

Village of Caledonia Planning Board
Meeting Minutes for July 19, 2022

Members Present: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski, Jason Hunt (arrived at 6:50).

Also Present:

Mike Burnside, Code Enforcement Official
Nick Walsh, Dimension Energy/CRC Solar Project
Community Members (see attached sign-in)

The meeting was opened at 6:30 pm with the Pledge of Allegiance.

June 2022 Minutes

Motion by James Kemnitz, seconded by Brenda Nelson, to approve the June 2022 minutes.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski

Nay: None

Abstention: None

Public Hearing, CRC Solar

Motion by Jay Barefoot, seconded by Marge Landowski, to open the Public Hearing at 6:35 pm.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski

Nay: None

Abstention: None

Rhett Clark stated the purpose of the Public Hearing, and read aloud the Legal Notice:

in the matter of the Application of Caledonia CSG LLC for Site Plan Review and Minor Subdivision approval to construct and operate a fixed tilt ground mounted photovoltaic (PV) solar energy facility of approximately 5.3MWdc/4.5MWac in capacity. This project is proposed to be located at 2773 Caledonia-Leroy Road in the Town and Village of Caledonia, NY.

Said project will be placed on three privately-owned parcels owned by Commodity Resource Corporation. The PV system is proposed for installation within a 27.12 acre site. The interconnection wiring will be pole mounted with overhead wiring. The proposed solar array will also involve associated access roads, electric utility upgrades, power inverters, and perimeter fencing with existing and new vegetation utilized for landscape screening. The Project activities will be located in an existing Light Industrial zoned district, adjacent to a factory, roadways, railroad tracks, residences, and forested areas.

This is a joint project between the Town and Village of Caledonia, with approximately 20% in the Village. The Town held its Public Hearing approximately one month ago.

Nick Walsh, from Dimension Energy, provided a project overview.

This is a community solar project; the power generated will go into the community through National Grid's grid.

The Public Hearing was opened for public comment.

Mark Riggi is a property owner in the Village of Caledonia. (2925 West Main Street) He stated that as a judge, he cannot voice an opinion, but as a resident, he:

1: Is disappointed in the Town. He did not receive notice about the project. He heard of the project through Mike Burnside. He stated that his address is 2925 Caledonia-Leroy Road, and this project is very close to his residence.

2: Asked about Volatile Organic Compounds and wondered what is in the solar modules. Nick Walsh replied that silica is used but did not have the exact specifications with him. Mr. Riggi does solar studies, and is wondering about the 5-10-15-20 year output; what will get into groundwater? He suggests being careful, as this could be setting up the community for legal action.

3: Is not against the project, but is worried about how this might affect the groundwater.

4: Asked about the lifespan of the project. Nick Walsh stated that there is a 25-year lease with a possible extension.

5: Asked if the project is near the flood plain? Nick Walsh replied that no, it is not part of the flood plain.

6: Asked what happens when the project is decommissioned, and how are they making sure it is done safely? Nick Walsh stated that it is an intricate process, and there are standards in place.

Rhett Clark stated, in response to Mr. Riggi's comments, that the Planning Board does not have an agenda. Information is readily available about the project. He is unsure why Mr. Riggi did not receive notification, but thinks it is because his address is out of the 500' neighbor notification radius.

William Jones (2700 West Main Street) asked about seepage from the panels. Nick Walsh said there is a decommission plan in place. It can be adjusted as needed. There is also a bond in place.

Rhett Clark asked the following questions/asked for or provided clarification of the following during the Public Hearing:

1: If there is anything in the plan to monitor contamination. Nick Walsh stated that there is not soil monitoring in the plan, but they will know if a module is failing.

2: What is NYS' stance on renewable energy? Nick Walsh stated that NYS has an aggressive goal to push for clean energy and community solar. The goal is to have 50% of the energy produced to be renewable by 2035.

3: What is the Pilot agreement, and does the Planning Board have input? Nick Walsh: Sometimes it is guided by the county's IDA. The two entities may work together on it.

4: For the overall project, the Town held its own Public Hearing. Because it is on a municipal border and state road, the project was referred to Livingston County. The County provided input, and the Planning Board will need to consult with the Village Attorney and Village Engineer. The Town has items they will approve with conditions. Dimension Energy will have to complete the subdivision paperwork.

Gail Milner (3228 East Avenue) asked the following questions during the Public Hearing:

1: Where are the panels are made?

Nick Walsh stated that it is hard to source right now, but they have a plan to order from Korea.

2: What are the positive implications?

a: Opportunity for us to buy less expensive power

b: This is an unused parcel of land. There will be payments to the Town/Village, in lieu of paying taxes. This is attorney-negotiated after the project is approved. NYSERDA has models for this.

3: What are the downsides?

For this, not any. The property is not usable for many other purposes. There is also low impact for traffic.

4: What is Dimension Energy's feeling about supporting the community?

The Pilot funding can be divided among the Town/Village, Library, School, etc.

5: Where are the plans available? The Horseshoe Solar plans are at the Library, will these be there also?

The size and scope of the Horseshoe Project is much larger than this project.

James Kemnitz stated some of the advantages of this project: the land is untillable and contaminated that is buffered by railroad tracks, and it is hard to find other uses for this property. It will also provide revenue.

Motion by James Kemnitz, seconded by Brenda Nelson, to offer approval of this project, with the following conditions to be met:

- Attorney approval
- Engineer approval
- Satisfaction with Pilot program
- Subdivision process completed

Discussion:

When and how do all these conditions have to be met?

Mike Burnside: The building permit is only issued once all the conditions are met.

The building permit will be issued once Attorney approves.

Rhett Clark will send Livingston County's comments to the Village Attorney.

Rhett Clark asked if there were more community comments.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski

Nay: None

Abstention: Jason Hunt (due to not hearing the entirety of the public comments early in the meeting)

Motion by Marge Landowski, seconded by Jay Barefoot, to close the Public Hearing at 7:20 pm.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski, Jason Hunt

Nay: None

Abstention: None

Caledonia Library, 3108 Main Street

Charlie Robinson and Gail Milner came to the Planning Board to present the library’s proposed expansion. The library is in a B-2 zone, and the list of approved uses are cited in code 215-27. From a use standpoint, the project is fine. From a code standpoint, B-2 has the same requirements as R-1. The side yards must have a total width of 24’, and neither shall be less than 8’. This proposal has 8’ on one side and 0’ on the other side; as the library is currently built, there is 24’ because there is no addition. [See Code 215-28 (B).]

- The project is out for bidding
- There are 4 NYS Library grants helping to fund this project, and a timeline in which the work must be completed for the grants to be applicable.
- They would like to break ground this fall

Mark Riggi owns a property adjacent to the Library. He stated he is not against the project, but would like to retain 8’ from the property line to avoid an alleyway creation. He also suggests having a survey done to confirm property lines.

- The plans already account for leaving 8’ clearance by the property line.

The Planning Board will ask for advice from the Village Attorney. The project will also be referred to Livingston County due to its location on Route 5.

Motion by James Kemnitz, seconded by Jason Hunt, to:

- 1: Refer this project to Livingston County
- 2: Pre-emptively schedule the Planning Board’s Public Hearing for the same time as the Zoning Board of Appeals’ Public Hearing, assuming there is a need for one
- 3: Refer to the Zoning Board of Appeals due to side and front setback.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski, Jason Hunt

Nay: None

Abstention: None

Air BnB, 3169 Church Street

Andrew McKay has submitted his application to use this single-family home as an Air BnB.

The Board discussed this project:

- Concerns re: current property upkeep (lawn and landscaping)
- This would need to follow noise ordinance and parking regulations
- A parking plan is required (confirm there is sufficient parking)
- House needs work done to meet NYS standards
- This is approval of a business in a residential area, which is unusual and sets a precedent
- The Planning Board would approve it as a business, but the Village Board issues its operating permit

Motion to approve this as a business, but with the concern noted that the property exterior needs maintenance and upkeep, as well as continued upkeep. The Planning Board asks the Village Board to consider this in their approval.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski, Jason Hunt

Nay: None

Abstention: None

Upstate Breaker, 1 Technology Place

A revised site plan has been submitted, which includes keeping Building F and not modifying the lot lines. Building F is being repaired.

Motion by Brenda Nelson, seconded by Marge Landowski, to approve the revised site plan, pending Village Attorney and Village Engineer approval.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski, Jason Hunt

Nay: None

Abstention: None

Motion by Jason Hunt, seconded by James Kemnitz, to adjourn the meeting at 7:55 pm.

Aye: Rhett Clark, Jay Barefoot, James Kemnitz, Brenda Nelson, Marge Landowski, Jason Hunt

Nay: None

Abstention: None

7-19-22

Village of Catolonia Public Hearings

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
CITANUS RODRIGUEZ	100 Brook Rd	585-330-6856
GAIL MILNER	3228 East Ave.	585-313-7975
NICK WALSH	1400 Broadway, NYC	973-960-2271
William JONES	2700 West Main St	585-538-2391
Ma/CP. N. 99;	2925 W Main St	585- 538 ²²⁷ -9198