

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, November 7, 2018-7 pm

Board Members present: Chair – Marty DeVinney; Board Members: John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane – Code Enforcement Officer

Public Present: Neil Seigel, Keith Gallagher, Daniel Bagley, Gerald Kernahan, Michael Cannova

Agenda:

1. App. #010217-SPR/Conti Solar LLC & True Green Capital representing land owner Jeanette L. Daum requests Site Plan Review to install a (3.7 MWac) Commercial Community Solar Photovoltaic Arrays at 4450 Town Line Road, Tax ID #3.01-1-4 (AR)
2. App. #091118-SPR/Daniel O. Bagley represented by Don Schneider request Site Plan Review for a Minor Subdivision at 574 Bagley Road, Tax ID #13.01-1-5 (AR)
3. App. #102418-SPR/Ron and Mary Beth Keller, represented by Gerald N. Kernahan, P.E. request Site Plan Review for a proposed 900 sq. ft. manufactured single-family residence to be located at 5231 Knapp Road, Tax ID #33.23-1-2 (AR)
4. Conceptual Review - Applicant Michael Cannova representing the Alice Robeson Estate requests a Conceptual Review for a proposed 5-Lot Major Subdivision of land off of Robeson Tract and East Lake Road, Tax ID #11.66-1-5, 6, and 7 (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:07pm.

Draft Minutes from October 3, 2018 were reviewed by the Board. A motion to approve was offered by Board Member John Gilbert and seconded by Board Member Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews:

1. App. #010217-SPR/Conti-Solar LLC/Daum – Community Solar Facility
Code Enforcement Officer summarized the application stating a previous application with Applicant SUN 8/Distributed Sun LLC had been reviewed and approved in September of 2017. Ms. Kane, CEO brought the application back to the Planning Board in September as an informational short review because the new owners and project manager for the project had revised the method for the installation of the arrays, previously approved by the Planning Board. Ms. Kane perceived the change substantial enough for the board to review the revisions prior to permitting. Mr. Chet Feldman from SUN 8/Distributed Sun LLC, previous applicant for the project, attended the September meeting giving a brief summary at which time he introduced Keith Gallagher, of Conti Solar LLC as the new applicant and Project Manager responsible for the project and representing the landowner. A scheduled October PB Agenda change was rescheduled, due to missed deadlines. Maps from

Structural Engineer Firm, Game Change Solar are available for tonight's review. Maps submitted from LaBella Associates, dated 8/31/18, submitted for the September review were still current. She stated that she had learned that the Pilot, originally applied for by SUN 8/Distributed Sun LLC through the IDA had been funded, however there was a concern about who currently had responsibility over the project with the change in ownership, advising the new owners to submit official notification of such change in writing.

Noah Siegel, Project Manager for Distributed Asset Solutions, owned by True Green Capital gave a brief company overview stating the Daum Solar Facility was known as the "Middlesex-Yates Solar, LLC" a project originally created by SUN 8 and which True Green Capital now has ownership of. Mr. Siegel gave the Board a summary of their solar commitment in Upstate NY since 2015 and the many partnerships they were currently funded through. He stated the scope of the "Middlesex – Yates Solar" project still remained the same, however installation of the pilings used to set up the array tables onsite (an "H-eye beam" component driven into the ground) would be used instead of the screw-driven component that the Planning Board had previously approved. Conti-Solar LLC was the General Contractor for the project and Keith Gallagher and his team with 16 years' experience would set up physically to be onsite at 4450 Town Line Road every day, all day during the 3-4 mos. installation time. Keith Gallagher stated Game Change Solar was responsible for the solar components and the beam installation and would be onsite if there were delays or concerns with the installation procedure on an ongoing basis. LaBella Associates were the civil engineers on record to engineer the project from start to finish. Electrical Engineers were selected locally to do periodic inspections and to work closely with NYSEG.

Board discussion involved probable Board requirement of a guarantee of security in the form of a Decommissioning Bond set in place for the length of the lease. Discussed were many options on how this bond could be structured. Ms. Kane inquired if they could submit a detailed data sheet covering the cost estimate of the project, a copy of the lease with the landowner with various options provided the landowner at the end of the lease period and all options offered.

Mr. Siegel distributed more detailed information from NYSERDA citing a typical amount of a Decommissioning Bond, a typical length of time determining value of the installation at the end of the lease and typical project information regarding a project default within the lease period. The Board inquired who was responsible for removing the onsite solar components, including removal of concrete pads, if required and returning the land devoid of all project components if the project was suspended whatever the cause.

Further discussion established it prudent and reasonable for the Board to review the amount and requirements put forth on any bond with a third party at the applicant's cost prior to project determination of revisions, to protect both the landowner and the Town of Middlesex.

Also discussed, the Town Engineer's response would become part of this project's review, prior to final determination.

The following Planning Board comments shall be submitted to Conti-Solar LLC as Planning Board requests for the next scheduled review:

- a. Organizational Chart to show umbrella of responsibility for project ownership, to include all NYS Certified Engineers sharing project responsibility. This chart should clearly show all transitions of responsibility from original approved application to current ownership.
- b. Clarification Letter stating those Lessees currently responsible for project at proposed site.
- c. Construction Schedule showing all activities from building permit to project completion.
- d. Performance and/or Decommission Bond to be determined by attorneys, landowner and “Middlesex-Yates LLC.
- e. Correct number of rows of purlins on Gamechange Solar Plan 1 of 12. (70 shown on plan; 69 stated in Design Information block)
- f. Dwg. C201:
 - Revise site map to show actual dimensions from property line to any proposed structures as stated in Town of Middlesex Zoning Law to include front, rear and side setbacks. Correct General Note 5.
 - Indicate location of twin-leaf (*Jeffersonia diphylla*) and include note with instructions to protect.
 - Cloud areas of disturbance and removal of trees. State both total acres of disturbance and tree removal. Notes on C201 state considerably less tree removal than previous plans submitted. State area size of “additional tree removal” shown along west side of Parcel B.
- g. Dwg. C401:
 - Redraft to show an envelope of protective silt fence around all designated wetland areas.
 - Show proposed area for stockpiling excavated soil and performing tree chipping operations. Indicate appropriate silt fence protection. (See Note 15 on C503)
- h. Dwg. 502:
 - Optional Foundation Detail is inconsistent with Pile Refusal Options provided on Gamechange Solar plan 7 of 12.
- i. Dwg. C503:
 - Consolidate, organize and eliminate redundancy of Erosion and Sediment Pollution Control notes to provide clarity for contractor.
 - Include reference to Town of Middlesex Erosion Control Law in Note 10. Town Laws can be found at www.middlesexny.org .
 - State in Note 7 that copies of inspections are to be sent to the Middlesex Code Office.
 - Provide examples of “non-vegetative means” as stated in Note 22.
 - Under seeding requirements, state that the Town has an approved seed mix available through the Code Enforcement office.
 - Under the Construction sequencing, state that the Code Enforcement Officer shall be included in the Preconstruction Meeting. The meeting will clearly note what expectations are throughout project installation for inspections purposes.
- j. Public Notification of proposed project stating estimated construction start and completion dates to:
 - Middlesex Hose Company
 - NYSEG
 - Yates County Sheriff’s Office
 - Town of Middlesex Town Supervisor, Town Code Enforcement Officer, and Town Highway Supervisor
 - IDA Project Manager

PB requested Town Engineer, Stantec respond to, as part of their review, the submitted NYSEDA estimate for decommissioning costs at the applicant's expense.

2. App. #091118-SPR/Daniel O. Bagley requests Site Plan Review for a Minor Subdivision at 574 Bagley Road, Tax ID #13.01-1-5 (AR)

CEO Kane summarized the application to the Board stating the application was complete and met all zoning area requirements. Mr. Bagley wishes to convey 28.34 acres to a third party for resale from the existing 99-acre parcel.

After a short review and discussion, Board Member Gilbert moved to approve the Minor Subdivision as submitted and Board Member Mincer provided a second. The motion by resolution carried with all Board Members present voting in favor. None opposed.

3. App. #102418-SPR/Gerald N. Kernahan, P.E., representing agent for Mr. Ron and Mrs. Mary Beth Keller, request Site Plan Review for a proposed single-family residence to be constructed at 5231 Knapp Road, Tax ID #33.23-1-2 (AR)

CEO Kane summarized the application stating Mr. Gerry Kernahan, P.E. was in attendance to answer any Board questions. The parcel was compliant with all area zoning requirements, had an existing driveway, and a septic design had been approved by Canandaigua Watershed Inspector George Barden. A well report from Moravec Drillers and Life Science Laboratories had been submitted as standard and potable. An existing Barn was located on the parcel.

Discussion on foundation plans showed that Superior Walls would be conducting a 5-foot poured wall foundation with three windows, prior to setting the proposed 900 ft. manufactured home by Riverwood Cabins. Mr. Kernahan was requested to provide a stamped NYS certified engineered construction foundation detail plan prior to final permitting to be submitted to the Code Enforcement Office.

Without further discussion, Chairman DeVinney entertained a motion to approve the application with the contingency stated above. Board Member Lersch made the motion, and Board Member St. Lawrence provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

4. Conceptual Review of a submitted 5-lot Major Subdivision by Applicant Michael Cannova for the Alice Robeson Estate for 4 newly created parcels bordering East Lake Road, and Private Road Robeson Tract, and one existing parcel to be added onto.

CEO Kane summarized the application stating Mr. Cannova was proposing a 5- Lot Major Subdivision to expand an additional 103 ft. to the north of a pre-existing Parcel "A" to become 3.652 acres; Parcel "B" would become 1.194 acres; Parcel "C" would become 1.194 acres; Parcel "D" would become 1.214 acres; and Parcel "E" would become 1.249 acres after subdivision. Parcels A, D & E border the Private Road known as Robeson Tract and Parcel "B & C" border on East Lake Road. Robeson Tract is a Private Road that is accessed from Robeson Road. There are

pre-existing cottage structures and barns on some of the parcels. Current zoning requires any change to the land, which includes subdivision of it, would require Robeson Tract to be brought up to Town specifications to New Road Standards for allowance of Emergency Vehicle access and also attach to a Public Road.

Board Member St. Lawrence listed some required details that should be on the Subdivision Plat. They included the following: all access points and/or driveways to any pre-existing structures; dimensions to these structures from the property line and all parcel setbacks; indication of the High Mean Water Mark on all parcels having shoreline frontage; existing land contours; all legal easements and ROWs. Mr. Cannova was referred to the Land Use Subdivision Regulations and was given a copy to review. A summary of the Board's discussion is available upon request

After Board discussion giving advisement to the applicant, Ms. Kane requested Mr. Cannova to study the Town Laws pertinent to his project that were available online at the Town's website - www.middlesexny.org Ms. Kane invited the applicant to contact her for further review of his options in the Code Office. He was advised he could apply for relief from these laws through the Zoning Board of Appeals as one of these options.

Without further discussion, Chairman DeVinney entertained a motion to adjourn. Board Member Mincer offered the motion which was seconded by Board Member Gilbert. The motion so carried. None opposed.

Copies of the draft Town Fee Schedule was passed out to all Board Members. This draft may be reviewed at the January Town Board Meeting.

Next meeting on December 5, 2018

Meeting adjourned at 9:20p.m.
Draft Minutes submitted by L. Lersch
Minutes approved on March 6, 2019