

A meeting of the Town of Moreau Planning Board was held on May 17, 2021 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York and via Zoom.

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|------------------|---------------------------------|
| Peter Jensen     | Chairperson                     |
| John Arnold      | Planning Board Member           |
| Erik Bergman     | Planning Board Member           |
| Jerry Bouchard   | Planning Board Member           |
| Ann Purdue, Esq. | Planning Board Member           |
| Adam Seybolt     | Alternate Planning Board Member |

Also present: Jim Martin, Zoning Administrator in person; Karla Buettner, Attorney for the Town; Tricia Andrews, Recording Secretary

Absent: Mike Shaver, Meredith Mathias, Planning Board Members

The meeting was called to order 7:00pm by Chairperson Jensen. The Board reviewed the minutes of the April 19, 2021 meeting. Mr. Bouchard motioned to accept the minutes as submitted and Ms. Purdue seconded. All in favor, motion carried with no roll call.

#### #1 Jacobie Farms Subdivision

Moreau Rec Road

Public Hearing

Final Review

The Chairman stated that the applicant and Town Board had been in conversation and the applicant had requested that this item be tabled to June 21, 2021. Mr. Martin stated that notices would go out again. Mr. Bouchard motioned to table the public hearing for Jacobie Farms Subdivision to June 21, 2021 at 7:01pm and to authorize sending out new notices. Mr. Bergman seconded. Mr. Arnold asked the reason for tabling and Mr. Martin told the Board that the Town Board had passed a resolution stating that all projects within half a mile of the sewer district have to connect to it. All in favor, motion carried.

#### #2 Baker Falls Solar

10-15 Electric Drive

Moreau industrial Park

Site Plan Review

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Travis Mitchell of EDP presented stating that the applicant has provided a draft decommissioning plan & NYSEDA guidance, a draft Operations and Maintenance Plan, etc. He has not heard for Laberge about the Stormwater Plan but doesn't expect any surprises as he has worked with them before. Mr. Martin stated he had not heard from them either. Mr. Martin stated that the outstanding item was whether a third party review of the decommissioning plan was going to happen. He had consulted the Town's Attorney who reported that she did not have a name yet for a consultant but expected one soon. Mr. Martin stated that he would forward the price for that as soon as he had it.

Mr. Mitchell asked the Board to schedule a public hearing.

Atty. Buettner had looked into whether there would be fees for the roads, and did not find anything on that issue. She also did not think there was anything about requiring job creation, although that was the intent of the Industrial Park. There was also an application for an easement and no determination had been made about that yet.

Chairman Jensen asked how many lots will be left in the industrial park if this goes through.

Mr. Mitchell reported that they are taking two, which had limited access for other uses.

Chairman Jensen stated that there would still be space left for extending the railroad into the park if someone decided that they wanted to do that. Mr. Martin confirmed there would be 14 lots left.

Mr. Martin stated that there is another applicant for the park, who will come before the Board in June or July.

Ms. Purdue asked whether there would be a purchase of this lots or it had already been purchased. Mr. Mitchell didn't have the details and Atty. Buettner didn't either. Ms. Purdue stated that the requirements for decommissioning and security might be different depending on whether they are buying or leasing. Atty. Buettner suggested they could limit whether the lease could be assigned. Mr. Purdue thought that the Town and Operator needed a better agreement to make sure that this would be decommissioned properly.

Mr. Mitchell stated that there are common provisions like the amount of time that electricity is no longer being produced. They have provided a typical draft, but are expecting it to be reviewed so that the Town is comfortable.

Mr. Martin asked the attorney to explain how that would work. The Planning Board is advising the Town Board but the agreement will actually be made with the Town Board. Atty. Buettner stated that the Planning Board would be making a referral to the Town Board on that. As the

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same attorney represents both Boards this should be fairly smooth. Mr. Mitchell stated that it's normally done as a condition.

Mr. Arnold stated that he had read the draft and he wasn't sure this Board had the expertise to make recommendations on the plan. He stated that he liked the overall plan for the solar farm. He expressed a concern that if the lots are leased the value will be affected. The production value is frontloaded and they are less productive as time goes on, but the bond value will be affected by inflation and not as helpful with the costs of decommissioning.

Mr. Bouchard asked about the easement that was mentioned. Mr. Mitchell explained that it is from the point where the pavement ends to where it crosses the power lines, there is a track. That is the easement. The Town Board is pursuing it and that can be a condition of the approval. There is an option to go further south where they wouldn't need an easement if they are not able to get one. Mr. Mitchell expected that they would know one way or another for the next meeting.

Chairman Jensen indicated that he didn't think the Board was ready to schedule a public hearing. Mr. Martin stated that the ball is in the Board's court because they need to find a reviewer for the decommissioning plan, so that they can find out what the costs are. This is a newer concept statewide, so there just isn't much information available on how to handle it.

#3 Casey Subdivision  
Sketch Plan Review  
Gansevoort Road

Mr. Martin stated this is another subdivision at the corner of Mott Road, which this Board already subdivided recently. It is only before the Board because it has already been divided administratively.

Chairman Jensen stated he had received an EAF, which Mr. Martin stated is very straightforward. This should be represented by Bill Rourke, but he was not present.

The Board discussed that the ownership of each lot is not explained, and whether this was really a 5-lot subdivision.

Mr. Arnold pointed out that they need to make it more clear what they are doing because they used the same plans as last time. To him it looks like they are just finding a way around the requirements involved in doing a 5 lot. This is being divided among family members.

If it is not being divided by the new owner, it is a 5 lot. There is even more land left that will be further divided.

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Mr. Martin asked whether the Board members had all seen the response from the school district and stated he thought the meeting was very interesting and that the Superintendent was not upset but rather was jubilant about the idea of a large number of new students.

Mr. Arnold pointed out that the elementary school next to the property was almost shut down due to low enrollment just about three years ago.

The Board had received communication that the Arrowhead subdivision might be denied DOH approval if it is found to be a realty subdivision.

Ms. Purdue stated she thought that these large subdivisions should be looked at by DOH before the Board approves them. Chairman Jensen explained that the DOH would not approve it.

Ms. Purdue thought that the Laberge letter indicated the opposite with regard to Jacobie Farms.

Mr. Martin agreed with Chairman Jensen. Atty. Buettner stated she had spoken with people at Laberge, Ms. Purdue, Arrowhead Farms representatives etc. She suggested that because of the new development expected when the sewer is completed, the Board should make sure they are all in agreement about process issues before they get overwhelmed. Other municipalities do not all do it this way. So in this example if the DOH tells the applicant there is a problem, they will have to start over with the Town's process. So it may be more efficient to do it another way.

Mr. Martin stated that the process is simpler with municipal sewer because septic requires a lot of information about design, soils, distances etc. The process has worked up until this point, and the problem came up because three huge developments came together close to one another and the sewer district. Atty. Buettner stated she wanted the Town to be well positioned for a burst in growth. She advocated for a discussion, not necessarily a change in process.

Mr. Arnold stated that the problem will be smoothed out as the price of joining the sewer district decreases. He asked where the line was.

Atty. Buettner stated that there will be a line when the project applies for a building permit.

There was discussion about whether the Board needed to change their process.

The Town Board is also drafting an ordinance requiring hookups within a certain distance. They are also consolidating the water districts into one, and the sewer districts into one. There will be a map.

Mr. Bouchard agreed that every meeting has something unique show up, and the Board could have given the option up front to get DOH review first.

Chairman Jensen compared it to DOT- they will not approve a curb cut until the Town has approved what is happening behind it. The DOH similarly will not approve anything that the

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Town has not already approved. Mr. Martin suggested that the system is working correctly if an applicant can't meet a condition and has to come back.

Mr. Rourke appeared to have called in but couldn't speak as his call was muted. Mr. Martin attempted to tell him that the Board was ready to review the preliminary plat, with clarification of ownership, and stated he would communicate that to Mr. Rourke tomorrow.

Motion to adjourn the meeting was made at 8:03 pm by Mr. Arnold and seconded by Mr. Bergman. All in favor, motion carried, no roll call.

Respectfully submitted,

Tricia S. Andrews