Engineers gave permission to build around it. This board approved the project two years ago. Mr. Pincelli stated that this board also reviewed and recommended approval of the new local law. Mr. Mendenhall, who does not sit on the local board that will review this project, asked if IDA is doing an evaluation of solar projects in ag districts. Mr. Pincelli stated that they do but this project

is not in an ag district. There are two landowners. Mr. Hutteman asked if easements were in place for back landlocked parcel. Mr. Sweeney said both owners have given easements to developer. Mr. Moeller stated they have already made deposit payment to RGE utility for interconnect. However the project build out does not always coincide with utility connect. They anticipate next May to interconnect with utility. Mr. Conklin asked where the connection was. Mr. Sweeney stated at the nearby pole and any substation improvements are at developers cost.

A motion was made on the **Special Permit** to recommend Approval with Comments. **Motion** – Mr. Burns, **Second** – Ms. Marini. Chairman Guthrie asked for voice vote. **Ayes** – 12, **Opposed** – 0, **Abstention** – 0. **Motion carried. Action** – Return referral to the municipality for final determination.

A motion was made on the **Final Site Plan** to recommend Approval with Comments. **Motion** – Mr. Burns, **Second** – Mr. Conklin. Chairman Guthrie asked for voice vote. **Ayes** – 12, **Opposed** – 0, **Abstention** – 0. **Motion carried. Action** – Return referral to the municipality for final determination.

Project: Town of Arcadia – Norbut Solar Farms

Address: 2749 Rt. 88 N

Tax Map Ref. No. : 68113-00-690342

Type of Action(s): Special Permit

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Address: 2749 Rt. 88 N

Tax Map Ref. No. : 68113-00-690342

Type of Action(s): Final Site Plan

Representative of the project, Mr. Ciaccia explained the project as being developed on land zoned Ag and in an Ag District. The project is on 53 acres and is compliant with local codes for Stormwater Pollution Prevention. The NYS Ag Review was received and reported there was no unreasonable effect of the project although some small portion of the project will occupy soils of statewide importance, Type #2. He added that there would be no visibility for the road hence no glint/glare impact and additional screening will be added on the east side of the development. Mr. Pincelli clarified that the project would tie into the Sleight Rd. Substation, where another recent project is also slated to interconnect. Mr. Zambreycki stated that the substation as more than enough capacity. Mr. Peters stated that because the Ag review stated that Class 2 prime soils will be used, the conversion of farmland to solar is disappointing. Mr. Ciaccia stated that only 20 acres of the total of 53 acres of the project area will be affected. Ag & Markets has a 30 acre threshold of disturbance in recent guidelines. Mr. Hutteman clarified that an upcoming moratorium on solar projects will not affect this project. One other local project at the landfill is on hold. Mr. Ciaccia also stated that no formal subdivision will occur for this project. They will buy the land and file for suffix identification on the two project sites. The project will be owned by the developer but may be leased to an operator in the future. Any operator will be responsible for Decommission plan. Landowner will pay taxes. Mr. Zambreycki stated the battery storage is economical now that state has provided a road map for inclusion. He also clarified that the tracking panels are 25% - 40% more efficient than stationary ones. Mr. Conklin asked for clarification on battery storage. Mr. Ciaccia said that each of 4 pads will have units capable of storing 4.5 MW AC power which will charge during peak hours and then be used at night or during non-peak hours. Each battery has a 4-hour duration for storage. Board members asked developers to clarify that all storage pads are accessible to Emergency equipment, that the local Fairville Fire Dept is aware of emergency response to lithium batteries of this size. Mr. Ciaccia stated that the Fire Chief will be made aware and trained if necessary, in emergency response. Mr. Pincelli stated that while there are solar projects developed or under development in Wayne County, comparatively Wayne County has seen less than in other similarly rural Counties.

A motion was made on the **Special Permit** to recommend Approval with Comments. **Motion** – Mr. Firendino, **Second** – Mr. Bartels. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Hutteman. **Motion carried. Action** – Return referral to the municipality for final determination.

A motion was made on the **Final Site Plan** to recommend Approval with Comments. **Motion** – Mr. Conkllin, **Second** – Mr. Milliman. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Hutteman. **Motion carried. Action** – Return referral to the municipality for final determination.

Project: Town of Arcadia – D. Clark Storage

Address: 1589 Welcher Rd

Tax Map Ref. No. : 68111-00-727883

Type of Action(s): Special Permit

Mr. Peters address the board with project proposal to install four shipping containers as storage units on gravel pads in a similar manner and style as the adjacent property, also owned by same owner. These will be placed outside the easement area for the utility lines. Army Corp of Engineers (ACE) is completing a 60-day review of the floodplain and DEC will be doing a final wetland delineation due to proximity of project to Ganargua Creek. Town has previously approved a zoning variance for setbacks and Town Planning board approved use variance. Special use permit was triggered by town code. Board members felt that the project was in keeping with the neighboring uses, however, pending a positive accommodation from DEC and ACE, the were comfortable with little if no impact from these additional removable storage units.

A motion was made to recommend Approval of Special Use Permit with comments. **Motion** – Mr. Burns, **Second** – Mr. Peters. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Hutteman. **Motion carried. Action** – Return referral to the municipality with recommended Approval and comments.

OTHER BUSINESS

Chairman Guthrie asked for any other business or staff reports. Mr. Pincelli reported the local Industrial Development Agency who oversees PILOT (payment in lieu of taxes) agreements for solar and other industrial sites is updating their UTEP (uniform tax exempt policy) to establish additional costs to solar developers for the use of land in the County Ag District occupying Mineral Soil Groups (MSG) 1-4. Additional fees will amount to \$5,000 per acre based on the acreage of soils used. This revenue will not disrupt the revenue to landowners but will be used to protect farmlands elsewhere in the county by establishing a funds to purchase development rights for farmland in other parts of the County. Mr. Hutteman suggested that this “protection” be a part of the negotiation of a decommission plan so that rights are purchased after the development is decommissioned. Mr. Pincelli stated that it was a good suggestion and would be considered. Mr. Hutteman also wondered if the development rights could be bought up front, in advance of the end of the project life. Mr. Pincelli said the prime land and soils are still there. He referred to the Ag & Market review and fee assessment for projects over 30 acres. The board discussed what the development rights would entail versus solar development prospects. Mr. Pincelli commented that it was interesting to new see that developers are buying the land instead of leasing it. Purchasing land vs. a lease agreement does impact assessed value per the new Solar Assessment Tool developed by the NYS

Department of Tax and Finance, which recently went into effect after a moratorium for previously pending litigation, which was dismissed. Mr. Hutteman reminded the board to consider development of all kinds, not just solar, on available farmland. Mr. Pincelli reminded the board of the Notice of Intent that must be filed with state when there is a commercial use of Ag land (or conversion to commercial) where there is also a use of state funds.

Ms. Hall updated the board on her full time position changing to part time while the department looks for a replacement. She has taken a full time position at the Wayne County Historical Society.

Hearing no other business, Chairman Guthrie asked for a motion to adjourn. Motion – Mr. Lockwood, Second – Mr. Grabb. All members were in favor. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah Hall". The signature is written in a cursive, flowing style.

Deborah Hall, Secretary, Planning Dept.