

**TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING, August 20, 2019, 7:15 P.M.**

**PRESENT:** Chairman Kathy Jasinski, Paul Marchese, Paul McCullough, Lou Paganello, Jonathan Long and Steve Tanner.

**ALSO ATTENDING:** Bruce Gerould, Dan Lang, Steve Mountain, Marc Kenward of Erdman Anthony Consulting Engineers, Steve Long and Emilie Flanagan both of Borrego Solar Systems, Brian Quinn of the Batavia Daily News, Mike Pettinella of The Batavian, John Della Penna, Sharon White and Secretary Kim McCullough

**ABSENT:** Gordon Offhaus, Don Partridge and Jeremy Liles

Alternate members, Jonathan Long and Steve Tanner will both be voting tonight.

**August 6, 2019 PUBLIC HEARING BOARD MEETING MINUTES.**

Paul McCullough made a motion to approve the meeting minutes.

Seconded by Steve Tanner.

Vote unanimous for approval.

**August 6, 2019 REGULAR PLANNING BOARD MEETING MINUTES.**

Lou Paganello made a motion to approve the meeting minutes with changes made to Oak Orchard Solar for the setting of the Public Hearing.

Seconded by Paul Marchese.

Vote unanimous for approval.

**Borrego Solar Systems – Declare Lead Agency for SEQR at 5230 Batavia Elba Townline Road, Batavia NY, for solar farm installation.** County Planning Board and New York State DOT no objection for lead agency.

Jonathan Long made a motion to declare lead agency.

Seconded by Paul Marchese.

Vote unanimous for approval.

**Borrego Solar Systems – Part II SEQR – Full Environmental Assessment Form – Negative Declaration Declared at 5230 Batavia Elba Townline Road, Batavia NY, for solar farm installation.**

Steve Tanner made a motion for approval of the negative declaration.

Seconded by Paul McCullough.

Vote unanimous for approval.

**Borrego Solar Systems – Special Use Permit at 5230 Batavia Elba Townline Road, Batavia NY, for solar farm installation.** Dan Lang stated staff has reviewed, only concern is the house to the south about glare and requested the addition of Exhibit 1 (listed below). The frequency study by Borrego will only be done if the neighbors request it. Engineering staff seeks approval contingent upon engineering review and contingent upon the final decommissioning bond. The issue has also been brought up about the plantings on the site. Kathy stated she would like Brad from Soil and Water to attend the next planning board meeting with their recommendations. Paul McCullough made a motion for approval of the Special Use Permit contingent upon glare issue, frequency study if requested by neighbors, plantings, final engineer approval, exhibit 1 listing below and decommissioning bond.

Seconded by Paul Marchese.

Vote unanimous for approval.

8/20/19-RegularMtg

**EXHIBIT 1**

- a. Ingress and egress
- b. Size and location of panels
- c. Nature of land use on existing, adjacent and nearby properties
- d. Location of other solar energy systems in surrounding area
- e. Topography
- f. Proximity to residential structure
- g. Design characteristics
- h. Possible adverse effects on wildlife
- i. Glare and reflectivity
- j. Any other factors that are relevant to the proposed system

**I, Kimberly McCullough, Secretary of the Town of Batavia Planning Board DO HEREBY CERTIFY that the forgoing is a true and correct transcript of the action taken by the Town of Batavia Planning Board on the 20<sup>th</sup> day of August, 2019.**

**Date:** \_\_\_\_\_

**Secretary**

**Borrego Solar Systems – Site Plan Approval - at 5230 Batavia Elba Townline Road, Batavia NY, for solar farm installation.**

Steve Tanner made a motion for Site Plan Approval contingent upon final Engineering approval.

Seconded by Lou Paganello.

Vote unanimous for approval.

**Nicholas LaFountain – Provident Batavia LLC – Short Form SEQR Negative Declaration Declared – 4430 W Saile Drive, Batavia NY, construction of a 13,000 sq. ft. addition to existing building.**

Steve Tanner made a motion for approval of the negative declaration.

Seconded by Jonathan Long.

Vote unanimous for approval.

**Nicholas LaFountain – Provident Batavia LLC – Site Plan Approval – 4430 W Saile Drive, Batavia NY, construction of a 13,000 sq. ft addition to existing building.** County Planning wants applicant to obtain wetlands delineation survey from the Army Corps of Engineers and archaeological sensitive area, therefore applicant needs to obtain documentation from SHPO on the project’s impact on archaeological resources. County sees no significant county-wide or inter-community impact. Kathy has a letter from SHPO stating they have no cultural resource concern. Per Dan Lang regarding the federal wetlands they are approximately 228’ away, and not located on the site, this is not a concern to the county.

Jonathan Long made a motion for Site Plan Approval contingent upon final Engineering approval.

Seconded by Steve Tanner.

Vote unanimous for approval.

**Mark Lewis – State Farm Insurance – Site Plan Approval – 8331 Lewiston Road, Batavia NY, construct and additional freestanding sign at his insurance company.** Per Kathy Mr. Lewis received the variance needed by the ZBA on Monday, August 19, 2019 meeting. Mr. Lewis would like the sign put back up as he has clients who drive right by the business.

Infrastructure along with the electrical is still there all that is needed to be done is construct the new sign and put it up per Mr. Lewis. Kathy asked about the address being added onto the sign, Mr. Lewis stated the approval of the address on the sign would need to come from State Farm. He stated State Farm is very particular about the signage and what is on the sign. Mr. Lewis is willing to put the number on the mailbox or the garage.

Paul Marchese made a motion for Site Plan Approval.

Seconded by Paul McCullough.

Vote unanimous for approval.

**Tom from Bright Oak Solar** – spoke to the planning board. Bright Oaks is the solar project on Galloway and Lewiston Road. Kathy stated this is on the agenda for September 17<sup>th</sup>, 2019. Tom came to the meeting to day to see how the proceedings went with the solar project. He had questions about how the SEQR process goes, along with Lead Agency. Dan Lang answered the question about how seeking Lead Agency and SEQR process works. He also asked about plantings and the board members answered his questions about the plantings and working with Soil and Water conservation. He questioned the glare and radio frequency issues he heard about during this meeting. Dan answered this question. Tom thanked the Planning Board for allowing him to ask his questions.

**Zoning Enforcement Officer Report.**

Bruce stated nothing new on the horizon.

HP Hood winding down with their projects.

Fleet Maintenance – 80% done.

Old Navy is taking up ¾ of the space of the former Bed, Bath and Beyond, there is another business interested in the remainder of the building – Bruce does not know who the other occupant is.

Fairfield is moving along slowly – on their 3<sup>rd</sup> Project Manager.

Dan brought up the solar project on Oak Orchard Road – has to go through the Zoning Variance. County denied the variance. Dan will be meeting with the attorney on September 4<sup>th</sup>, 2019. Dan stated Greg Post will be attending the meeting and uncertain about others that will be attending the meeting. Kathy will also be attending the meeting. SEQR needs to be done before the ZBA can make a decision due to being in a Planned Business Development. 100 acres need to be developed per the Planned Development Code.

**Chairman Report.**

Nothing to report.

Kathy is going to cancel the September 3<sup>rd</sup>, 2019 meeting.

The next meeting will be September 17<sup>th</sup>, 2019 at 7:00 pm.

Jonathan Long made a motion to adjourn the meeting at 8:09 pm.

Seconded by Steve Tanner.

Vote unanimous for approval.

Respectfully submitted,

Kim McCullough  
Secretary

Kathleen Jasinski  
Chairman