

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – November 21, 2024
Agenda- Moreno Creek Road(A), Citrine Power Model City Road (B)

Present: Burg, Baker, Gallo, Taczak, Collister

Abstain: Conrad, Lilly

Presiding: William Burg, Chairman

Burg: I'd like to welcome everybody to the Town of Lewiston Town Planning, Thursday, November 21, 2024.

Roll Call

Burg: A motion to approve the minutes of September 19, 2024

Gallo: Correct I was here.

Taczak: Motion with the correction

Gallos: seconded

Abstained Baker.

Burg: Approved. 2 items on the agenda. First is Luis Moreno Creek Road SBL 74.001-37.11

Michael Dowd: I represent Lis Moreno the owner of a 38-acre vacant parcel located at the northeast intersection of creek and Pletcher Roads for a 3-lot subdivision. The proposed lots have been shaded on the map and each lot meets or exceeds the required minimum setbacks.

Burg: Thank You!

Taczak: Approve a negative declaration for SEQRA.

Collister: Second.

Taczak: Approved as a minor subdivision.

Baker Second.

Gallo: Referred to the Town Board for approval.

Taczak: Second.

Burg: All set it will go to the Town Board for approval.

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Burg: Next item is Citrine Power LLC 4746 Model City Road SBL 102-02-2-1.

Cela Bernie: Project Manager along with Henry Zomerfeld from Hodgson Russ Attorneys and Matt. We had been in front of the zoning board in August for some area variances from the west side and the north side which we were granted. We went in front of the County on Monday and I believe we made a motion with a recommendation. We have national grid is going to be... so the power is going to be directly interconnected to National Grids 3 phase line on the western side of the property. The western side of the property has transmission lines that are much, much larger project and it also happens to have rare but has 3 phase lines where our project is going to interconnect. And that we have completed all of our studies with national grid we have paid them to be...secure our space in their que for this project to be interconnected. And we are now in front of you looking for our special use permit site plan approval recommendations. So, this is currently as it's planned it changes a little bit plus or minus depending on the availability of panels when it's time for construction and which panels we are going to be using. Right now, the way that we specified them it's about 5400 more or less panels. They're going to be sitting on ballast blocks there's not going to be any kind of digging, drilling any trenching on this landfill because it's been capped landfill, it's been closed since 1985. There's and 18-inch-thick cap on it. So, we are very cautious about that. And obviously we're not going to be... there are 3 monitoring wells either 2 or 3 monitoring wells we are working around those with the right setbacks. This landfills currently already fenced in but we are actually going to fence our system and kind of move the fence around a little bit to make sure that it's according to the electric code and according to your code. It is a community solar project as we believe you are familiar with community solar projects because there are other project in the Town that you have, that have come in front of you. It's going to benefit the national grid community at large. I'll stop there and I'll let you ask me questions if you want.

Burg: Are you keeping the existing fence that Modern has and scaffolding one inside of it or are you utilizing that fence?

Bernie: We're utilizing the fence we are just going to abut to the fence. There's not going to be multiple fencing there is just going to be one fence around our systems.

Burg: And there's not going to be another construction entrance you're going to access it from Moderns parking lot.

Bernie: So Modern... there is an access road here to actually come to this piece of property that the trucks always use. We're planning to use that so there's nothing new. And we are going to have an equipment path right here and the panels are right pretty simple and clean especially since there is no trenching its also cleaner for us its just a lot easier.

Baker: I believe there's no batteries storage for energy either.

Bernie: No, no.

Baker: Ok.

Taczak: And the poles that are listed are outside of the foot print.

Bernie: Yes, yes correct so the poles are...

Taczak: The trenching is also is going on top of the landfill?

Bernie: No. So, the way that we have it specified right now the pole have to be outside the fence.

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Taczak: Right.

Bernie: So that National Grid can access them right they need to have full access to them. So, the poles are right here. So, we are going to doing a little bit of poles or trench maybe but that's outside the landfill. Right here for the wires to go to our poles and then have to come up. If they are not on the poles, they have to come to the surface there will be 6 or 7 poles right here and on the property line there is going to be trenching outside of the landfill to go to the National Grid point of interconnection. The poles here top trench and this is the point of interconnection.

Baker: That area where Modern currently parks trucks and other vehicles at some point in time was uses as a filler area. Well yeah, it's not delineated. So, in the event that you might drill for a pole or preform that trenching is there any sort of contingency plan to manage that material and test it or whatever.

Bernie: Correct that's a very good point. So, there is going to be we're working with DEC so assuming let's just say we're all here ok with it and we want to move forward we still have to get Department of Environmental Conservations approval on top of this. It's called a change in use plan. So, we have to do some studies on top of this to make sure that exactly to your point that we're not actually coming onto the cap or the fill at all. That's number one that's our biggest concern. Number 2 the current operations and all of the testing that they are doing on the landfill and the cap is going to stay intact so we have to do some Geotech and weight analyst right so were not really compromising the cap with our equipment as well as you know we can't have a lot of vehicles going on it and ectara. And then we are going to have contingency plans in the event that we encounter to your point anything. How do we communicate everything and how do we do delineation.

Baker: Ok thank you.

Gallo: So, your panels are bi-facial are you going to put anything on the surface of the landfill to help for reflectivity?

Bernie: No.

Gallo: No ok.

Baker: I noticed on the drawings I believe it was on the drawings that you mentioned in the west perimeter you were going to put those screening slats in...

Bernie: Right here yep.

Burg: But specifically on the west side we don't have any screening on the west side.

Baker: On the east side.

Bernie: This is the west side. This is south side. Its specifically on the south side we put it we didn't put anything on the west side.

Baker: I was just thinking that it might be appropriate also to continue it up further. I realize that's and equipment parking area now for Moderns equipment but that...those pieces are mobile and at some point, there may be nothing parked there and then the slats over there might or they would help screen that area from Model City Road.

Bernie: On this side.

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Baker: Yeah.

Bernie: Yep, sure we can do that.

Baker: Just a suggestion.

Bernie: Sure, if that's what you want. It's easy for us to put a tarp or slats either way.

Burg: What do you think there Bob?

Lannon: Its above my paygrade. The screening has always been a concern of not only the Planning Board but the Town Board. This is rather a unique location here.

Burg: I mean with a lifespan of 30 years historically since I've been on this Planning Board we've asked for a screening plan on every one of these solars. Like Townline you go down Townline Road it's a perfect example unless those solar panels are up and pitched at the 45-degree angle you can't even tell that they are there.

Bernie: Yeah.

Burg: So, for me the concern would be the absents of screening on the west side and I know that there's nothing there.

Bernie: On the west side you mean this side ok.

Burg: And I know that there's nothing there but contingency planning.

Bernie: Ok.

Burg: We don't know what is going to be there in 25 years.

Bernie: Easy for us if that's what you guys want. We can put it all around, you seem to be concerned on future screenings right here.

Baker: Mainly because that's already developed there and there is a public road out there.

Bernie: Sure, we can do it I personally this is me personally we will do what you guys want. I don't really like the screening all that much because I would rather have it just seems so be eyed but we are over so many years. I feel like it's be eyed but if you guys want screening we will have to do the screening.

Seaman: The code typically calls for vegetive screening.

Bernie: We can't put any vegetation on the landfill right, there's a cap there's no vegetation option.

Seaman: I'm not looking at it but there's no room to the west side there?

Bernie: There's no room to the west side. There's already berm there and there's a lot of growth that we are not going to touch and if you...let me just show you... sorry. Here there's the transmission corridor this is also the Washuta property who owns this property and then there's a lot of tree lines right here. So, I've you can't really see anything but if you guys want to, we're are happy to put it on this side as well but trap. The screening is going to be very tough to put it on the berm. But we are also really careful not to put any trees even on the perforated because the roots will grow which is something we can't have.

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Seaman: I understand. Is the Washuta property that's on the other side of this property is that also a capped landfill at all?

Bernie: No.

Seaman: Is it just vacant land?

Bernie: It's farm land, I think. I don't know what they use it for.

Seaman: Are you anticipating any type of assurance that, that will remain as the state that is currently is in vegetative growth?

Bernie: We don't know. So that's why I was saying we are happy to put...

Collister: Is there light?

Bernie: No.

Collister: No additional lighting for this thing?

Burg: What was that screening that looked like vegetation? What project was that on? Do you remember?

Maters: It was on the

Burg: Was that Niagara University?

Masters: NU and Sanborn they called it hedge link.

Taczak: Yeah.

Burg: Are you familiar with that?

Bernie: No. What is that?

Burg: Ummm.

Masters: It almost looks like slats but it's made to look like a blue spruce.

Bernie: Is that right.

Burg: It's almost like garland so to speak.

Bernie: Is that Montantes property with Niagara University?

Masters: Ones Montante the other is Borrego.

Bernie: I will ask Montante I was meeting with them today.

Masters: Ok.

Bernie: We are happy... did you like that? Is that something they put in the Niagara University?

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Masters: I'm with Bob I don't really have an opinion.

Bernie: Oh. We're happy to do that. My honesty this is the first time I am encountering it but I'm glad I learned because it sounds a little better looking.

Masters: It is definitely better looking.

Bernie: Ok. It's called hedge...

Masters: Hedge link.

Bernie: Hedge link. Ok perfect sure.

Burg: Ok.

Taczak: I have a question regarding the decommissioning but we will finish the other part.

Burg: Well, that's what I was going to ask. I think we are looking for some clarification on the decommission plan on page 4 under cost of decommissioning down at the bottom you've got the 2.5% inflation rate but it's covering it thought 25 years where the beginning of the decommissioning bond it says 30 years. So, I mean Bob if...if you could discuss it.

Lannon: That was a comment I pointed to the chairman's comment the decommissioning table cost mentioned 2 ½ % for 25 years I think it should be 2 ½ % for 30 to match the projected life of the solar.

Bernie: Sure. Let me look at my calculations to see if it's a typo and that maybe we calculated quicker. Did you recalculate and it's 25.

Lannon: Yeah, I... double check it but I did the math but...

Bernie: If you did the math and it's 25 and if we want it to be 30 that's fine.

Lannon: Well, but I have a little not much more comments I see that the table too that you did and what appears you have a dozen or so line items for removal and restoration and the life. You mentioned that the NYSERDA guild book of local governments ok. I looked at that and could not find a per acre or per megawatt table or example that would follow.

Bernie: I will send it to you.

Lannon: Oh, please do because what I did see in there was an example of a 2 megawatt in Massachusetts but I could not I might be looking in the wrong place.

Bernie: Yeah, so there is a 2-megawatt example divide by 2 megawatts and per megawatt right and then we multiply with whatever we have.

Lannon: Is that what this is?

Bernie: Yes.

Lannon: Ok.

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Bernie: Yes.

Lannon: What I might request respectfully is have a little more break down of each of the line items.

Bernie: Ok.

Lannon: Because that example table was in Massachusetts and even the state of New York might be different my suspicion is that it might go up a bit.

Bernie: Well Massachusetts is expensive but we can talk about it. The issue with that and I'm happy to provide whatever you need. This is a conversation we have all the time. It's almost like 25 years from now how do we even know what's going to be it could be 10 times more right. But we have to put something in there unfortunately so it's kind of like a little more a little less. You kind of have to pick a...

Members: More

Baker: For example, if you look at the truck to recycle the center line item you got 1, 125 dollars per megawatt.

Bernie: Per megawatt.

Baker: So, you're saying there are 5400 panels about how many truck loads you think are...

Bernie: We can give you all of those. I won't know it off the top of my head but that's type of calculation we have and we can give that to you.

Baker: I don't think you can get one truck for 1125 dollars.

Lannon: So, have you given a more granular breakdown of the line items that would be great I would like to take a look at that.

Bernie: Sure.

Lannon: And then make it for 30 years.

Bernie: So, wait. You want it to be 30 years and per your calculations. I am just repeating. Per your calculations 25 and let's do it 30 to begin with. And then lets just look into line items.

Lannon: Yep exactly. And then I think there are also provisions printing them up its obviously revisit that amount every 5 years. So, 20 years 25 years take a look and it's still valid great if not then we can tweak it down the road.

Bernie: That's in your code. That's 100% in your code. And I think we put something in there saying that. That we are going to revisit it every 5 years.

Baker: And I think on the other projects if I am remembering correctly, we also included a contingency amount as a line item.

Bernie: We can take a look.

Members talking

Baker: It would include a 5% contingency or something.

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Lannon: We have historically rounded up a bit but not as a specific contingency. What we have done which is done correctly here is we've not included any credit of salvage value or anything. So that would again in effect make the bond a little bit higher. For example, if this 139,000-dollar number we were comfortable with I might call it make it 150. As an example.

Bernie: Got it.

Baker: Yeah, I did notice that there is no disposal fee.

Bernie: So, I wanted to interject one thing on the disposal. As you know Niagara County has an additional bond that they are going to request from us for panel recycling. Local law 4 specifically Niagara County asks all solar panels to be recycled and not go to landfills. So, we have to give them a very specific they call it a stewardship plan. So, what needs to happen is every panel company, solar panel company that wants to sell their products in Niagara County they have to provide a plan about recycling. But of course, they don't because there's a lot of panel companies and they are not really looking into where am I going to sell my product to. That's on us as developers of a project owners. So, Niagara County said OK fine, you can do this but the developer's you guys can do the stewardship plan based on the panel that you are going to use and you have to bring it to us to the County based on your final product that you pick. 30 days before these panels come on site. Right. That's the rule essentially and we already spoke with County and economic division and they gave us a sample on how they wanted to see we will do that it's very easy it's a recycling thing. All my point is that we are also putting in an extra bond on top of this to them for recycling of panels.

Collister: Are you able to share that with us?

Bernie: Yeah sure. When its ready we can share it with you. We just don't know. We just things we don't have our panels and final panels so we need to final...like pull our building and electrical right before we start construction. Order the panels before they come, we will calculate it and we will show it to you too. This has no bearing its just another added thing for us. I'm just kind of giving it to you as an information.

Baker: Do you think there will be an additional cost with or a credit. Its not a traditional recycling. I think they say its recycling but there's at least currently a pretty substantial fee to recycle those things. We checked at a previous project and I think the closest recycling facility was in Pittsburg or Ohio it's the engineer had listed Lockport as their location for recycling so that's 12 miles away. And there's no recycling facility in Lockport.

Bernie: Theres a couple people in Massachusetts but at the same time just keep in mind we're saying 30-year bond although the Town will have 25 year more or less life. When we decommission panels still have some life in them, and typically what we do is that we really don't take apart and sell them in pieces they donate them for example to low medium income school projects or anything to that. They are completely intact and they still have some life in them so that's also in the stewardship plan if you want to reuse them. Tell us how you are going to reuse them etc. It doesn't necessarily recycled, yet we will still have to put up a bond to the County.

Baker: That might come to be and it might not.

Bernie: Yeah, I know.

Baker: Nobody's got a crystal ball.

Bernie: Sure.

Baker: I would feel more comfortable if there was...if that was quantified somehow.

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Bernie: Yep, it would be.

Baker: And a cost associated with it.

Bernie: That's exactly right. So, that's what the County wants.

Baker: Ok we'd like it too, I think. Wouldn't we?

Burg: We'd like to see it

Masters: It's almost like its double indemnified.

Bernie: That's what I'm trying to get at you're double indemnified. Regardless of what they want you will want you're decommissioning bond anyway.

Zomerfeld: I think what Cela's point is the cost of the bond the Stewardship plan all of that is going to come to... after the Town's approvals. We're happy to disclose it and share it, it will be public records. We won't have that as part of the decom plan for the Town because it's an unknown cost when that decom plan is drafted.

Baker: So, is that noted in here place?

Zomerfeld: I don't think it's in your...

Bernie: I think on the decommissioning plan.

Talking

Zomerfeld: It's a separate thing entirely.

Baker: I didn't package anywhere.

Bernie: Because its up to you. Its to the county.

Seaman: There is a reference to the county local law 4.

Baker: But there's a lot of laws in the county I don't know them all.

Bernie: I didn't mean to confuse you. I think my whole point was that your double indemnified.

Baker: Ok. I just wanted to make sure that it's addressed that's all.

Burg: Ok anything else from the Board?

Seaman: Maybe ask Mr. Martin if he has any positions from fire safety perspective at all.

Martin: Actually, we meet before the meeting we did have a little bit of a tweak we wanted the road for the turn around we discussed some options. Their going to look at it and get back to us with an exact dimension and when they plan on doing it. If anything, it will probably reduce a few of the panels.

Bernie: Yep, and we are fine with that. I think we have a plan.

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Burg: Anybody else want to speak for or against this project? Ok. Thank you!

Zomerfeld: Thank you!

Burg: Ok Board.

Seaman: Well, you guys have an option as to whether or not you want to have a public hearing on this. Sounds like given some direction to the applicant here if they would be returning at your next meeting with some adjustments to the plan and some updates question would be whether or not you want to have a public hearing. I will note that there has been public hearings with Zoning Board of appeals already. There will absolutely be one it's not waivable before the Town Board ultimately. But never the less this is a solar project that is before you historically Solar projects have received some significant response from the public in the past here in Lewiston. But that's something the Board should decide whether or not you'd like to schedule a public hearing for your next meeting or not or you can waive it. That's one thing other than that I don't anticipate you'll be able to take any other actions tonight.

Taczak: My view is we set president before this board that I have been on with solar projects of having a public hearing so I think I'd like to propose a public hearing. That we get a public hearing.

Burg: We need a motion on it.

Taczak: I'll make that motion.

Burg: Anyone second?

Baker: I'll second it.

Burg: All in favor

Members: AYE

Burg: So, our next meeting will be a public meeting. And we will get the notifications out there.

Masters: Just so you are aware we did send a notification out we just did not put a legal ad in the paper, so all the same exact people that were notified of this meeting will be notified again.

Seaman: But it will also go in the paper.

Master: But it will also go in the paper.

Taczak: we're dotting our I's and crossing our T's.

Masters: I was just wanting you to know that.

Burg: We need a motion to table this.

Seaman: No, you don't really need a motion to table it, it's just on your agenda for next meeting.

Burg: We will put it on the agenda for next meeting. The concerns that we have are things that we need to clear up was the turnaround, Some of the verbiage in the commission plan, and a screening plan as detail...

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Baker: And any changes that the fire Marshall might have requested.

Burg: Really no action from the Board today right.

Seaman: No. Other than just adjourn the meeting.

Burg: Thank you!

Bernie: Thank you!

Burg: We have training that we need to get completed by December 30th. Everybody on schedule.

Seaman: When's the next meeting guys?

Burg: The next meeting would be...

Masters: It should be the 3rd Thursday in December I just don't know what the date is.

Taczak: 19th.

Masters: Same time

Seaman: Same time. 12/19 6:30.

Burg: Alright. Anything else?

Taczak: I'll make a motion to adjourn the meeting.

Burg: Can I have a second.

Collister: I'll second.

Burg: All in favor.

Members: AYE

Burg: Thank you, folks.

Respectively submitted,



Lisa Wisnieski
Building Dept Clerk



William Burg
Planning Chairman