

**CORRECTED MEETING MINUTES  
TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING, May 7, 2019, 7:00 P.M.**

**PRESENT:** Chairman Kathy Jasinski, Paul Marchese, Paul McCullough, Don Partridge, Jeremy Liles, Jonathan Long and Steve Tanner.

**ALSO ATTENDING:** Bruce Gerould, Steve Mountain, Steve Long of Borrego Solar Systems, Marc Kenward of Erdman Anthony Consulting Engineers, Paul Figlow of Figlow Productions (videotaped the meeting on behalf of Michael Hamm), Laurel J. Eveleigh of Alario & Fisher, P.C. (lawyer for Michael and Joel Hamm), Tom Warren, Jason Warren, John Volpe, Sharon White, and Secretary Kim McCullough.

**ABSENT:** Lou Paganello and Gordon Offhaus.

Both alternate members will be voting tonight.

**April 16, 2019 REGULAR PLANNING BOARD MEETING MINUTES.**

Don Partridge made a motion to approve the meeting minutes.

Seconded by Steve Tanner.

Vote unanimous for approval.

**March 19, 2019 REGULAR PLANNING BOARD MEETING MINUTES.**

Addition of John Della Penna and Keith Boeheim need to be added to the list of attendees.

Jonathan Long made a motion to make additions to the meeting minutes.

Seconded by Paul Marchese.

Vote unanimous for approval.

**Application by Borrego Solar Systems, Inc. for a Special Use Permit at 3232 West Main Street Road, Batavia, NY – to install a ground mounted commercial solar system on approximately 20 acres.** SEQR has been completed and Public Hearing held.

**Application by Borrego Solar Systems, Inc. for a Special Use Permit at 3104 West Main Street Road, Batavia, NY - to install a ground mounted commercial solar system on approximately 20 acres.** SEQR has been completed and Public Hearing held.

Per Kathy, this is an information session only. Steve Mountain stated staff review has been completed. Comment letters have been sent out to the Engineer and Developer. Steve also stated they are reviewing all of data, information, the questions/concerns that have been coming in from neighboring properties. Steve stated there are a few areas that more information is needed on, which are electric magnetic radiation, any potential interference with electronic ~~devises~~ **devices** from the units. Staff cannot make any recommendations until they get some wetland determination, jurisdictional determinations from the DEC and the Army Core. Also waiting on the State Historic Preservation Office review of cultural resource investigations. Steve also stated that most of the other civil engineering issues are pretty well taken care of, staff also wants to know if the Planning Board has any questions or concerns on the additional information that keeps

coming in. A letter was received from one of the neighbor's attorney which is being reviewed. Once the staff receives all needed information, they will make the recommendation to the Planning Board. Steve also stated the Planning Board has their list of criteria they should be on these solar projects that need to be looked at and considered.

There have been some changes made to the site plan by the Engineer. Marc Kenward of Erdman Anthony Consulting, gave a presentation of the changes made.

**3232 West Main Street Road.** The driveway entrance location has been revised due to the cultural resource investigation found some potential for artifacts. The driveway has been shifted to the west to avoid some potential impacts. This adjustment will be in the SHPO Report that is being submitted. Technical review approval for the driveway entrances from the DOT. Change made to the pole farm, National Grid asked for the move to be back to where it was proposed to be. A turn around has to be provided therefore the landscape screening had to revert back to shrubbery in front of the fence line, there is not enough room to get two rows of trees in. The question was asked about having a different entrance and Marc stated one entrance one property. Narrowed up the isle which increased the number of panels and racks so now it can generate more power. Does not want to move back due to the wetland buffer.

Not enough room to move it back. This site has been optimized for the panels and racks. No benefit to move it south. Steve Long from Borrego stated the lines are good for the wetlands. Does not want to impact the wetlands. Question asked about the depth of the conduit. Steve from Borrego stated it can be the depth that the Planning Board wants it to be. Don stated it needs to be shallow. Kathy asked about the wires being underground, Steve from Borrego answered the utility companies like to have visuals to see, if it was underground, they would need to drive up to the box to see it. The utility company would need to be contacted on this to see which is preferred. Easier to see if something is broken.

**3104 West Main Street Road.** Driveway at this site is good. Need straight line coming into the site for emergencies. A turn around was added. Reconfigured the fence line for a double row of trees, provides a great landscaping screening.

Kathy asked about a Visual Impact Study to be done. Steve from Borrego stated they need to know where would there be the most impact. Mr. Hamm's lawyer asked about this. Would need permission to go onto the properties. Steve Tanner suggested 2 vantage points. Laurel Eveleigh from Alario & Fischer, P.C., the attorney for the Hamms, stated that 2 vantage points will not work. The Hamms own a significant amount of property on the western edge, which is all developable property and would have a direct view onto your site, we need to evaluate the impact on the property. Wants pictures taken all along the line to see what the impact would be. Don suggested 3 vantage points. Steve Mountain stated there is already a buffer there and with the special use permit it can state the buffer needs to be maintained. A visual impact study will be done on both properties. Per Steve Mountain questions should be funneled through Dan Lang or Bruce Gerould.

**Kathy then opened it up to the floor for new questions only.**

**Tom Warren** – concerning 3104 West Main Street Road site - Where will the driveway and poles be. Marc from Erdman answered on the east property line.

**Jason Warren** – Visual assessment and values of the homes. What impact does this have on the value of the homes. The assessor was asked about this and she stated she would raise or lower the assessment. Suggestion was made for him to talk to Rhonda and an appraiser. Steve from Borrego stated it is inclusive due to no homes being sold.

**Paul Marchese** stated that some of the questions are what is allowed in an Agricultural/Residential Zone and that is should be clarified. Bruce Gerould read from the **Town of Batavia General Code Book, Section 235 – Zoning Code, Article 4, Subsection 235-25(a) – Permitted Uses and Subsection 235-25(b) – Uses requesting a Special Use Permit.**

**John Volpe** asked if he could hand out papers about the solar panel effects on the area.

**Chris** – Archeological Survey. Area should be monitored. Steve from Borrego stated it would be.

**Zoning Enforcement Officer Report.**

Site Plan review for Lickity Splits on Clinton Street Road.  
Cypress Creek – Ellicott Street Road.

**Chairman Report.**

Will have a meeting on May 21, 2019.

Jonathan Long made a motion to adjourn the meeting at 7:51 pm.

Seconded by Jeremy Liles.

Vote unanimous for approval.

Respectfully submitted,

Kim McCullough  
Secretary

Kathleen Jasinski  
Chairman