
**Planning Board Minutes
December 2, 2021**

Planning Board Members Present, Steve Lester, Daniel Compton, Michael Woodruff, Fred Fink, Matt Rogers

Absent: Julie Pellett, Michael Donohoe

Others Present, Kimberly Rayburn (Secretary), James Kier (Building & Zoning), Pat Venezia (Venezia & Associates)
Timothy Hyland

Lester opened the meeting at 7:30 pm. Woodruff motioned and Fink seconded to waive the reading of the public hearing, all Board members present voted aye.

- I. TS5-21 Preliminary/Final for Timothy & Leslie Hyland**, Brace Rd Tax# 54.00-1-25.110. 2 Lot subdivision Parent parcel 114.932+/- acres Creating lot #1 of 3.080 +/- acres and lot #2 of 2.778 +/- acres leaving 109.074 Acres of parent parcel

The Board reviewed the maps and determined the changes that were requested were made. Lester asked for any input from the public, there was none. **Compton motioned and Woodruff seconded to close the public hearing, all Board members present voted aye.**

Woodruff motioned and Rogers seconded to approve TS5-21 Preliminary/Final for Timothy & Leslie Hyland. Property located on Brace Rd, Tax# 54.00-1-25.110. 2 Lot subdivision Parent parcel 114.932+/- acres Creating lot #1 of 3.080 +/- acres and lot #2 of 2.778 +/- acres leaving 109.074 Acres of parent parcel.

Whereas:

- 1. As presented for land transfer only**

Record of Vote:

Lester Aye Compton Aye Woodruff Aye Rogers Aye Fink Aye

All Board members present voted Aye, Vote was carried. Pellett arrived after vote.

- II. SPLM4-21** William Singer of 6678 Rts 5&20 Site Plan modification review for existing sheds placed without site plan approval and without permits, also addition onto existing sales office. Discussion on William relinquishing his SUP to sell used cars.

Compton wanted to review the existing status of the property and feels that Singer should be in attendance at this review. Kier stated that Singer has existing violations that he would like to clear up before returning for another court date. Rayburn stated that Singer has sent a letter to the Code Office stating he is relinquishing his SUP to sell used cars. Kier stated he has responded to that letter by e-mail requesting that Singer have his business closed up and cleaned up of any items pertaining to that business within thirty days including the tractor trailer bodies which need to be inspected and registered as they are vehicles and are not considered accessory structures. Woodruff stated those items along with the tractor trailer bodies are compliance issues and fall to Kier to enforce. The time frame given to Singer has come and gone and it is now up to Kier to make sure Singer comes into compliance.

The two sheds on the property and the addition onto the front of the sales office are the only items that Singer needs to get site plan approval on. They meet the setback regulations and only need Planning Board approval for their placement. The rest will be handled by Kier and the court.

A brief discussion was held on the condition of the property and the history of the property.

Singer has been in violation more than once and for an extended period of time. Compton expressed a concern for contamination. Woodruff stated that would be covered under an environmental review upon the sale of the property, and it is not a Planning Board issue.

Lester asked to abstain from the discussion and the vote.

Woodruff motioned and Rogers seconded to approve the Site Plan #SPLM4-21 for William Singer of 6678 Rts 5&20 for existing sheds placed without site plan approval or permits, and the addition onto the existing sales office.

Whereas:

- 1. For reasons discussed in the minutes.**
- 2. The location of the sheds and the addition to the sales office are approved and Singer is responsible for obtaining building Permits for them.**
- 3. The Site plan does not include the 2 tractor trailer bodies. They will be required to be registered as they are vehicles and are not considered accessory structures.**

Record of Vote:

Lester Abstained Compton Aye Woodruff Aye Rogers Aye
All Board members present voted Aye, Vote was carried.

III. Lot line adjustment for Peter Tuttobene annex 10 acres from 93.00-3-29.111 located at 3321 Co Rd 40 to neighbor Kimberly Ann Kwoka 93.00-3-29.210.

Rayburn informed the Board that Kwoka is looking to get the property into the Ag District and needs to get the annexation / lot line adjustment done this year to be able to provide the documents to the Assessor in time. This type of review does not require public notice. Woodruff stated that the maps have all the required information and stated that this type of review is very simple.

Woodruff motioned and Rogers seconded to approve the Lot line adjustment for Peter Tuttobene to annex 10 acres from 93.00-3-29.111 located at 3321 Co Rd 40 to neighbor Kimberly Ann Kwoka 93.00-3-29.210

Whereas:

- 1. For reasons discussed in the minutes.**
- 2. Lot line adjustment as presented for land transfer only.**

Record of Vote:

Lester Aye Compton Aye Woodruff Aye Rogers Aye Fink Aye
All Board members present voted Aye, Vote was carried unanimously.

IV. Discussion:

The Board held a discussion on Delaware River Solar Special Use Permit (SUP) #TSP5-17 approved with conditions on 8/16/2018 and extended on 9/5/2019 & again on 1/21/2021 (See below). Delaware River Solar has requested another extension. (See request below the 1.21.2021 PB excerpts).

(Excerpts from the 1.21.2021 PB Minutes)

Special Use Permit (SUP) TSP5-17 Large Scale Solar Project, extension for a period of 1 year.

Delaware River Solar (DRS)- Agent Peter Dolgos, Owner of Property John Bennett located on Rt 64 N of tax map # 67.00-1-1.100

The Board reviewed the written request from DRS for an extension. Kier and Rayburn advised the Board that the Solar Attorney suggested allowing a second extension due to Covid-19. The Board decided to allow the extension of the SUP for one (1) year.

Rogers motioned and Donohoe seconded to approve the extension of Special Use Permit TSP5-17 Large Scale Solar Project for Delaware River Solar (DRS)- Agent Peter Dolgos, Owner of Property John Bennett located on Rt 64 N of tax map # 67.00-1-1.100

Whereas:

- A. **Extension starts from the date the 1st extension expired in September 2020 and ending on Oct 1, 2021**
 - B. **A building permit must be obtained by Oct 1, 2021**
 - C. **Extension approval based on the original approval requirements below.**
1. The following will need to be turned into the Code Office before a building permit or a certificate of compliance is given.
 2. A decommissioning plan and amount that will cover the removal of the system in the future needs to be determined, approved and accepted by the Town Attorney and the Town Board.
 3. A NYS DOT permit is obtained for improvements. The culvert is widened and lengthened as the drainage needs to be sized to take all storm water flows and to accommodate the widened condition of the driveway
 4. Delaware River Solar must comply with all Large-Scale Solar regulations from Town Code section 135-83.2 Solar Energy Law
 5. An as-built map of the installation will be provided after installation is complete
 6. Approval includes all discussions held in previous Planning Board minutes including but not limited to landscaping and maintenance hours
 7. Any future changes need to be brought in front of the Planning board for approval.

Record of Vote:

Lester Aye Fink Aye Compton Aye Rogers Aye Donohoe Aye
All Board members present voted Aye, Vote was carried unanimously.

Request for an extension from Delaware River Solar

DRS

November 12, 2019
Town of East Bloomfield Planning Board
99 Main Street
East Bloomfield, NY 14443

Attn: Jim Kier

Re: NY East Bloomfield I, LLC Solar Facility - State Route 64N ("Solar Project")
Dear Mr. Kier and Members of the Planning Board:

This letter is for the purpose of requesting an additional extension of the Special Use Permit related to the above-mentioned Solar Project granted to Delaware River Solar, LLC ("DRS") at the August 16, 2018 Planning Board meeting and extended at the January 21, 2021 meeting.

DRS requests that the Planning Board extend the special use permit for twelve (12) months, from October 1, 2021 to October 1, 2022. In addition, NY East Bloomfield I, LLC, an affiliate of Delaware River Solar, has been formed to be the owner of the Project ("Project Owner"). Consequently, it is requested that the Planning Board approve the change in ownership from the Delaware River Solar, LLC, as the initial applicant, to NY East Bloomfield I, LLC in conjunction with the aforementioned special use permit extension request.

A summary of the items that have resulted in this extension request are as follows:

- Solar Moratorium: We have another project in the Town submitted prior to the moratorium, but not complete, that will be re-submitted shortly. The benefits of linking the scheduling of the two projects together with regards to, among other things, NYSEG scheduling, equipment procurement and potential construction schedules, resulted in a longer delay than expected as we waited for the moratorium to conclude.
- COVID Delays: We have experienced longer and unexpected, delays that can somewhat be attributed to procurement and availability of equipment in addition to large cost fluctuations due to the current environment. These delays are not only relevant to our current project(s) in the Town but has affected our entire portfolio of projects through New York State that has constrained resources at, among others, the utility, vendors, service providers, and has caused the DRS entire portfolio delays.

DRS and Project Owner acknowledge all discussions and requirements set forth in prior Planning Board minutes and will provide a schedule for completing all outstanding items and a proposed construction schedule on or before November 30, 2021 with respect to the NY East Bloomfield I Project (Route 64N) as well as the proposed additional project.

If there are any questions or additional information required, please contact me at Peter.dolgos@delawareriversolar.com or 646-998-6495.



Peter Dolgos

Senior Vice President - Delaware River Solar, LLC
Senior Vice President - NY East Bloomfield I, LLC

The Board has not received any information other than an e-mail from Terrance Boyle from Nussbaumer & Clarke, Inc Engineers and Surveyors stating they have submitted a work permit to the NYSDOT for the driveway improvements and asking questions regarding the Final plans, SWPPP and SEQR.

Rayburn stated that DRS is on a timeline with the utility to get the project started as well, they may lose their spot and have to start over with a new CESIR if they can not move forward with this previously approved SUP.

The Board held a discussion on the outstanding items needed from DRS. There are two items outstanding, the NYSDOT permit and a decommissioning plan. From discussions with DRS There may also be changes in panels and the size of the project. If the project is smaller than originally approved it will not be a concern.

Woodruff motioned and Compton seconded to table their decision on another extension until January 31, 2022.

Whereas:

- 1. Giving DRS 1 last chance to provide any and all outstanding or new documentation**
- 2. On February 3, 2022 the Board will decide whether an extension is warranted or if DRS will need to start from scratch with a new application packet.**

Record of Vote:

Lester Aye Compton Aye Woodruff Aye Rogers Aye Fink Aye
All Board members present voted Aye, Vote was carried unanimously.

V. Minutes

Minutes of November 4, 2021

Woodruff motioned and Fink seconded the motion to approve the minutes 11/4/2021

All board members present at the 11/4/2021 meeting voted aye. Rogers abstained; vote was carried.

VI. Meeting Adjourned

Fink motioned and Donohoe seconded to adjourn @ 8:30 pm.

All Board members present voted Aye, Vote was carried.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary