

Planning Board - August 16, 2021

Meeting called to order at 7:00PM by Chairman Dave Granzin held in the Town meeting room 56 Geneva Street, Dresden NY.

Present: Dave Granzin Floyd Hoover, Ellen Campbell, George Dowse, Robert Miller

Others Present: Dwight James Code Officer, Gary McIntee, Grant & Linda Downs, Jon Stone, Ashley Champion, Daniel Holtje

Chairman led the pledge of allegiance.

Motion by Bob 2nd George, with correction noted to approve minutes of July 19, 2021, carried by all.

Weaver Hydraulics site plan review. Mr. James presented in Mr. Weaver absence. Would like to expand business on southend of building to include a showroom and a new parking lot to west and south of the building with exit onto Kings Hill Rd.

Yates County Soil & water approved these plans

Short Form SEQRA Review of Weaver site plan.

Chairman read each question aloud to the members for comments and answers. A negative finding was determined. Bob made the motion, 2nd Floyd that a negative declaration has been determined on this SEQRA therefore no further review is required.

Carried by all.

There being no further discussion on the site plan, Floyd made a motion to approve the site plan 2nd by George, carried by all.

Steve Eskildsen Sub Division of property at TM # 64.02-1-1.1 on Downey Rd. Mr. Eskildsen would like to subdivide this parcel into an 14.001 acre and 28.597 acre parcels. Daniel Holtje of Fisher Associates PE presented this application. The division line will be to Mean high waterline, Centerline of Right of Way for Long Point Cove Road and Downey Road Right of Way.

After a brief discussion George made the motion to approve this subdivision 2nd by Floyd, carried by all.

Norbud Solar Site Plan Ashley Champion- Nixon Peabody Law Firm presented the application. She reiterated the past

events including the approval of Yates County Planning Board as a positive countywide impact.

Ellen questioned the subdivision request for the 5 MW sites. Ashley responded that NYSERTA and Public Service Commission's require separate lots for each 5 mw solar arrays.

Question regarding parcel C2 and D of the site.

Ms. Champion stated Dale Stell property owner's attorney will need to be contacted for a sub division of C2 and D. Question on easements from routing of power of each solar array across other properties. Ms. Champion stated that the easements are being drawn up for each of the sites.

Dave read the following SEQRA Resolution for the Sub Division.

WHEREAS, Norbut Solar Farms (hereafter referred to as the "Applicant") applied to the Town of Torrey Planning Board (the "Planning Board") for a special use permit and site plan approval to build three 5-MW ground mounted solar projects on 27.23 acres of a 102.6 acre farm located on Hansen Point Road (the "Property") in the Town of Torrey (the "Project"); and

WHEREAS, the Project required the Planning Board to undertake certain Actions subject to review under the State Environmental Quality Review Act ("SEQRA") set forth at Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Applicant prepared Part 1 of the Full Environmental Assessment Form ("FEAF") for the Project; and

WHEREAS, at its December 12, 2020 meeting, the Planning Board declared its intent to act as the lead agency for purposes of conducting a coordinated review of the Action under SEQRA, examining Part 1 of the Full Environmental Assessment Form ("FEAF") for the SEQRA review of the Project, and classified the Project as a Type I action; and

WHEREAS, none of the other Involved or Interested Agencies objected within the timeframe set forth under the Regulations to the Planning Board acting as Lead Agency for purposes of conducting a coordinated review of the Project under SEQRA; and

WHEREAS, during its April 26, 2021 meeting, the Planning

Board satisfied the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations") with respect to the Project upon adoption of its determination of significance and issuance of a Negative Declaration for the Project; and

WHEREAS, on July 8, 2021, the Applicant submitted an application to subdivide the Property into three (3) lots such that each 5-MW solar project would be located on its own lot; and

WHEREAS, subdividing the Property does not result in any increase in the amount of acreage required for the Project - in other words the Project will still be located on 27.23 acres of land that will be divided into three (3) lots; and

WHEREAS, the subdivision application does not involve any new or different potential environmental impacts that were not previously identified and considered by the Planning Board during its SEQRA review or in rendering its determination of significance; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Planning Board finds that subdividing the Property for the Project does not create any new or different potential impacts on the environment that have not already been identified, considered, and evaluated during the Planning Board's review of the Project and resulting in the Negative Declaration issued by the Planning Board for the Project on April 26, 2021. The subdivision of the Property will not result in any significant adverse environmental impacts. The Planning Board hereby ratifies the April 26, 2021 Negative Declaration and affirms that the Negative Declaration remains in full force and effect.

2. The Planning Board hereby authorizes the Town Clerk to take such other steps as may be necessary to carry out this Resolution.

3. This resolution shall take effect immediately.

The adoption of the foregoing Resolution was moved by Robert Miller, seconded by Floyd Hoover, and duly put to vote, which resulted as follows:

Granzin- Yes, Hoover - Yes, Dowse- Yes, Campbell- Nay,
Miller - Yes 4 Yes 1 Nay

The resolution was thereupon declared duly adopted

Dave read the following resolution for

**APPROVING APPLICATIONS TO THE TOWN OF TORREY PLANNING BOARD
FOR (1) SITE PLAN APPROVAL AND (2) SUBDIVISION APPROVAL
IN CONNECTION WITH THE PROJECT**

Robert Miller_ moved for adoption of the following resolution;
George Dowse seconded the motion and it was passed.

WHEREAS, NSF Torrey Site 1, LLC, NSF Torrey Site 2, LLC, NSF Torrey Site 3, LLC and Hansen Point Road, LLC (collectively, the "Applicant")¹ have applied to the Town of Torrey (the "Town") for various approvals in connection with the proposed construction and operation of three (3) ground-mounted 5MW AC solar arrays (collectively, the "Project") on a portion of a 102.60-acre parcel (Tax Parcel No. 52.04-1-6) located off Hansen Point Road in the Town. The Project includes associated electrical equipment, gravel access roads, vegetated soil cover, and fencing for each 5MW AC solar array; and

WHEREAS, in connection with the Project, the Applicant applied to the Town Planning Board (the "Planning Board") for: (i) by application dated on or about October 10, 2020, and as thereafter supplemented (the "Site Plan Application"), for site plan approval to construct and operate the Project as required under Section 98.98(D)(2) of the Town of Torrey Zoning Law (the "Zoning Law"); and (ii) by application dated June 21, 2021, and as thereafter supplemented (the "Subdivision Application,"), for subdivision approval to subdivide the Project parcel into three (3) separate lots as required under Section 6 of the Town of Torrey Land Subdivision Law (the "Subdivision Law"), the Site Plan Application and the Subdivision Application together referred to as, the "Planning Board Applications"; and

¹ The original Applicant was "Norbut Solar Farms." The Applicant has since been modified all applications to the Town in connection with the Project to reflect the specific project companies involved in the Project as Applicant.

WHEREAS, the Planning Board Applications included a detailed Project narrative, plans for the Project, as well as other exhibits and enclosures; and

WHEREAS, the Project constitutes a Type I action under the State Environmental Quality Review Act and its implementing regulations (collectively, "SEQRA"), thus requiring a coordinated review; and

WHEREAS, the Planning Board, duly acting as lead agency for the Project under SEQRA, has conducted a full and comprehensive coordinated review of the Project in accordance with SEQRA and on April 26, 2021 duly issued a negative declaration pursuant thereto; and

WHEREAS, in accordance with New York General Municipal Law Section 239-m, the Site Plan Application was duly referred to the Yates County Planning Department for review and comment, and on May 27, 2021, the Yates County Planning Department reviewed the Project and found it to have a positive countywide impact and returned the matter to the Town for local determination; and

WHEREAS, in accordance with New York General Municipal Law Section 239-m, the Subdivision Application was duly referred to the Yates County Planning Department for review and comment, and on July 14, 2021, the Yates County Planning Department reviewed the Project and determined it will have no countywide impacts and returned the matter to the Town for local determination; and

WHEREAS, the Applicant submitted extensive testimony, documentary evidence, and exhibits to the Planning Board in support of its Planning Board Applications, all of which has been considered by the Planning Board in evaluating the Planning Board Applications; and

WHEREAS, the Planning Board has reviewed the Site Plan Application in accordance with the criteria set forth in the Town's Zoning Law; and

WHEREAS, the Planning Board has reviewed the Subdivision Application in accordance with the criteria set forth in the Town's Subdivision Law; and

NOW, THEREFORE, BE IT RESOLVED, that, based on the above recitals, the Applicant's request for site plan approval for the Project as required under Section 98.98(D)(2) of the Town Zoning Law is hereby GRANTED.

BE IT FURTHER RESOLVED, that, based on the above recitals, the Applicant's request for subdivision approval to subdivide the Project parcel into three (3) separate lots as required under Section 6 of the Town Subdivision Law is hereby GRANTED.

BE IT FURTHER RESOLVED, that the Town Clerk shall immediately file a copy of this Resolution in the Town records.

IN WITNESS WHEREOF, this Resolution was duly adopted by the Planning Board at its regularly scheduled meeting, the date of which is listed above.

Granzin- Yes, Hoover - Yes, Dowse- Yes, Campbell- Nay,
Miller - Yes 4 Yes 1 Nay

George presented his report on Kennel Inspections by NYS Ag & Markets.

Discussion on number of dogs on premises and waste disposal

Ellen will research waste disposal requirements of other town kennel laws and report next month.

Grant Downs spoke on Cannibus Sale and Consumption Regulations needed for the town. The Town Board is requesting the Planning Board to review the Marijuana Law for opinion.

Grant will forward Town of Milo law to members.

George made motion to adjourn seconded Floyd and carried at 8:45pm.

Respectfully submitted

Dwight James-