

## ***Planning Board - April 19, 2021***

Meeting, Hearing called to order at 7:00PM by Chairman Dave Granzin held in the Highway Garage 56 Geneva Street Dresden New York due to Covid restrictions.

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

**Others Present:** Dwight James Code Officer, Darlene Conley Deputy TC, Kevin McAuliffe- Greenidge Attorney, Dale Irwin, Kathleen Bennett- Torrey Attorney, Grant Downs Councilman, Patrick Flynn Torrey Supervisor, Colby Petersen Councilman John Christensen and 46 others.

Chairman led the pledge of allegiance.

### **Site Plan Review:**

Chairman gave opening remarks on the order of the meeting and background on the Greenidge Site Plan Review which has led to this second SEQRA review. Following the first SEQRA review decision on this Site Plan Review, a lawsuit was filed by organizations in opposition of the project claiming the SEQRA was incorrect and the application was not referred to the Yates County Planning Board.

In January the application was sent to Yates County Planning Board for their review, Yates County Planning board recommended denial of application as presented. But explained they recommended denial to make Torrey Planning Board voted again.

There has been no change to the site plan application that has been submitted previously.

The agenda will be public comment, followed by the SEQRA review, Discussion on SEQRA review and determination of significance, then final decision on Site Plan application. Only comments on the Site Plan Application will be heard No comments will be accepted on the operation or permits of the plant itself. Attendees requesting to speak are asked to keep their comments brief and to the point in three (3) minutes.

Air, water and operation of the plant are under the jurisdiction of state agencies not this planning board review.

Once the floor is closed the only comments taken will be if the board engages with the attorneys/applicants for clarifications.

Chairman introduced Kathleen Bennett, of Bond Schoeneck & King- Attorney for the Town.

Ms. Bennett stated the site plan application before the planning board tonight is the construction of four 5,040sq.' buildings on 1.38 acres of an existing industrial site for the permitted use of housing data processing equipment.

Ms. Bennett stated the planning board is the lead agency for the SEQRA review. This SEQRA (Unlisted Action) review is only for the construction of four 5,040sq.' buildings on 1.38 acres of an existing industrial site for the permitted use of housing data processing equipment. This site is the only consideration for environmental assessment before the planning board.

She gave a history on the Greenidge permitting process by DEC, including water permits, air quality permits and SPEDES associated with 106/107 mw generating capacity. The DEC decisions were challenged in court twice and in both cases the court upheld the DEC decisions.

Town Planning Board has no authority to place restrictions, or conditions on the operation of plant.

The board has a full EAF before them although this is not a type one action.

Dale Irwin - CEO Greenidge spoke on this application stating he has reviewed the site and road access with the fire department. All DEC permits are in effect.

Paul Lucas, Greenidge Gas Operation Manager is proud to work for Greenidge and he supports this project.

Mary Rose asked Mr. Irwin if this new building will make the plant exceed the maximum capacity of electricity.

Mr. Irwin stated no they will not exceed the 106mw capacity.

Attendee- Greenidge is stating no rise in lake temperature, he questioned who will monitor this?

Chairman stated this is not in the planning boards authority.

Kevin McAuliffe- Attorney for Greenidge responded Greenidge must self-monitor intake water and discharge water temperature, reported directly to DEC.

Ken Campbell stated he appeared before this board 6 years ago on an application and a member voted no due to personal conflict. Issue understanding because of mask.

Cody Taylor asked if the additional jobs stated would be temporary or long term.

Mr. Irwin stated the 12 jobs will be permanent. Dozens of workers on the construction of the buildings would be temporary jobs.

Ken Camera, identified himself as Councilman- City of Geneva asked if the four buildings will increase the emissions whether it water or air of the plant. Increasing capacity.

Kathy Bennett stated DEC has authorized permits for air & water to operate the generating facility at 106/107 mw capacity, 24/7 days a week at 100 % to sell to grid or whomever. Permits go back to 2016.

Mary Anne Kowalski stated permits are expiring in September, what will happen if they exceed 107 MW She noted data miners in coal building, She inquired if a new noise study will be conducted for the additional data miners. She asked if noise is not a concern.

Chairman stated noise is an issue. Although there is an acoustical study, the board wants an actual noise study. One stipulation to the permit is live independent study to verify sound levels. The study will measure at different times/locations.

If found not in compliance the C/O will not be issued. The permit will be revoked until compliance is met.

Noise has been a concern from the very beginning of first project application with 32 containers before site plan was modified.

Mrs. Kowalski asked if plant was going to expand capacity to 500MW as stated in newspaper article.

Mr. Miller stated he had read the article about looking at other locations to increase capacity to 500 MW, and it was the combination of many facilities total 500 MW. If Greenidge wanted to expand, it would be under the permitting of the DEC not the planning board.

Mr. Camera asked if an affirmation to the board has been submitted stating that Greenidge will not expand. Chairman stated no affirmation submitted.

Gary McIntee asked if there will be an increase amount of water into the lake. He stated there is a study not completed yet. The Yates Co Planning Board sent the plans back because there was no environmental study completed.

Mr. Camera stated no offense to planning board, he wanted to know what the rush on this project. He stated the City of Geneva is pro-active about the lake, the lake is sick.

Chairman stated this project has been on the table since June 2020, the board appreciates all the letters regarding the environmental issues surrounding the lake but the board is bound by law to review what is before them only.

Gwen Chamberlin owns property in the Town of Torrey on Seneca Lake, has lived in the area all her life loves Seneca Lake and fully supports this project.

Ben Kline inquired about permits acquired before bitcoin, asked how it will be regulated?

Chairman reminded the audience that the application before the planning board is the only comments taken, not the operation of the plant or its permits

Barb K????, questioned the identity of man in front who spoke earlier. She then pointed at Kevin McAuliffe, who turned and identified himself, stating his occupation as Attorney from Firm of Barclay Damon in Syracuse, representing Greenidge.

Jacob Welch President of Seneca Lake Pure Waters Association, encouraged the planning board to temporally table the decision for two months or he warned that the lawsuit will reactivate if application is approved. It will go to Yates County Court, he then listed points of lawsuit claim. Increase in use requires a Type 1 Action review. He stated the studies are needed to protect the lake. He stated communication between his organization and Greenidge has improved.

Bob Miller stated the board must act within the scope of project; operation of the plant is not their jurisdiction.

Ryan Stell, City Hill Construction spoke in support. He has been partnered with Greenidge on many projects at the plant. Sine 2016 Greenidge has had big impact on community by cleaning up old contaminated sites, being good stewards of the environment. The plants success leads to other businesses success in Torrey.

He stated Greenidge is good people and this application is important to City Hill as well.

Ken Camera commented he supports Jake Welch's idea to table

project and encourages the board to think independently of Attorney for the Town who is supporting a "yes" vote advice. A lawyer should be supporting a no vote to wait for more studies, if not the board should go out and get a new lawyer who follows the comprehensive plan.

Kathleen Bennett responded to this comment. She does not support any vote; she does not have a vote. She is the Attorney for the Town; she gives best legal advice on issues and states the law.

Dale Stell supports Greenidge project as he owns lands in Torrey. They are a growing business that will support the local economy and work force.

Abi Buddington, request that the Town make Zoom on website available. She truly believes there are laws in the Town that the planning board can use for the decision regardless of what DEC says. As Chairman said, only talk about the 4 building. She stated her concern where buildings are to be located the noise will drift into the Village. Noise issue is a great concern for everyone, and a study is needed. Not only is her concern about noise but the increase of environmental issue outfall from this project. Noise issue is already here. She encourages the board to take its time. If the buildings are built, how much more noise will be produced. She is worried about the community health, the health of the plant workers.

Per the Town Comp Plan if this project is approved the planning board is failing the outlet, lake and community.

Tim Dennis applauded the attendees for their true citizen activity with interest in the community. He acknowledged the planning boards long hours spent on this review and diligent commitment to serve the community especially during these more intense reviews.

Dr. Dennis stated the project is in an existing industrial district. Regarding Industrial Districts, Torrey Comprehensive Plan reads "to encourage industrial development.

Greenidge has developed a community advisory board in which Dr. Dennis is Chairman. This board will help identify new ways Greenidge can work to build a stronger local economy, ties to the community and protecting environment. He

introduces the other members of the advisory board. Gwen Chamberlin and Skip Jensen.

Ryan Stell asked about noise study, what is its relevance, what happens if Greenidge exceeds the noise level. Town can shut down operations if it exceeds noise levels??

Chairman explained that last summer Greenidge did a noise study around the town at many locations for several days, all times of the day. Combination of Rte 14, Ferro, train and outside noise was measured in the 60s. The average ambient noise is in the 60s, Greenidge had to prove the new noise level. Crickets were one of the loudest noises. Ellen Campbell questioned the validity of Greenidge noise study locations. Testing was at property lines per zoning law. She would like in the next study; the sites be various distances from plant.

Dwight James Code Officer stated if Greenidge exceeds noise level, they must make modification on the data facility to bring it into compliance or a citation could be issued.

Chairman closed public hearing at 8:00PM

Chairman introduced the SEQRA EAF Part 2 Long Form. The SEQRA Part 1 originally submitted has not changed. Each line item was read aloud for consideration and decision.

Questions regarding annual usage were clarified by Mr. McAuliffe.

Discussion on noise levels in the future, Mrs. Campbell requested that the sound study extend into the village. She challenges the legitimacy of the sound study provided by Greenidge.

Mr. McAuliffe stated Greenidge will support the cost of town chosen sound engineer to perform the operational study. Further discussion, Mr. McAuliffe stated during operations, Greenidge is amendable to measuring sound beyond its property line into the Village of Dresden, 5 locations at plant property lines and 3 locations within ½ mile of plant of Planning Board's choice.

Upon completion of all questions in EAF Part 2, the Planning Board discussed the significance of noise impacts in Part 3. Chairman read the following SEQRA resolution

**TOWN OF TORREY PLANNING BOARD**  
**SEQRA RESOLUTION WITH NEGATIVE DECLARATION**

Mr. Miller moved and Mr. Hoover seconded the following Resolution, which was carried 4 Ayes 1 Nay:

**WHEREAS**, on or about June 30, 2020, Greenidge Generation LLC, as Owner, requested the granting of site plan approval for the installation of a data processing facility at the existing Greenidge Generation facility located at 590 Plant Road, Town of Torrey, Yates County New York (Tax Map No. 40.03-1-1.111) (the "Property"); and

**WHEREAS**, the project entails the installation of a data processing facility and associated site improvements of grading and roads to accommodate the proposed four (4) structures each built on a concrete slab. The structures will house computer processing and networking equipment for data processing functions. Electrical equipment will be installed both overhead and underground including poles, transformers and will connect the data processing facility to the Greenidge Generating facility. The Property is 139.2 acres and the total project area is 1.3 acres, including roads. Power for the data processing facility will be supplied by the on-site Greenidge Generation facility. Stormwater management will be installed as part of the project; all the above as set forth in the submitted maps and plans prepared by Hunt dated June 2020 (the "Project"); and

**WHEREAS**, the Project does not change or modify the permitted operations of the Greenidge Generation facility.

**WHEREAS**, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), requires that as early as possible and within twenty (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the Owner completed and submitted a Full Environmental Assessment Form, dated August 17, 2020, and the same has been reviewed and considered by the Board along with the other submissions provided by the Owner; and

**WHEREAS**, on November 16, 2020 the Planning Board voted to issue a conditioned negative declaration under SEQRA for the Project, however, such vote was prior to receiving review and recommendation on the Project from the Yates County Planning Board, accordingly, the Planning Board has decided to undertake a reconsideration and re-vote on the SEQRA; and

**WHEREAS**, there have been no changes to the application since the Planning Board issued its conditional negative declaration on November 16, 2020; and

**WHEREAS**, the Greenidge Generation facility is a fully permitted and licensed generation facility with the contractual obligation to bid into the wholesale electric market on a daily basis; and.

**WHEREAS**, the Owner has provided information to the Planning Board that the Project will not change Greenidge's capability to sell power in the wholesale market as electricity to the data processing may be reduced or completely curtailed depending upon wholesale electric market needs for the power generated by Greenidge. Under certain circumstances, the NYISO (New York Independent System Operator) can order facilities to push to the distribution grid all or some portion of their generation capacity; and

**WHEREAS**, by letter dated October 23, 2020 from the NYSDEC to the Committee for the Preservation of the Finger Lakes, the New York State Department of Environmental Conservation (NYSDEC) reviewed the Air Permit, Title V Permit, SPDES Permit and Water Withdrawal Permit for the Greenidge Generation facility and determined that it is operating within the limits of all permits and is in compliance with the terms and conditions of all permits; and

**WHEREAS**, the Owner has agreed to implement certain noise mitigation measures for the Project including silencer baffles across each ventilation opening and acoustic insulation on the underside of the building ceiling decks and on available interior wall surfaces; and

**WHEREAS**, the Owner has submitted a Community Noise Assessment study ("Sound Study") prepared by Aurora Acoustical Consultants Inc. which concludes that the sound levels projected to be received from the Project are not expected to exceed the Town's 72 dB daytime permissible sound level limit at the property line nor the 50 dB nighttime sound level limit at the property line. Accordingly, sound levels are predicted to be in compliance with the Zoning Law of the Town of Torrey; and

**WHEREAS**, the Sound Study further concludes that sound levels from the Project projected to be received at residential receptors around the Greenidge Generation facility are predicted to be lower than the lowest unweighted ambient sound levels measured at the sampling location on multiple locations, accordingly noise levels conform to the noise assessment policy guidelines of the NYSDEC that limit noise level increases from operation to 6 dbA or less.

**WHEREAS**, on September 21, 2020 the Planning Board made the determination that:

1. This project would require SEQRA review;
2. The proposed action is an Unlisted action;
3. The following have been found to be an

involved/interested agency:

Yates County Industrial Development Agency, 417 Liberty St # 1093, Penn Yan, NY 14527;

4. That the Planning Board wished to assume Lead Agency status in connection with the SEQRA review for this project and will require the preparation of the Full Environmental Assessment Form Parts 2 and 3; and

5. That the Planning Board directed that a Lead Agency notification letter be circulated to the involved/interested agency, together with the distribution package including Part 1 of the Full Environmental Assessment Form, project application, maps/plans/drawings and such other information as had been prepared and submitted to date by the Owner and Applicant; and

**WHEREAS**, each of the involved/interested agencies has acknowledged that the Town of Torrey Planning Board would serve as Lead Agency for said application or has not objected to such designation; and

**WHEREAS**, the Planning Board has reviewed the recommendation and comments from the Yates County Planning Board and all public comments submitted to the Planning Board; and

**WHEREAS**, the Board has considered and discussed fully the potential environmental impacts of the proposed action; and

**NOW, THEREFORE, IT IS RESOLVED** that the Planning Board of the Town of Torey, after careful review of the site plan application, the Full Environmental Assessment Forms (Parts 1, 2 and 3), supporting studies and materials, as well as a review of all comments and concerns brought to the Board's attention, hereby determines that the requested granting of site plan approval in support of the construction and operation of data processing center located at 590 Plant Road (Tax Map No. 40.03-1-1.111), in the Town of Torrey, Yates County, will not have a significant negative effect on the environment and that this resolution shall constitute a Negative Declaration for the project, as proposed and amended for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Section 617.3 for the following reasons and findings:

1. The Board has identified no or small impacts on land with regard to construction or physical alteration of the land surfaces for the Project that are not otherwise mitigated by appropriate spacing and placement on the Property which are a part of the Project;
2. There are no identified geological features of concern;
3. The proposed Project will have no impact on wetlands or other surface waters or groundwaters and will not result in flooding as the improvements are located outside of any wetland;
4. The proposed Project will have no impact on air emissions, further, all emissions from the Greenidge Generating facility are permitted and regulated by the New York State Department of Environmental Conservation and the Project will not change or modify the existing permits;
5. The proposed construction will have no impact on plants and/or animals or result in a loss of flora or fauna, nor will it have an impact on any protected species since the premises consist of approximately 139 acres and only a portion (1.3 acres) will be occupied by the Project;
6. The proposed Project will have no impact on agricultural resources nor will it have an impact on any identified aesthetic resources;
7. The proposed Project will have no impact on historic or archeological resources;
8. There will be no impacts to any open space or recreational areas as there are no such identified resources on this Property;
9. The proposed Project does not involve lands that have been deemed critical environmental areas;
10. There will be no impact on transportation;
11. The proposed Project will have no or small impact on energy usage however all such energy will be generated by the existing, licensed and permitted Greenidge Generation facility and the operations for the proposed Project will not change the operation or obligations of the Greenidge Generation facility to supply electricity to the grid as called upon by the NYISO;

12. While there will be an increase in noise from the proposed Project, the increase will be mitigated by design efforts implemented by the Owner, namely silencer baffles and acoustic insulation, and the Sound Study predicts compliance with Zoning Law of the Town of Torrey and the noise assessment policy guidelines of the New York State Department of Environmental Conservation.
13. There will not no impact on odor and/or light associated with this proposed Project;
14. There will be no impacts to human health from exposure to new or existing sources of contaminants;
15. The proposed Project is not inconsistent with Town of Torrey adopted land use plans; and
16. The proposed Project is not inconsistent with the existing community character surrounding the Greenidge Generation facility.

The question of the adoption of the foregoing

Resolution was duly put to a roll call vote, which resulted as follows:

Chairman Granzin - Aye

Mr. Dowse - Aye

Mr. Hoover - Aye

Mrs. Campbell - Aye

Mr. Miller - Aye

4 Ayes 1 Nay Adopted

Chairman introduced a Site Plan Resolution

**TOWN OF TORREY PLANNING BOARD  
AMENDED SITE PLAN APPROVAL RESOLUTION**

Mr. Dowse moved and Mr. Miller seconded the following Resolution, which was carried 4 Ayes 1 Nay:

**WHEREAS**, on or about June 30, 2020, Greenidge Generation LLC, as Owner, requested the granting of site plan approval for the installation of four (4) structures each built on a concrete slab at the existing Greenidge Generation facility located at 590 Plant Road, Town of Torrey, Yates County New York (Tax Map No. 40.03-1-1.111) (the "Property"); and

**WHEREAS**, the application materials submitted to the Town of Torrey Planning Board included, among other things, (i) site plans prepared by Hunt Engineers, Architects, and Surveyors, dated June 2020 (the "Amended Site Plans") that incorporate the information required under Section 98-104(B) of the Town Code; (ii) a completed "Site Plan Review - Permit Application" on a form issued by the Town, (iii) a Full Environmental Assessment Form, and (iv) a Community Noise Assessment of Western Data Center prepared by Aurora Acoustical Consultants Inc., originally dated June 30, 2020 (the "Noise Assessment"); and

**WHEREAS**, the project entails the installation of the four buildings and associated site improvements of grading and roads to accommodate the proposed four (4) structures each built on a concrete slab. The structures will house computer processing and networking equipment for data processing functions. Electrical equipment will be installed both overhead and underground including poles, transformers and will connect the data processing facility to the Greenidge Generating facility; and,

**WHEREAS**, the Property is 139.2 acres and the total project area is 1.3 acres, including roads. Power for the data processing operation within the four structures will be supplied solely by the on-site Greenidge Generation facility. Stormwater management will be installed as part of the project; all the above as set forth in the submitted maps and plans prepared by Hunt dated June 2020 (the "Project"); and

**WHEREAS**, the Project does not involve any expansion of the power generation capacity at the Greenidge facility and will only utilize electricity that the facility is already permitted to generate under its existing environmental permits and other relevant governmental approvals; and

**WHEREAS, the Project** does not change or modify the permitted operations of the Greenidge Generation facility; and

**WHEREAS**, on September 21, 2020 the Planning Board made the determination that:

1. This project would require SEQRA review;
2. The proposed action is an Unlisted action;
3. The following have been found to be an involved/interested agency:  
Yates County Industrial Development Agency, 417 Liberty St # 1093, Penn Yan, NY 14527;

4. That the Planning Board wished to assume Lead Agency status in connection with the SEQRA review for this project and will require the preparation of the Full Environmental Assessment Form Parts 2 and 3; and

5. That the Planning Board directed that a Lead Agency notification letter be circulated to the involved/interested agency, together with the distribution package including Part 1 of the Full Environmental Assessment Form, project application, maps/plans/drawings and such other information as had been prepared and submitted to date by the Owner and Applicant; and

**WHEREAS**, each of the involved/interested agencies has acknowledged that the Town of Torrey Planning Board would serve as Lead Agency for said application or has not objected to such designation; and

**WHEREAS**, on November 16, 2020 the Planning Board, as Lead Agency, voted to issue a conditioned negative declaration under SEQRA for the Project, however, such vote was prior to receiving review and recommendation on the Project from the Yates County Planning Board, accordingly, the Planning Board has decided to undertake a reconsideration and re-vote on the SEQRA and the site plan; and

**WHEREAS**, there have been no changes to the application since the Planning Board issued its conditional negative declaration on November 16, 2020; and

**WHEREAS**, the Greenidge Generation facility is a fully permitted and licensed generation facility with the contractual obligation to bid into the wholesale electric market on a daily basis; and.

**WHEREAS**, the Owner has provided information to the Planning Board that the Project will not change Greenidge's capability to sell power in the wholesale market as electricity to the data processing may be reduced or completely curtailed depending upon wholesale electric market needs for the power generated by Greenidge. Under certain circumstances, the NYISO (New York Independent System Operator) can order facilities to push to the distribution grid all or some portion of their generation capacity; and

**WHEREAS**, by letter dated October 23, 2020 from the NYSDEC to the Committee for the Preservation of the Finger Lakes, the New York State Department of Environmental Conservation (NYSDEC) reviewed the Air Permit, Title V Permit, SPDES Permit and Water Withdrawal Permit for the Greenidge Generation facility and determined that it is operating within the limits of all permits and is in compliance with the terms and conditions of all permits; and

**WHEREAS**, the Owner has agreed to implement certain noise mitigation measures for the Project including silencer baffles across each ventilation opening and acoustic insulation on the underside of the building ceiling decks and on available interior wall surfaces; and

**WHEREAS**, the Noise Study concludes that the noise levels projected to be received from the Project are not expected to exceed the Town's 72 dB daytime permissible noise level limit at the property line nor the 50 dB nighttime noise level limit at the property line. Accordingly, noise levels are predicted to be in compliance with the Zoning Law of the Town of Torrey; and

**WHEREAS**, the Noise Study further concludes that noise levels from the Project projected to be received at residential receptors around the Property are predicted to be lower than the lowest unweighted ambient noise levels measured at the

sampling location on multiple locations, accordingly noise levels conform to the noise assessment policy guidelines of the NYSDEC that limit noise level increases from operation to 6 dbA or less; and

**WHEREAS**, the Planning Board has determined that the Project complies with the performance standards set forth in Section 98.25 of the Town Zoning Law; and

**WHEREAS**, in accordance with its obligation under Section 239-m of the NYS General Municipal Law, the Planning Board referred the Application to the Yates County Department of Planning and Development ("County Planning Department"); and

**WHEREAS**, the Planning Board has reviewed the recommendation and comments from the Yates County Planning Board and all public comments submitted to the Planning Board; and

**WHEREAS**, the Board has considered and discussed fully the potential environmental impacts of the proposed action and concluded the Project will not have a significant negative effect on the environment and thereby adopted a Negative Declaration for the Project; and

**WHEREAS**, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria as set forth in Section 98.105 of the Zoning Law, as well as the other requirements of the Town Code; and

**WHEREAS**, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board,

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 98.105 of the Zoning Law, the Planning Board hereby makes the following findings and determinations:

The proposed use of the four structures as a data processing center is a permitted use in the Industrial zoning district, complies with this Chapter and any other applicable Town laws, and the applicable Comprehensive Plan;

The proposed use will not adversely impact adjacent properties, existing infrastructure or environmentally sensitive features on or near the site such as steep slopes, Seneca Lake or other bodies of water, water courses, the Outlet Trail, mature woodlands, or wetlands as the four enclosed structures will not adversely impact adjacent properties, existing infrastructure or environmentally sensitive features on or near the site. The proposed structures will be situated adjacent to the existing building onsite. The site is previously developed and the structures will be situated on concrete slabs that will replace existing pavement. There are no nearby waterbodies, wetlands or mature woodlands that will be disturbed as a result of the construction. The application does not entail any modifications to the generation facility on the property which, as has been attested to by New York State Department of Environmental Conservation ("NYSDEC"), has all of the necessary air and water permits to operate;

The proposed use will not adversely impact adjacent properties with regard to excessive or unreasonable disturbance such as noise, light, glare, vibration, shadow, vapors, smoke, fumes, dust, particulate emissions or odors as the computer processing and networking equipment will be fully enclosed in the proposed structures. The location of the structures is in the center of the applicant's property and over hundreds of feet from any adjacent property line. Therefore, no impacts related to noise, light, glare, vibration, shadow, vapors, smoke, fumes, dust, particulate emissions or odors are anticipated. To demonstrate compliance with the Town Noise ordinance, the applicant has submitted to the Planning Board a Community Noise Assessment from Aurora Acoustical Consultants Inc. as well as a proposal, accepted by this Board, to measure noise levels at the property lines following the completion of construction and prior to the commencement of operation and report those findings to the Planning Board.

The location, size, design and arrangement of the structures on the site are compatible with the neighborhood as the structures are fully enclosed and situated adjacent to the

existing building onsite. The site is previously developed and the structures will be situated on concrete slabs that will replace existing pavement. The new buildings will be consistent with the surrounding community character in the Industrial zoning district.

Any potential effect of the proposed development on the drainage patterns on and off the site, especially the impact of storm water runoff from cleared areas, fields, steep slopes, roofs, parking areas, driveways, walkways, and other impervious surfaces have been addressed by the applicant through the incorporation of a new stormwater collection system that will gather and then release to the site's existing stormwater management system approved and monitored by NYSDEC pursuant to the applicant's existing SPDES permit.

The location, size, design and adequacy of off-street parking, open spaces, landscaping, lighting, signs, buffers, outdoor waste facilities, water supply, sewage facilities, accessory structures, pedestrian walkways, recreation areas and utilities are acceptable as show on on the site plan as there is no new parking, landscaping, signage or recreation areas and the new utility poles and overhead power lines from the generation plant to the proposed structures are central to the site.

There are no issues with regard to traffic patterns on the site nor impacts from additional vehicular traffic in the neighborhood. The interior road configuration has been approved by the Fire Department for compatibility with its largest vehicles.

The proposed structures comply with all requirements of Section 98.21 of the zoning Law applicable to unattached accessory structures.

**BE IT FURTHER RESOLVED,** that the Planning Board approves the amended site plans for the Project prepared and stamped by Hunt Engineers, Architects, and Surveyors, dated June 2020; and

**BE IT FURTHER RESOLVED,** that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan; and

**BE IT FURTHER RESOLVED,** that as required by the NYS Town Law, the Planning Board Clerk shall file a copy of this approval in the Town of Torrey Town Clerk's office within 5 days after this resolution has been adopted; and

**BE IT FURTHER RESOLVED,** that this resolution shall take effect immediately.

Moved by: Mr. Dowse Seconded by: Mr. Miller

The foregoing resolution was voted upon with all members of the Planning Board voting as follows:

Chairman Granzin-Aye

Mr. Dowse - Aye

Mr. Hoover - Aye

Mrs. Campbell - Nay

Mr. Miller - Aye

4 Ayes 1 Nay Adopted

Chairman thanked all in attendance.

Chairman made a motion to adjourn, Mr. Dowse seconded carried at 9:15PM

Respectfully submitted,