

TOWN OF CARLTON
PLANNING BOARD MEETING MINUTES

January 6, 2021

The regular meeting of the Town of Carlton Planning Board was held on January 6, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk and R. VanWuyckhuysen. C. Smith was absent. Brenda Mufford was present as secretary.

We had two Town residents attend the meeting to introduce themselves and to let us know that they are interested in applying for positions on the Planning Board. They are Chase Tkach and Brian McCue. They are submitting letters of interest.

The December 2020 meeting minutes were read. A Motion to approve them was made by D. Bertsch and seconded by P. Schwenk. All "Ayes" from other Board members.

OLD BUSINESS:

A. PROPOSED SOLAR PROJECTS.

C. Beyrle attended the Town's Workshop meeting in December. The Town Board discussed the proposed solar projects for the Connor property and Pescara property. The Town reviewed the letter that was received from J. Neiderhofer, Deputy Director of the Orleans County Emergency Management Office (see copy attached). The letter outlined some safety concerns within the proposed plans and recommended resolutions as follows:

- 1) Request installation of personnel gates every 300 feet around the fenced perimeter.
- 2) Request enough distance at all corners for a 4 x 4 crew cab, dual rear wheel pick up to turn unimpeded.
- 3) Request all brush/grass within the fenced perimeter be maintained at a height not to exceed 10 inches and who will be taking care of cutting the grass.

The Town Board came to the same conclusions for these changes and that these should be shown and labelled on the site plan. In addition, both Boards also were concerned with the following:

- 1) Request that the roadway can support approximately 50,000 lbs./support a fire truck.
- 2) Request that the roadway have geo textile fabric and stone on top of it.

B. MOBILE FOOD TRUCKS. The Town Board wants to add a permit fee to the food truck law so that the Town knows where the trucks will be and at what times.

NEW BUSINESS:

County Planning Board Representatives. Ms. Mufford sent a letter to the Town Board with the nominations of P. Schwenk as our first representative and W. Camann as the alternate

representative until he can be replaced. The Town Board voted on it. P. Schwenk will need to be sworn in. This can be done at the Town Clerk's Office.

P. Schwenk stated that he had completed 4 hours of schooling via Zoom.

A Motion to adjourn was made by D. Bertsch and seconded by P. Schwenk. All "ayes" from the members. C. Beyrle adjourned the meeting at 7:25 p.m.

Respectfully submitted by

Brenda Mufford, Planning Board Secretary

TOWN OF CARLTON
PLANNING BOARD MEETING MINUTES

February 3, 2021

The regular meeting of the Town of Carlton Planning Board was held on February 3, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk, C. Smith and R. VanWuyckhuyse. B. Mufford was present as secretary.

A Motion to approve the January minutes was made by D. Bertsch and seconded by P. Schwenk. All "Ayes" from other Board members.

Also in attendance was Sherman Gittens, a Civil Engineer with MRB Group (Engineering, Architecture & Surveying DPC). Mr. Gittens came to introduce himself and to speak to us about what their firm could do to assist the Town and our Planning Board with proposed solar projects. Currently, their firm is working with the Town of Gaines regarding their proposed solar project for the Pescara property. He stated that both Pescara projects cannot stand alone on their own but need to be coordinated. The environmental review would have to be coordinated. It would need to be reviewed and met before a town becomes Lead Agency. Only one of the towns could take Lead Agency. Mr. Gittens told us that their firm would be available to guide us along and answer questions. They could review the initial application to make sure that we have items needed and suggested to use a checklist for that. They would help prepare resolutions and work with the town attorney. The projects would need a Special Use Permit.

Mr. Gittens suggested that we send a letter to the Town recommending that an escrow account be established with the solar company. This would protect the town from any additional liability. The escrow account would pay the engineering firm to review projects, inspect work, etc. The engineering firm would keep a tally on their time spent. The Town would not be charged. The escrow account should be set up and the Town should have an escrow check in hand before the engineering firm proceeds with their reviews.

Mr. Gittens also brought to our attention the matter of battery storage. He said the Gaines is putting forth a moratorium on this matter. He also said that townships should make a local law. P. Schwenk asked him if the firm would help us with a moratorium. Per Mr. Gittens, the town attorney would develop a resolution and the Planning Board would make a recommendation to the Town Board. He said that the Planning Board's task is only to meet environmental regulations, safety requirements for residents, etc. Mr. Gittens said that if the Town needs to update their Solar Law, that they can assist us with that.

W. Camann asked Mr. Gittens how they check farmland to determine if soil is prime soil. Per Mr. Gittens, New York State has a computerized map of soil types, and a prime sources data base. He said that the Town's Solar Law should state that the solar farms cannot be built on prime soil.

He gave us a SEQR chart to use for time frames. We thanked Mr. Gittens for attending our meeting and for giving us information.

P. Schwenk suggested that we schedule a public hearing on the Connor project. B. Mufford will pick a date to schedule it before the end of February.

P. Schwenk mentioned that if we need to put a Moratorium together, that maybe we should contact the Town of Gaines for information. Paul had information on NYS training webinars/online interactive courses/publications and suggested that Brenda forward it to the Town Board. She will also forward information to them on setting up an account with Zoom.

Paul turned in his training certificates for the following educational courses:

- 1) Certificate of Completion for Planning Board Overview;
- 2) Certificate of Completion for Floodplain Regulation for Local Review Boards; and
- 3) Certificate of Completion for Zoning Board of Appeals Overview.

A Motion to adjourn was made by W. Camann and seconded by P. Schwenk. All “ayes” from the Board members. C. Beyrle adjourned the meeting at 8:21 p.m.

Respectfully submitted by

Brenda Mufford, Planning Board Secretary

**TOWN OF CARLTON
PLANNING BOARD MEETING MINUTES
March 3, 2021**

The regular meeting of the Town of Carlton Planning Board was held on March 3, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk, and C. Smith. R. VanWuyckhuysen was absent. B. Mufford was present as secretary.

Also in attendance were Sherman Gittens from the MRB Group and Jared Perram from Saturn Power Inc.

A Motion to approve the February minutes was made by D. Bertsch and seconded by P. Schwenk. All "Ayes" from other Board members.

In regards to the proposed solar project by Omni Navitas on the Connor property, Mr. Gittens said that regarding a Use Variance, the matter should go before the Zoning Board for their review. He said that if the Zoning Board denies the variance then a Public Hearing would have to be held. He suggested that if the Zoning Board meets, that Bryan Hazel should attend the meeting. Mr. Gittens mentioned that he would like a copy of the Decommissioning Plan. Ms. Mufford will obtain this and forward it to him. Mr. Gittens mentioned that the base cost of removing panels etc. at the termination of the project and restoring the land back to farmland should be included in the plan. Mr. Gittens would like a copy of the Lease Agreement. Ms. Mufford will contact Mr. Connor to request a copy of it. Mr. Csaplar questioned if the company would need a highway permit to run an access road out to Park Avenue. Ms. Mufford will contact the highway superintendent about this.

Jared Perram from Solar Power Inc. spoke about the Pescara project. He passed out the revised site plan to Board members and gave a quick overview of the project. He and Mr. Gittens discussed a Decommissioning Plan. Mr. Gittens spoke about being specific with the Plan and that it should include inflation on account of landfill costs, prevailing wages, etc. Mr. Perram said that he will forward some thoughts over to Mr. Gittens for his review. They also spoke about the company using a NYS engineer or a professional engineer. Mr. Perram said that they could use a NYS engineer.

Mr. Gittens has also spoken with the Orleans County Emergency Management Office. They were concerned with brushfires in the solar field itself. He spoke about access and egress to the field. He also spoke to Mr. Bensley at the County Planning Office. Mr. Bensley said that the County physically goes out to the property to review the projects.

Mr. Gittens spoke about this project being in the Town of Carlton and the Town of Gaines. He said that the projects cannot be done separately because they are on a town line. The County Planning Board wants the two projects reviewed together. He recommended that our Board send

over a letter to the Town of Gaines stating where we are at with the process and send them our documents. The Town of Gaines could be the Lead Agency. Mr. Beyrle asked the Board members if they would agree to Gaines being the Lead Agency and all members agreed. Mr. Gittens said that he will put a checklist together of what needs to be forwarded to Gaines. Ms. Mufford will prepare the letter and documents and deliver them to Gaines. Mr. Perram said that he has engineers combining the plans for the two townships. Mr. Camann asked him how close the project is to the road. Mr. Perram said 175-200 feet and that the adjoining properties are owned by Mr. Pescara.

Mr. Gittens asked Mr. Perram if they have a landscaping plan and if we can see a view plan. The fences should be 8 feet tall and no barbed wire.

Mr. Perram said that he has a check for the \$200.00 application fee and wondered who he should give it to. We told him to forward it to the Zoning Officer. Mr. Beryle thanked him for attending the meeting.

Mr. Gittens gave Board members information on zoning referrals to the Orleans County Planning Board.

In regards to obtaining new candidates for the Planning Board, P. Schwenk suggested that we don't bring on any new candidates at this time due to the on-going solar projects. Ms. Mufford will talk to G. Ashbery to see if we can "hold off" on who we would recommend until the current solar projects are completed.

A Motion to Adjourn was made by D. Bertsch and seconded by W. Camann. All "ayes" from other members. Mr. Beryle adjourned the meeting at 8:20 p.m.

Respectfully submitted by

Brenda Mufford, Planning Board Secretary

TOWN OF CARLTON
PLANNING BOARD MEETING MINUTES
April 7, 2021

The regular meeting of the Town of Carlton Planning Board was held on April 7, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk and R. VanWuyckhuyse. C. Smith was absent. B. Mufford was present as secretary.

Also in attendance were Sherman Gittens from the MRB Group, Jared Perram from Saturn Power Inc., Christopher Watt – Town of Gaines Planning Board Chairman, and Jerry Culhane – Town of Gaines Planning Board member.

A Motion to approve the March 2021 minutes was made by D. Bertsch and seconded by W. Camann. All “Ayes” from the other Board members.

Ms. Mufford reviewed the Vouchers for the Board members with them. A Motion to approve the Vouchers for the months of January/February/March 2021 was made by P. Schwenk and seconded by D. Bertsch. All “Ayes” from the other Board members.

CONNOR SOLAR PROJECT:

C. Beyrle connected to a Zoom conference with Dan Csaplar of Omni Navitas in regards to the Connor solar project. Mr. Csaplar stated that Omni redesigned the site plan and made necessary adjustments per our previous request. Mr. Gittens asked him what the megawatt production will be. Per Mr. Csaplar, they are still proposing a 5 megawatt array. Mr. Gittens asked him if they could provide more information. No battery storage will be needed. The interconnection point will remain the same.

Mr. Reuben Hull, P.E. with LaBella Associates joined into the Zoom meeting. Several items that were listed in MRB Group’s comment letter dated March 25th were addressed and discussed. A copy of the letter is attached hereto. Mr. Hull said that LaBella is making modifications and that he will forward the Operation and Maintenance Plan, etc. Mr. Gittens asked Mr. Hull to be specific regarding the fire department, police department and emergency items as per the Orleans County Emergency Management’s letter. Mr. Gittens said that we also need to see the Lease

Agreement and Seizure Agreement and that we would be reviewing the Decommissioning Plan. As regards the Decommissioning Plan, Mr. Gittens said that the estimate is for the Town. There should be an 18 month stabilization and funds allocated for the Town's road repairs. Any reference to salvage should be taken out of the plan. Mr. Gittens said that drainage map should show flow. If any areas are past the 5% grade, we need to know.

Mr. Gittens stated that we would like a new full EAF Part I form submitted. Mr. Csaplar said that he will work with Mr. Gittens on the items listed and discussed

Mr. Gittens is advising the Planning Board to not make a decision until the revised documents are presented and reviewed. The Board needs to review them to determine if they have to revisit the SEQR again. He said that we would need ample time to do this. He said that we will probably have to start SEQR again and he is recommending that we have another public hearing.

Mr. Csaplar mentioned that his company is under pressure on a time period. Mr. Hull said that he will coordinate things with Mr. Gittens. C. Beyrle thanked Ms. Csaplar and Mr. Hull for attending the Zoom meeting and we ended the call.

Mr. Gittens asked the members if they have any questions. He again mentioned that he strongly thinks that we should have another public hearing after we review the revised documents. He suggested that we hold our May meeting before scheduling a public hearing. He said that the Board has followed the process.

PESCARA SOLAR PROJECT:

Mr. Gittens attended the Town of Gaines Planning Board meeting on April 6th. Their Board reviewed the documents for the Pescara 2 project that we submitted to them. The Town of Gaines has submitted their documents (Pescara 1) to us. Mr. Chris Watt, the Town of Gaines Planning Board Chairman, passed out copies of the Town of Gaines letter dated April 6th which states that they have reviewed the material from the Pescara 2 Solar Project as well as their Pescara 1 Solar material and that their Planning Board requests to conduct a SEQR Coordinated Review of both projects with the Town of Gaines Planning Board to act as Lead Agency. See copy of their letter attached. C. Beyrle signed the SEQR Lead Agency Coordination Request Form stating that the Town of Carlton Planning Board has not objection to the Town of Gaines Planning Board to assume Lead Agency status for this action.

Per Mr. Watt, the first plans from Solar Power were very preliminary. Mr. Watt has spoken to J. Bensley at the County Planning Board and he said that Mr. Bensley is very thorough.

In regards to the Decommissioning Plan, the Board needs to really look at the plan and make sure that the Town has funds appropriated to decommission to avoid any hardships to the Town. Mr. Gittens said that we need to have an estimate for decommissioning. We need to take into account inflation for the 25-30 years for the life of the project including prevailing wages. It should include an 18 month period for stabilization. The plan should be re-visited annually or every 5 years.

Mr. Gittens suggested that the Board continue the review of both Solar projects and contact him if we have any questions.

Mr. Gittens again suggested that the Town establish an escrow account for MRB Group's services, attorney services, etc. He will speak to Doug Heath, Esq. in regards to this.

Mr. Beyrle thanked Mr. Gittens for attending the meeting and for his assistance.

Ms. Mufford said that she had emailed Gayle Ashbery in regards to new candidates for the Board and she said to continue with who is now on the Board at this time.

A Motion to Adjourn was made by D. Bertsch and seconded by P. Schwenk. All "Ayes" from the other Board members. C. Beryle adjourned the meeting at 7:52 p.m.

Respectfully submitted by

Brenda Mufford, Planning Board Secretary

Minutes transcribed per Secretary's notes as the Cassette Tape recording is not clear.

**TOWN OF CARLTON
ORLEANS COUNTY, NEW YORK
PLANNING BOARD MEETING MINUTES
May 5, 2021**

The regular meeting of the Town of Carlton Planning Board was held on May 5, 2021. The meeting was called to order by Chairman Chris Beryle at 7:02 p.m.

Roll call was taken. In attendance were C. Beyrle, D. Bertsch, W. Camann, P. Schwenk and R. VanWuyckhuyse. C. Smith was absent. B. Mufford was present as secretary.

Also in attendance were Sherman Gittens from the MRB Group, Jared Perram from Saturn Power Inc. and Lynda Woolston, Code Enforcement Officer.

A Motion to approve the April 2021 minutes was made by D. Bertsch and seconded by W. Camann. All "Ayes" from the other Board members.

CONNOR SOLAR PROJECT:

C. Beyrle connected to a Zoom conference with Dan Csaplar and Peter McAuliffe of Omni Navitas in regards to this project.. Mr. Reuben Hull, P.E. with LaBella Associates also joined into the Zoom meeting. Mr. Beyrle thanked them for the updated Site Plans and other documentation. Several items were discussed:

- 1) SEQR – Mr. Gittens suggested that SEQR be amended due to the decrease in the size of the overall solar field and other information that changed. It is MRB's opinion that it should be re-sent to the involved agencies to get their input on the revised plans. The Planning Board could then use this information to help them complete the environmental review of the application (EFA Parts 2 and 3).
- 2) Mr. Gittens recommended that the Planning Board hold another Public Hearing. As we are suggesting that an amended SEQR be completed, we are also suggesting that a new public hearing be provided.
- 3) Mr. Gittens made references to some items on the Full Environmental Assessment Form and discussed them with Mr. Csaplar and Mr. Hull.
- 4) Mr. Gittens stated that he is going to make a recommendation to the Planning Board that he sees no problem with the Board referring this project to the County Planning Board and after they review it, another Public Hearing can be scheduled. The public should have the opportunity to review and comment on the plans prior to decisions

being rendered. Mr. Csaplar said that they have met the Board's requirements and that they are on a "time crunch". Mr. Gittens said that we want to make sure that the process is being followed. Mr. Hull said that they have provided more information as requested, the amount of acreage has been reduced and that SEQR does not require a public hearing. Mr. Gittens addressed the Board members saying that a public hearing is not in regards to SEQR process. He thinks that there should be another public hearing so that residents can hear comments from other agencies. Mr. Gittens and Mr. Beyrle agreed that we will review the comments that we receive back from the County Planning Board and then decide if another public hearing should be held.

Mr. Beyrle then asked the Board members if they were ready to take a vote to send the Application of Omni Navitas to the County Planning Board for their review. The members were willing to vote at this time. The votes were as follows:

- C. Beyrle – AYE
- D. Bertsch – AYE
- W. Camann – AYE
- P. Schwenk – AYE
- R. VanWuyckhuysen – AYE.

As all Board members voted AYE, the vote was unanimous. Therefore, a Resolution was made to submit the Application of Omni Navitas along with necessary documentation to the Orleans County Planning Board for their review. This will be done by May 20th as the County Planning Board meets on May 27th. The Board should have the County's comments on the 28th of May.

Peter McAuliffe from Omni Navitas said that he thinks it might not be feasible to start construction on this project in a month. He would like the Board to consider acting on SEQR with conditions based on the County's comments. Mr. Gittens and the Board members did not agree to going ahead based on conditions.

Mr. Beyrle thanked Mr. Csaplar, Mr. McAuliffe, and Mr. Hull for attending the Zoom meeting. He then thanked Mr. Gittens for his recommendation.

PESCARA SOLAR PROJECT:

Mr. Jared Perram from Saturn Power Inc. spoke to the Board members. He said that they have revamped details to the plans as we requested and that their responses were sent to the MRB Group. Mr. Gittens had attended the Town of Gaines Planning Board meeting on May 4th. He

said that the Town of Gaines has decided to start the SEQR process. Both the Town of Gaines and Town of Carlton (Pescara 1 and Pescara 2) projects will be reviewed by the County Planning Board at the same time. Mr. Gittens is reviewing this project on our behalf and will have his comments to us next week. The environmental is being done by the Town of Gaines. He told the Board members that when they feel that the process is ready to move forward that we should a letter should be sent to the Town of Gaines to notify them of same. When the SEQR is finalized, a public hearing can be held.

Mr. Perram would like to propose vegetation/ topography in the next couple of weeks. He will plan on attending our June meeting and said that perhaps we can then forward the Application on to the County for their review.

Mr. Beyrle asked Mr. Perram about incentives. Mr. Perram gave some information on this. He said that incentives are based on megawatts and that the company gets awarded as a developer. He stated that interconnection fees have skyrocketed. Mr. Beyrle asked if the company get a tax break. Mr. Perram spoke about the PILOT program. Mr. Beyrle thanked Mr. Perram for attending and for speaking with us about the project and answering our questions.

OTHER BUSINESS:

Mr. Gittens has talked to Doug Heath, Esq. to update him on the projects. Mr. Heath will meet with the Town Board in regards to setting up an escrow account for payment for services to the MRB Group.

A Motion to Adjourn was made by D. Bertsch and seconded by W. Camann. All "Ayes" from the other Board members. C. Beyrle adjourned the meeting at 8:20 p.m.

Respectfully submitted by

Brenda Mufford
Town of Carlton Planning Board Secretary

Please note that the minutes were transcribed per the Secretary's notes as the Cassette Tape recording is not clear due to distance from the speakers and from the computer Zoom meeting.

**TOWN OF CARLTON
ORLEANS COUNTY, NEW YORK**

PLANNING BOARD MEETING MINUTES - June 2, 2021

The regular meeting of the Town of Carlton Planning Board was held on June 2, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:10 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk and R. VanWuyckhuysen. C. Smith was absent. B. Mufford was present as secretary.

Also in attendance were Sherman Gittens from the MRB Group, Jared Perram from Saturn Power Inc. and Douglas Heath, Esq.

A Motion to approve the May 2021 minutes was made by D. Bertsch and seconded by P. Schwenk. All "Ayes" from the other Board members to accept.

CONNOR SOLAR PROJECT:

Chairman Beyrle set up a Zoom conference call with Peter McAuliffe, Director of Development at Omni Navitas and Reuben Hull, PE with LaBella Associates. Mr. Beyrle stated that the Orleans County Planning Board had reviewed the Request for Site Plan Review and Special Use Permit for this project and that they issued an Approval. A copy of their Official Report on the Application is attached hereto and their comments were discussed.

Mr. Beyrle said that the Planning Board has never had a project like this before and that we are moving forward with due diligence. He said that we are not against solar but that we will move forward at a correct pace. It was decided that we would schedule a second Public Hearing on this project before the end of June. He said that the Board can prepare the SEQR forms parts 2 and 3 at our July meeting. Mr. Beyrle asked Peter McAuliffe if he had any questions for the Planning Board. Peter said that he feels that the Board's previous concerns have been addressed and wonders why we think we should have another public hearing. He thought that we would be able to move forward and does not want to prolong the project. Mr. Beyrle told him that he appreciates their concern. Mr. Reuben Hull then commented that they had made changes to the site plans as a result of the concerns issued at the first public hearing. Mr. Sherman Gittens said that because significant changes were made, that the project did not have to go before the Town's Zoning Board and that we did not have the Orleans County Planning Board's comments at the time of the first public hearing. He stated that we could begin the Amended SEQR and declare intent to become Lead Agency.

Mr. Gittens spoke and said that we had requested a revised EAF. Douglas Heath, Attorney for the Town of Carlton asked to speak. He stated that he had not attended the first public hearing as he had a prior commitment. Mr. Heath said that when he hears that significant changes have been made to the site plans that we need to educate the public as to what changes have been made. Mr. Heath said that the same process will be done for each and every applicant going forth in the future.

Mr. Beyrle thanked Mr. Heath and Mr. Gittens and asked the Board members if they had any questions. He stated that at the next meeting, the Board members would go through the SEQR parts 2 and 3 and that our intention would be to move forward after that meeting on July 7th to designate ourselves as Lead Agency and hopefully grant approval on the project.

Mr. Camann asked if there had been any challenges in the past. Mr. Heath spoke about a drainage plan. He said to show residents what changes have been made and that if anyone challenged the project, it could take months more. Mr. Beyrle said that there should not be any lengthy delays in the future.

Mr. Heath suggested that we hold the second public hearing on June 23rd so that it would be done prior to the next Planning Board meeting in July. Mr. Gittens said that MRB would compile Lead Agency Coordination packages and forward all to the involved and interested agencies. The coordinated review would end on July 6th. All comments and responses from agencies will be due July 6th and SEQR coordination would end.

TOWN OF CARLTON PLANNING BOARD RESOLUTION GSPP 13759 Waterport-Carlton Road – Solar Project

WHEREAS, the Planning Board has reviewed the completed State Environmental Quality Review (SEQR) Amended Full Environmental Assessment FORM (EAF), Part I, prepared by the applicant on the above referenced Carlton Solar Project (hereinafter referred to as the Action); and **WHEREAS**, the Planning Board has determined that said Action is classified as Type 1 Action under the SEQR regulations; and **WHEREAS**, the Planning Board has determined that said Action is also subject to an Amended coordinated review and approval by other involved agencies under SEQR regulations; and **WHEREAS** the Planning Board has determined that is may be the most appropriate agency to insure the coordination of the Action and will provide written notifications to the involved and interested agencies for the purposes of conducting a

coordinated review and making the determination of significance thereon under the SEQR regulations.

NOW, THEREFORE BE IT RESOLVED that the Town of Carlton Planning Board does hereby declare its intent to be designated as the Lead Agency for this Action. The Resolution was offered by Paul Schwenk and seconded by David Bertsch at a regular scheduled meeting of the Planning Board held on this day June 2, 2021.

Following a discussion, a voice vote was recorded as follows:

| | |
|-----------------------------|-------------------------|
| Chris Beyrle | AYE |
| David Bertsch | AYE |
| William Camann | AYE |
| Paul Schwenk | AYE |
| Carol Smith | Absent – no vote |
| Robert VanWuyckhuyse | AYE |

Brenda Mufford, Secretary to the Planning Board, does hereby attest to the accuracy of the above Resolution being acted upon and recorded in the minutes for the June 2, 2021 meeting.

Mr. Beyrle thanked Mr. Heath and Mr. Gittens for their input and thanked everyone for attending.

OTHER BUSINESS:

Chairman Beyrle asked Jared Perram from Saturn Power to speak. Mr. Perram said that he would be happy if we could deliver documents to the County Planning Board and receive their feedback. He said that his company reaches out to the residents whose properties are within the required distance of the proposed project. Mr. Schwenk wondered if the Town of Gaines would be the responsible party to present documents to the County. Mr. Perram asked if the Town of Carlton and Town of Gaines could hold a combined public hearing. Mr. Heath said that both could be done at one time. He said that we won't cut anyone off but have parameters in place so the residents don't have lengthy times to speak.

Mr. Perram mentioned that the company uses an anti-reflective material in regards to glare. He said that they will propose an underground 30' wide easement. Mr. Heath asked Mr. Perram if it

would be coming onto the Town's property. Mr. Perram said that it would be on the property owner's land. Mr. Perram will consult with Mr. Gittens on this easement. Mr. Gittens said that Mr. Chris Watts, Town of Gaines Planning Board Chairman, is concerned about the lot lines and access to the land situate North of the project. C. Beyrle thanked Mr. Perram for his input.

Mr. Heath suggested that we send documents to the County Planning Board to get their comments. Paul Schwenk made a Motion to send the documents to the County Planning Board and William Camann seconded the Motion. All other Board members stated "Ayes". All Board members were in favor; no one was opposed.

A Motion to adjourn was made by D. Bertsch and seconded by W. Camann. All "Ayes" from the other Board members. Chairman Beyrle adjourned the meeting at 8:21 p.m.

Respectfully submitted by

Brenda Mufford
Town of Carlton Planning Board Secretary

Please note that the minutes were transcribed per the Secretary's notes as the cassette tape recording is not clear due to the distance from the people speaking and from the computer Zoom meeting.

**TOWN OF CARLTON
ORLEANS COUNTY, NEW YORK**

PLANNING BOARD MEETING MINUTES – July 7, 2021

The regular meeting of the Town of Carlton Planning Board was held on July 7, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk, and R. VanWuyckhuyse. C. Smith was absent. B. Mufford was present as secretary. Mr. Sherman Gittens of MRB Group was also present.

A Motion to approve the February 24th, 2021 and June 23rd minutes was made by P. Schwenk and seconded by W. Camann. A Motion to approve the Vouchers for April/May/June 2021 was made by D. Bertsch and seconded by R. VanWuyckhuyse.

Mr. Gittens spoke in regards to a moratorium. He said that the Planning Board would have to send a recommendation to the Town Board. Then a Resolution would need to be prepared by D. Heath, Esq.

CONNOR SOLAR PROJECT:

C. Beyrle received an e-mail from Peter McAuliffe of Omni-Navitas saying that their company was still working through MRB's comment list and that they expect to have a fully updated plan set with all the comments addressed later this month. He stated that it might make more sense to push any further review by MRB or the Planning Board to the August meeting. He said that they did not plan on having any representative at this meeting as there would not be any substantial update from their end at this time.

Mr. Gittens said that he will draft a document to declare the Town of Carlton as Lead Agent. He stated that we have coordinated with all agencies involved or interested and no one has responded with comments or objections.

Mr. Gittens then proceeded to review the EAF. Part II is a checklist. He will identify areas of concern. If all answers are "no" to small or large impacts, go on to the next page to declare Significance.

Part III states that there are no impacts. Mr. Gittens prepared draft documents. If changes are necessary, they can be made.

Part IV. This is for the environmental. If not all in agreement, members can vote.

C. Beyrle read the SEQR – Designating Lead Agency Resolution to the Board members. The Resolution was offered by W. Camann and seconded by R. VanWuyckhuyse. All Board members voted “Ayes” and the vote was recorded.

EAF Document: Mr. Gittens discussed various items on the form. Surface water – Planning Board has no issues with this assessment. Not planning on interfering with ground water. Covered by SWFT. The company would have to notify the DEC and testing would need to be done.

Part 2 – Impact on flooding. Mr. Gittens chose “no”. Property is not designated in a flood zone. Per permit with the DEC, the company should not be changing any direction of water flow.

#6 – Identifying some emissions from construction; this should not be a prolonged issue.

#7 – Plants and animals. May be a small impact. The DEC casts a certain perimeter. Nothing should effect downstream.

#8 – Agriculture. Mr. Gittens checked yes on form. Small impact has adopted Ag and Market’s recommendation. They would have to restore lands. #8 (c) Excavation – the company would have to follow Ag & Markets regulations.

#9 – The company has identified that they are within 3 miles of the scenic byway and Lakeside State Park. The visual buffers are required to be put in.

#10 – Impact on historic property. Mr. Gittens checked this “yes” because they got triggered in the general vicinity. The company went through a review with NYS Preservation Office and got approval from SHIPO.

#11 – Open space. Chose “no” for answer.

#12 – Environmental. Criteria E3d section does not trigger.

#13 – Transportation. He asked members to review this item. No one had any issues.

#14 – Energy. Company would be putting energy into the grid so he chose “no” as the answer.

#15 – Noise Ordinance. Lights may be used during construction and a sensor light on equipment. Single motion light (Part I D2N0 – see language.

#15e – Sky glow – a general requirement.

#15f – Noise levels during construction hours (7 am to 7 pm). If there are any issues with these hours, the Code Officer can address it with the company. Mr. Camann asked if there would be any blasting. Per Mr. Gittens, the company is not proposing any blasting.

#16 – Health. Mr. Gittens answered “no”. He asked members to look over this item. All members were in agreement.

#17 – Community Plans. In the specific area, there is no conflict with local laws more specifically a solar law.

#18 – He chose “no” – refer to portions of Part I. The company did not trigger any issues. W. Camann questioned 18f. Mr. Gittens will check yes to this item. He said the buffer contributes. No one disagreed.

Mr. Beyrle referred to the Determination of Significance Resolution. This document gets posted on the NYS website so if anyone objects, there is a 30 day time period so people can view. Mr. Gittens will post this document on the following Wednesday. He reviewed the terms of the Resolution (copy attached).

Parts 2 and 3 were reviewed by members. P. Schwenk made a Motion for C. Beyrle to sign the EAF Part 3 and W. Camann seconded the motion. All other Board members were all in favor (ayes). B. Mufford read the Resolution offered and recorded the vote.

Per Mr. Gittens, the members need to make a motion to authorize him to post the document on the website. C. Beyrle made a Motion for Sherman Gittens to post the Resolution on the NYS DEC website and D. Bertsch seconded the motion. All other Board members were in favor (ayes). No one was opposed.

Mr. Gittens will offer any recommendations when the submission comes through. He conveyed comments to Omni Navitas per the last public hearing. Mr. Beyrle thanked him for his assistance in preparing and reviewing the documents.

OTHER BUSINESS: P. Schwenk made a Motion to have the Planning Board send a recommendation to the Town Board to put a Moratorium on Solar Projects and Battery Storage for at least 180 days (6 months). R. VanWuyckhuys seconded the motion. All other members

voted "Ayes". All were in favor and no one was opposed. The Motion was carried. Mr. Schwenk said that the Moratorium would allow the Town time to update laws. He suggested the Board look at Town regulations. He has a copy of documents from the towns of Albion, Yates and Shelby that they can use for review. Then a Resolution would need to be prepared by D. Heath, Esq.

C. Beyrle announced that he would be submitting a letter of resignation from the Planning Board.

A Motion to adjourn was made by D. Bertsch and seconded by P. Schwenk. Mr. Beyrle adjourned the meeting at 8:10 p.m.

Respectfully submitted by

Brenda Mufford

Town of Carlton Planning Board Secretary

Please note that the minutes were transcribed per the Secretary's notes as the cassette tape recording is not clear due to the distance from the people speaking.

**TOWN OF CARLTON
ORLEANS COUNTY, NEW YORK**

PLANNING BOARD MEETING MINUTES – August 4, 2021

The regular meeting of the Town of Carlton Planning Board was held on August 4, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle D. Bertsch, W. Camann, P. Schwenk, C. Smith and R. VanWuyckhuysen. B. Mufford was present as secretary.

Also in attendance were Douglas Heath, Esq., Sherman Gittens of MRB Group, Jared Perram of Saturn Power Inc. and George Lacey of Captain's Cove.

A Motion to approve the July 2021 minutes was made by D. Bertsch and seconded by P. Schwenk. All "ayes" from the other Board members to accept.

CONNOR SOLAR PROJECT: Per Mr. Gittens, Omni Navitas requested that this matter be tabled until the next month's meeting as they would not have any representation at tonight's meeting.

PESCARA SOLAR PROJECT:

Mr. Gittens attended the Town of Gaines Planning Board meeting on August 3rd. He gave an overview of what was discussed at that meeting. There was conversation about contacting the cell tower company for a waiver and they want to see a draft of it. They talked about the land locked parcel and requesting a 49.5 foot easement to cross that parcel.

Per D. Heath, he had also attended the meeting. Main points that were presented were finalizing details regarding access road and road frontage.

C. Beyrle said he wonders where the Town of Carlton stands at this time. Mr. Gittens said that regarding a Special Use Permit, that a public hearing will need to be held. The County Planning Board has requested that both towns send their applications and documents to them at the same time. C. Beyrle then asked if anyone had any questions.

Jared Perram said that he had talked to L. Woolston. He said that his company is open to a variance. He wonders if we could merge the two properties under one tax map number. D. Heath said that if the north partial merged with the south partial, that he would like to see something

filed at the County Clerk's Office. Mr. Perram has spoken to Mr. Pescara regarding a variance. Mr. Heath suggested that Mr. Pescara talk to his legal counsel. Mr. Heath spoke about the problem that there is no access to the parcel. He said that L. Woolston would have to decide if there could be a building permit issue. Mr. Heath said that if we approve the project and there is no access, there will be a problem. He said that it is a separate tax parcel and that it will become landlocked if the parcel is cut off by the project. He has recommended at least a 3 rod road. Mr. Heath is requesting written easements to make sure everything fits. The Gaines project needs access through the strip that is located in the Town of Carlton. Mr. Perram said he thought that merging the two parcels would be the easiest way to take care of this issue.

Mr. Gittens asked Mr. Perram if Solar Power plans on developing on the norther parcel. Mr. Perram answered no. Per Mr. Heath, the Planning Board would have to decide if the access is adequate. Mr. Perram said that Mr. Pescara stated that he had enough room for farm equipment to get through. Per Mr. Heath, if Mr. Pescara merges the two parcels for purposes of a variance, that we should make that clear in our approval. Mr. Heath is fine with combining the two parcels.

Mr. Heath said that the Planning Board would have to decide whether the variance is substantial and whether the difficulty is self-created. He would like to see a written agreement between the towns, Mr. Pescara, and the builder. Mr. Heath said an Application could be filed with the County Clerk and that would be proof of the merger. Mr. Perram said he will put the language together and have Mr. Pescara sign it.

C. Beyrle asked if anyone had any questions – no one did.

NEW BUSINESS:

Mr. George Lacey introduced himself. He is the owner of Captain's Cove Motel & Marina. He stated that he has submitted an Application for a Special Use Permit to relocate the store to a new building. The project would include tearing down an existing building, building a pole barn, and installing a parking lot. He furnished us with information regarding the business history. The Tackle Store which was at the Marina was devastated by a flood and had to be demolished. A house that had been empty on the property was gutted and the store was moved temporarily to keep the business running. Mr. Lacey has submitted an Application to the State of New York - Empire State Development – for the Lake Ontario Business Resiliency Program. The Program is a State program administered by the New York State Urban Development Corporation which

provides financial assistance to reimburse up to 50% of the costs of resiliency-related capital improvement projects. The Board member took a brief look at the documents that he provided. Mr. Lacey said that he would approach the Planning Board at another time in regards to a fuel station. Mr. Schwenk asked him if there are bathrooms on the premises and he responded yes and that the property has a good septic system.

In regards to Mr. Lacey's Application #2021/004, Building Permit #2021/033, Tax Map # 18.1-2-50, property location 14339 Route 18 in the Town of Carlton, Orleans County, NY, Mr. Schwenk made a Motion that the Planning Board approve Mr. Lacey's Application to move forward with the proposed project upon the approval of the Town of Carlton Zoning Board. . Mr. Camann seconded the Motion. All Board members stated "Ayes" in favor.

D. Bertsch made a Motion to adjourn the meeting and P. Schwenk seconded the Motion. All Board members stated "Ayes". Mr. Beyrle adjourned the meeting at 7:55 p.m.

Respectfully submitted by

Brenda Mufford
Town of Carlton Planning Board Secretary

Please note that the minutes were transcribed per the Secretary's notes as the cassette tape recording is not clear due to the distance from the people speaking.

No Planning
Board
Meeting

Held

Sept 2021

**TOWN OF CARLTON
ORLEANS COUNTY, NEW YORK**

PLANNING BOARD MEETING MINUTES – October 6, 2021

The regular meeting of the Town of Carlton Planning Board was held on October 6, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk and R. VanWuyckhuyse. B. Mufford was present as secretary. Carol Smith has submitted her letter of resignation to the Town Board.

Also in attendance were Sherman Gittens of MRB Group, Jared Perram of Saturn Power Inc. and George Lacey of Captain's Cove.

A Motion to approve the August 2021 minutes was made by D. Bertsch and seconded by W. Camann. A Motion to approve the Vouchers for July/August/September was made by D. Bertsch and seconded by W. Camann.

PESCARA SOLAR PROJECT:

Mr. Gittens suggested that the Board vote to send the Pescara 2 Solar Project Application of Saturn Power Inc., along with the necessary documentation, to the Orleans County Planning Board for their November 18th, 2021 meeting. A letter will be sent to the Town of Gaines Planning Board stating that it has been voted on with the following condition: 1) That the Town of Gaines Planning Board votes to send the Pescara 1 Solar Project Application to the Orleans County Planning Board for the November 18, 2021 meeting. A copy of the letter is attached hereto. The Town of Carlton Planning Board does note that the following components of the Application are not complete. 1) Lot line adjustment merging lots 39.-1-17 and 39.-1-21.111; and 2) A signed, final Right of First Refusal by Crown Castle allowing Pescara 1 Solar LLC to run buried 35 KVA cable(s) under Crown Castle's existing access easement on tax parcel 39.-3-10.1 in the Town of Gaines, NY.

The applicant will be required to coordinate with the Town Attorney for Gaines and Carlton prior to any Town of Carlton Planning Board approvals. Also, per Mr. Gittens conversation with the Town Attorney D. Heath, Mr. Heath has indicated that the Application can move forward to the Orleans County Planning Board with the understanding that this matter is not resolved and still under review.

Chairman Beyrle then asked the Board members if they were ready to vote to send the

Application to the County Planning Board for their November meeting. A Resolution was made to forward the Application of Saturn Power Inc., along with necessary documentation, to the Orleans County Planning Board for their review, comments and recommendations. The Resolution was offered by P. Schwenk and seconded by W. Camann. A voice vote was recorded as follows:

| | |
|----------------------|-----|
| Chris Beyrle | AYE |
| David Bertsch | AYE |
| William Camann | AYE |
| Paul Schwenk | AYE |
| Robert VanWuyckhuyse | AYE |

As all Board members voted AYE, the vote was unanimous. Note that there was no vote by Carol Smith as she submitted a letter of resignation to the Town Board. A copy of the Resolution is attached hereto.

A Motion to send the letter to the Town of Gaines stating that the Application to send the Pescara 1 Solar Project to the Orleans County Planning Board was made by P. Schwenk and seconded by W. Camann. A voice vote was recorded as follows:

| | |
|----------------------|-----|
| Chris Beyrle | AYE |
| David Bertsch | AYE |
| William Camann | AYE |
| Paul Schwenk | AYE |
| Robert VanWuyckhuyse | AYE |

As all Board members voted AYE, the vote was unanimous. Note that there was no vote by Carol Smith as she submitted a letter of resignation to the Town Board.

Mr. Gittens mentioned that the Town of Gaines Planning Board will be holding their November meeting on November 3rd also because they cannot meet on November 2nd – Election Day. He recommends that at our November meeting, we set a date for the Public Hearing on the project and start the SEQR process. Mr. Perram spoke about have a combined public hearing with the Town of Gaines. Mr. Gittens believes the hearings should be done separately and he will follow up with Mr. Heath. Mr. Perram said that his company will reach out to residents within at 750

foot distance. Mr. Gittens requested that the company send out the Notices to the residents via certified mail.

CAPTAIN'S COVE:

Mr. Gittens introduced himself to George Lacey and asked Mr. Lacey for an overview. Mr. Lacey stated that he is only building a pole barn. In stated that in 2017 he moved the store up to the current building and that he would like to put in a parking area. Mr. Lacey stated that when he put the same type of barn up on his property down the road, that he had no problem getting a building permit. Mr. Lacey spoke about the REDI funds that he applied for. He said that he has already put \$250,000 of his own money into property improvements.

It was mentioned that as L. Woolston is in charge of issuing the building permit and that if she has concerns regarding set backs, etc., she may not want to issue the permit without further review from the MRB Group. The Board would like to know if she has any concerns. It was discussed with Mr. Lacey that if the MRB Group does review the Application, that an escrow account would be set up in the amount of \$1,500.00 to cover costs of the review. He told Mr. Lacey that whatever time they don't use, the balance of monies would be returned to him. Mr. Lacey wondered if the Board members and L. Woolston would want to meet at the property to look at it. There was mention of fuel tanks; the DEC would have storage permits for fuel.

CONNOR SOLAR PROJECT:

Per Mr. Gittens, the last order of business is Omni Navitas. As there is no representation from their company at tonight's meeting and we have not had any correspondence from them, and have not had any responses to the August 30th letter to them listing conditions of approval. Mr. Gittens asked the members if there are any other conditions of approval that we would like to see. He spoke about a Decommissioning Plan which the company would have to furnish and said that Mr. Heath would have to present it to the Town Board. Mr. Gittens said that all permits would have to be taken care of and that a letter of credit be in place. He spoke about erosion control and fences and/or vegetated buffer.

Chairman Beyrle then asked the Board members if they were ready to vote on Resolutions for a Special Use Permit & Site Plan Application. A Motion to approve the Site Plan Approval Resolution was made by P. Schwenk and seconded by D. Bertsch. A voice vote was recorded

as follows:

| | |
|----------------------|-----|
| Chris Beyrle | AYE |
| David Bertsch | AYE |
| William Camann | AYE |
| Paul Schwenk | AYE |
| Robert VanWuyckhuyse | AYE |

As all Board members voted AYE's, the vote was unanimous. Note that there was no vote by Carol Smith as she submitted a letter of resignation to the Town Board. A copy of the Site Plan Approval Resolution is attached hereto.

Additionally, a Motion to approve the SUP Approval Resolution was made by W. Camann and seconded by P. Schwenk. A voice vote was recorded as follows:

| | |
|----------------------|-----|
| Chris Beyrle | AYE |
| David Bertsch | AYE |
| William Camann | AYE |
| Paul Schwenk | AYE |
| Robert VanWuyckhuyse | AYE |

As all Board members voted AYE's, the vote was unanimous. Note that there was not vote by Carol Smith as she submitted a letter of resignation to the Town Board. A copy of the SUP Approval Resolution is attached hereto.

Mr. Gittens will distribute the Resolutions to Omni Navitas and they will have 180 days to respond.

A Motion to adjourn the meeting was made by R. VanWuyckhuyse and seconded by D. Bertsch. All Board members stated "Ayes". Mr. Beyrle adjourned the meeting at 7:59 p.m.

Respectfully submitted by

Brenda Mufford, Town of Carlton Planning Board Secretary

Please note that the minutes were transcribed per the Secretary's notes as the cassette tape recording is not clear due to the distance from the people speaking.

**TOWN OF CARLTON
ORLEANS COUNTY, NEW YORK**

PLANNING BOARD MEETING MINUTES – November 3, 2021

The regular meeting of the Town of Carlton Planning Board was held on November 3, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch and W. Camann and R. VanWuyckhuysen. P. Schwenk was excused. B. Mufford was present as secretary.

A Motion to approve the October 2021 minutes was made by W. Camann and seconded by D. Bertsch.

The Board members briefly discussed the Captain's Cove application. C. Beyrle read the e-mail from Sherman Gittens of the MRB Group stating his suggestions. A copy of the e-mail is attached hereto. Mr. Lacey was not present at the meeting.

Members spoke about finding future candidates to fill positions as new Board members. It was mentioned that Brian McCue may still be interested. C. Beyrle will try to contact him. Another person who might be interested is Don Vorhees who W. Camann will try to contact.

A Motion to adjourn the meeting was made by D. Bertsch and seconded by W. Camann. All other members stated "Ayes". Mr. Beyrle adjourned the meeting at 7:20 p.m.

Respectfully submitted by

Brenda Mufford, Town of Carlton Planning Board Secretary

**TOWN OF CARLTON
ORLEANS COUNTY, NEW YORK**

PLANNING BOARD MEETING MINUTES – December 1, 2021

The regular meeting of the Town of Carlton Planning Board was held on December 1st, 2021. The meeting was called to order by Chairman Chris Beyrle at 7:00 p.m.

Roll call was taken. In attendance were: C. Beyrle, D. Bertsch, W. Camann, P. Schwenk and R. VanWuyckhuyse. B. Mufford was present as secretary.

A Motion to approve the November 2021 meeting minutes was made by D, Bertsch and seconded by W. Camann. All “Ayes” from the other Board members.

Ms. Mufford reviewed the Vouchers for the Board members with them. A Motion to approve the Vouchers for the months of October, November and December 2021 was made by P. Schwenk and seconded by R. VanWuyckhuyse. All “Ayes” from the other Board members.

PESCARA SOLAR PROJECT: We have not yet received the County of Orleans Planning Board’s recommendation/response letter in regards to the request for Site Plan Review and Special Use Permit for a dual 5 MW Solar Farm Project (Pescara 2).

It was discussed that since the Town of Gaines is the acting Lead Agency for both projects that we wait until the Town of Gaines completes the SEQR process for the projects prior to our Planning Board holding its own public hearing on the Pescara 2 project only.

CAPTAIN’S COVE: We have not yet received the County Planning Board’s recommendation/response letter in regards to the request which was for Site Plan Review, Special User Permit and Area Variance for a 60’x40’ pole barn and to relocate store to the new barn.

OTHER BUSINESS: Ms. Mufford will write a letter or e-mail G. Ashbery in regards to obtaining new Board members. We are requesting two or three full time members and an alternate and that we would like new members ASAP. D. Bertsch said that he may resign in February 2022.

The Board spoke again about making a Motion in regards to a Moratorium.

Ms. Mufford read Mr. Gittens e-mail of Dec. 1st in regards to the Pescara project.

A Motion to Adjourn was made by D. Bertsch and seconded by R. VanWuyckhuyse. All “ayes” from other members. Chairman Beyrle adjourned the meeting at 7:17 p.m.

Respectfully submitted by

Brenda Mufford
Town of Carlton Planning Board Secretary