

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – December 20, 2018
PB 2018-12

Present: Burg, Conrad, Craft, Lilly, Taczak, Waechter

Absent: Casale

Presiding: William Conrad, Chairman

Conrad: Good evening everyone. Welcome to the December meeting of the Town of Lewiston Planning Board.

The only item on the agenda was a request for a Site Plan Review, Special Use Permit discussion for Oya Solar on Moore Road. Would you please come up to the microphone, introduce yourself and if you have a presentation go ahead.

Greg Rossetti from Oya Solar. I have Jim and our consultants on the project. The project that we are proposing this evening and submitting is a 5 megawatt PV solar array to be constructed and set under the NYSERDA Megawatt Program as a community solar project. I can answer questions about those programs and the notion of community solar as well. The project is located on Moore Road. It's set back a little over 200' from Moore Road. There is a natural vegetated screening in this area here along a creek bed and we have a small area here that in the application submitted we proposed some screening through slating on the fence. We also have some options for vegetated screening if that was a preference by the Board. The project itself is located on a 73 acre parcel of which approximately 23 acres is allocated for the array itself. That is the site of the project. We have our interconnection for the project. There will be a gravel access road off of Moore Road going to a small concrete pad north of here. There is an existing 3 phase power line that cuts through the middle of the property. That's what you will see with the divide in the array; there is an easement through there. That line comes out of the substation just to the north of the property and that is where they will be interconnecting and feeding the power for the array in to the grid. The community solar concept, I'm not sure how familiar you are with it so I don't know how much detail I have to provide there. I think you've had one other solar project go through the Town so stop me if I start to just cover information that you've already heard and know painfully well. The community solar construct, the way that solar tends to work is you've got the utilities that put money in the funds, those funds are managed by State Agencies, those agencies come up with programs to incentivize solar. One of the mechanics that they have chosen to use is a concept of community solar. It's an extension of net metering or more accurately remote net metering or virtual net metering

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as it's sometimes referred to as where you've got an array in one location benefiting a customer in a different location. The utilities are obligated to now accept those types of applications within the State. The notion behind it is these incentives that everyone sort of pays in to effectively through your power bill, there are some cases where a home or business just can't take advantage of solar and reap the benefits of it for a home, maybe it's structural reasons or esthetic reasons or just physical reasons, the shape of the roofs. You try and put rectangular solar panels on triangular peaks so maybe a home owner can't take advantage of the programs. With these community solar projects, what they are able to do is subscribe to the project and benefit; it translates in to about a 10% savings on their power bill. They subscribe, sign a power purchase agreement with us or the owner of the project and through the magic of billing with National Grid they get a solar incentive on their bill or rebate effectively for what works out to roughly 10% of their power bill. There is very little commitment on their part, no panels on their roof, no upfront capital cost, there is no upfront cost to these PPA structures and there is usually limited commitment for a residential subscriber to these types of projects. That is something new in the State. I'm sure you're going to hear a lot more about these ideas because the natural reaction response that I get is; you mean I get a 10% savings on the power bill but I don't do anything. There has to be a catch here, there has to be a hook. There isn't truthfully. It is by virtue of the nature of these community solar projects in theof it and the economics that underlie these projects through the megawatt block over them and that's what happens. That's how they are modeled. The megawatt block program has sort of this de-escalating structure and currently we are sort of, I think we have left in the entire state about 140 megawatts in total. We are nearing the end of the megawatt block program. The solar industry as I characterize it is kind of like the snakes.....the buick. You get these programs that launch and there is a big influx of projects and then you wait for 3-5 years for all those projects to get permitted and built and on-line and then the State accesses, okay did we do the right thing. The 4 year political cycle sometimes weighs in to all this. At some point we will probably see a new program in New York State it just won't likely be for a while, after these 140 megawatts gets gobbled up. Our quesstimate and if you've heard any of the communications from our colleague last week, we're sort of in a rush to get through the approval process because we want to be able to apply and secure those incentives before others throughout the State gobble up the last of them and we just sit and wait for 3-5 years. That is the project details, a little bit about the program itself and what we're trying to accomplish. We are here in front of you tonight in hopes that you will recommend this to the county so that we can continue to work our way through the approval process. Ultimately our hope is to have a recommendation so that on December 27th is the Town Board so that we can then have a public hearing scheduled for I believe January 14, 2019. At that time our hope is that following the public hearing without any significant opposition. I do believe the sighting of this project is well sighted. I don't think you will have much in terms of an overall impact. It's a very flat terrain. You're really not going to see it from Moore Road and then the abutting neighbors are not going to see it either with the screening. We have very few abutting neighbors. The abutting neighbors are not going to see it either with the screening. We have very few abutting neighbors that will from a visual stand point given the

existing vegetation that are going to be impacted from the project. From our perspective it's well cited in that regard. We're hoping that on January 14th we can successfully sort of close that public hearing and work through the SEQRA that evening resulting in a site plan approval and a special use permit on January 14th. That is our goal ultimately here. We are optimistic that if we get to that sort of mile stone in the middle of January that we're still going to have capacity left in the program. We'll be able to apply; we will be able to get our incentives. We already have the interconnection agreements in place with the utilities so that's of the two big boxes we need for eligibility, the interconnection and site plan approval to apply to the NYSERDA Program. We've already got one of them. We're working our way through the site plan approval processes that you are all very familiar with. Any questions, I'll pause there.

Conrad: Anyone on the Board have any questions, comments?

Lilly: I have all the information here but I took from it the panels only going to be 7'6"? Is that correct the overall height in any position?

Rossetti: Yes, there is effectively 2 types of solar systems that you will see come across your desk. They are the fix tilt systems 26-28 degrees and they are stacked up 4 in landscape. The height in there would be maybe 10'-12' on the top end of the bracket. They are about 3' off the ground, 26-28 degrees, about 12' of length there. You're about 10'-12' off the ground when you do the geometry. That is one version of a solar system. Those are in the east west direction of rows. This one is a north south position. It's a single access tracking system; it tracks through approximately 120 degrees. In the morning it's sort of facing the east and then would roll through the day to the evening, that is your configuration for this type of system.

Lilly: There is a lot of natural screening. You would be adding more shrubbery?

Rossetti: In the front we would propose to add and to finish the answer to your last question, the panels sit about chest height when they are in the flat orientation. Panels are about 7' long so when you tilt them up at 60 degrees that is where you end up at around the 7' mark early in the morning and then at night the same thing. That is your height.

Conrad: Each panel moves individually?

Rossetti: No, they are in rows so along that whole north south sort of run there will be sections of panels, maybe about 3 sections. In each of these rows you may have 2 motors here and 2 motors here with a slew drive, with a universal joint and they just turn and all the arrays move in unison. You would have chunks of the arrays that are driven off of a single motor. In this orientation you might have 7 motors. It depends on the exact layout. Ultimately they are laying back but that is the idea behind this system

Conrad: Could you explain, this is labeled as an AC right? There is also a DC?

Rossetti: The grid the AC power, the solar are DC power. We invert that using an inverter and that inverter is set up to be synchronized to the frequency of the grid. The idea there is that inverter, think of that inverter almost like a light bulb. The utility wants to cap things out at the AC level, the grid side. We can, so if you think of solar and the morning sun comes up you start producing power and then it peaks based on the number of panels and then it comes back down in the evening. All we're trying to do is sort of bolster the shoulders of that if you will by putting more DC power in the field than the AC inverter. I would have a 5 megawatt inverter because it's as big as I'm allowed to go based on the program and that is what our interconnection stipulates our inner-connection agreement with the utility. What we do is then typically the cost of a solar panel and what we pay in leaseyou get your calculator humming and you end up with this sort of magic band of about a 50% over size is optimal based on what we would be receiving for power. We then design the system so that it has 7.5 megawatts worth of solar panels in the field, DC that are then feeding in to a 5 megawatt AC inverter. That is how you arrive at that number.

Conrad: Just so we are clear whenever you're referencing your power amount it's 5 megawatts AC?

Rossetti: That's as much as we can ever pump in to the grid. It's the same idea, you may have a lot more power in your house but if you plug in a 60 watt bulb that's all the bulb emits. It's the same way; we're plugging a 5 megawatt inverter in to a 7.5 megawatt array. The most we'll ever put out is 5 megawatts. The idea though is we're going to put out 5 megawatts for a little bit longer in the day than if we had 5.2 megawatts of solar panels. Does that make sense? I didn't talk about decommissioning which I believe was one of the questions that would come up so I can step through that if you would like?

Conrad: Yes.

Rossetti: Decommissioning, the notion there and in some jurisdictions it's not required. It is required here. At a high level the reason it hasn't been required in other jurisdictions is a lot of folks are comfortable with the idea that the recycle and reclaim value system is worth more. If I install a system on Monday, I can get it removed on Tuesday and put money in my pocket at a high level. There has been a bunch of math done. NYSERDA has done some evaluations and getting quotes from various recycling facilities and looking at the systems they had published some numbers for a 2 megawatt array. We've done this a number of times. We've done some math looking at the chain link and the number of posts and we've provided some math that largely syncs up with the NYSERDA. I think we were a few bucks less. I think we are \$240,000. total as a bond amount. The idea is that we will post a bond that will provide those funds towards the end of life. We recommend that we take 2% of that bond value and we keep adding to that over the life of the project. We feel that it's sort of a logical approach to a decommissioning bond for the simple reason that it is, I could describe how these projects are financed if you would like to hear why it is exceedingly unlikely that anyone is ever going to walk away from the project. To talk specifically about a decommissioning bond irrespective of the financing structures the idea here is you put it in a Monday, it's highly unlikely someone is

going to walk away from it Tuesday after going through all of that. People believe that the risk might increase as you get closer to the end of life. What we suggest is take the number that the State suggested or recommended as the funds that need to be available at the end of the year and we'll just start putting money in to a fund so that by the last year you have that amount. We recommended and in our decommissioning plan that Tim just got 30 minutes ago we recommend 2% deposit if you will in a decommissioning fund and we just keep updating that decommissioning bond through the life of the project. We've been successful with that type of bond structure in the past within New York State. We think it makes sense. It doesn't burden the project to heavily. If you put all that money and bury it in a jar day one it's highly unlikely that you're ever going to need it in the first place never mind on the day after or year after. We think it's an intelligent approach to funding a decommissioning bond. That is what we recommended and proposed in our decommissioning documents.

Conrad: What if the facility gets sold?

Rossetti: All of the obligations remain. We sell them, when they're shovel ready we bring in a partner that is the company that will own and operate the facility over the 20 year, the life span of the project. That's what OYA Solar is. We are an early stage developer. We get projects shovel ready. We bring our partner in ahead of construction. They usually take on the construction contracts. We will stay through the project. My past life was building these solar facilities. We will stay usually until the end of construction possibly the first or second year of operation depending on our purchase sale agreements are structured. That company then owns the project for the 20 years. It's possible and maybe I will get in to a little bit about the financing. If you think of it like a home where there is an equity portion of owner of the home and there is a debt sort of like you are the equity and the bank might be the mortgage holder on your home. The same thing with these projects, you have an equity provider that might provide 20-30% of the equity in the project and then a debt pool that might be a collection a syndicate of debt providers like insurance companies, lawn companies, banks, pension funds. Those are the types of people that like to own these assets over the long term. Those syndication groups they do deals with the equity guys, the utility companies that own these facilities. It's the same way gas plants are structured, toll roads in some cases in private partnerships, prisons, those types of assets. That's the way they tend to be structured and those asset pools can sometimes get grouped up and sold as groups of assets. The companies that we deal with that don't have that in their forecast. I don't believe that is what is going to happen but to answer your question if it gets sold all of the obligation, that solar farm will be an individual corporation and LLC and that company has all its obligations to the land owners, to Don and Janice Laurie. It has all its obligations to the debt providers. There are a bunch of multi-billion dollar companies that usually own these assets. Could they sell them or someone sell their interest in it and somebody else step in? It's possible. They're extremely secure.

Conrad: What concerns me is, you're here representing your company and what you do and then you said you will be involved maybe for the first year or two. Now maybe the next fellow that comes in here whoever isn't quite as up front and above board as you are and then it's our problem. Have you identified what company you are going to work with?

Rossetti: Yes. I wouldn't necessarily want to announce it yet.

Conrad: I'm not asking that.

Rossetti: They are, I think they are the largest single asset holder in North America. Their head office is in Florida. They are, they own an awful lot of these projects. We have sold projects to them in the past as well. They own gas plants; they own other types of facilities as well. Any of these companies could sell a gas plant. These things do get bought and sold and it's not really public knowledge. It's like a nuclear plant gets bought and sold and these assets get bought and sold but nothing changes as far as the asset itself. The asset keeps producing all of the obligations to all of the stake holders and everyone involved, those remain.

Waechter: Just to clarify, as far as the transfer of property, since it's all included on that same 76 acre parcel, when that 76 acre parcel is sold with the house then you can transfer that ownership right to the new land owner?

Rossetti: The lease is attached to the land for the life of the project, the term of the lease.

Waechter: So if anybody who buys that, it is a stipulation of that transfer of property that they then would have to enter in to this agreement?

Rossetti: It would instantly be assumed by a new purchaser of the home. It's almost like if you rent a hot water tank in your home and you buy the home and you instantly take on the obligation to that hot water tank.

Waechter: I have another question and it might be a question for the Town of Lewiston, is now what happens if we're approached in 3-5 years and the homeowners want to sell but the homeowners want to subdivide their property, subdivide the house away from the solar array or from the solar field? Is that a possibility or is that an issue we may face?

Masters: The solar law does not say you have to have a home on the property.

Waechter: So there is potential for that?

Masters: Let's just say they wanted in 5 years to sell the property they can come back to you guys for a one lot subdivision and then you guys would check the setbacks and all of that.

Waechter: So they could get rid of the interest in the house but yet maintain the interest with the land. Thank you.

Rossetti: There is a lot of flexibility to the extent that the Board would approve it to Tim's point as long as they meet all of the requirements of the.....

Masters: They ultimately have to come back to you guys again to do that.

Waechter: Absolutely but I just want to know if that's a possibility that could possibly play in to this because then it also plays in to that whole decommissioning, who has to decommission for the life of the project? Would it be the new homeowner when it subdivides?

Rossetti: The decommissioning bonds are usually put in place to the benefit of the Town and the homeowner. Those funds are available to either of those entities in the event that the solar array is not operational it's usually a two year term. If the solar field is not operational for two years then that bond, those funds can be used to remove the facility.

Conrad: Is that stipulated in your agreement with the owner?

Rossetti: No. Typically we don't have it in the leases with the land owner for the simple reason that...practically speaking...the best thing that could ever happen to the land owner in my opinion is that we install the array on Monday and Tuesday we walk away from it. It's a ten million dollar array that is sitting on their property. It's not like we are parking a beaten up old trailer on their property. It's a very expensive asset that has a lot of value that has checked all the boxes and produces an enormous amount of power.

Parisi: In terms of your... I guess you're filing a bond but it's unclear to me what you are actually doing. Are you proposing to put \$4,000 away each one of those years until you have a pool of money that you are holding in escrow? Or are you having a bond in place and each year that bond are going to escalate?

Rossetti: Right. Some type ofto be determined at your discretion but yes that is the idea. It's not us putting the money from our left pocket in to our right pocket and saying we promise if you need it in 20 years you can have some of it. That's not what we are proposing. We're proposing a true bond orof some sort that will be topped off on an annual basis.

Parisi: From a legal perspective, from the Town's perspective I guess the worst thing that can happen is you install it, something happens, it loses all its value and you're assuming there is some kind of value here that will be able to be recouped in selling that material and stuff like that. That's great and that's probably the case, but from the Town's perspective I have to think worse-case scenario. Worse-case scenario would be a day later it breaks down or something happens and it has no value what so ever. I can tell you your numbers are, it's going to cost \$146,000. to get rid of all of it and then over time with inflation that goes up. I can see the Town finding this much more palatable if, maybe not from your perspective but if in year one it's still was enough to cover that entire cost because that is the worse-case scenario for the Town and then escalate it from there. So have a bond maybe at \$146,000. For the first year and then escalate it from there as it goes on.

Rossetti: I will say this, I will comply with whatever you ultimately deem is required but I'm going to ask you to allow me to argue that because that worse-case scenario is sort of like saying if I get hit by lightning 4 times tomorrow, there is a practical event where I hear exactly what you're saying and if you allow me to argue it a little bit longer in terms of how these are financed

and the nature of that in the way the equity portion of it works, there is no scenario like literally it would be like getting struck by lightning 4 times.

Parisi: You have to understand from the Town's perspective we don't have, I guess what we gain as we're a green friendly Town and we have these solar arrays. Certainly we don't gain other than that by approving this. If we approve it and we don't make sure that all of our basis are covered for all those possibilities like why did we even go through the process of doing this to harm ourselves when the benefit is ultimately to this company standing before us?

Rossetti: So that's why I say I have a couple of guns pointed at my head, I've got the NYSERTA incentive pool slowly shrinking, I've got somebody wanting me to bury \$150,000. In the field but it's not needed. What I would say is I would happily accept that as a condition to the site plan approval if that is what the Board would require; then I'm happy with that because once the Board gives a site plan approval I can apply and lock up the incentive. Then I can take a month or two to sit down with you and have a little bit longer discussion about that and if you want us to put \$147,000. up against the project then that's what we will do. At that point we can make the decision whether financially it doesn't make sense and we just pull the plug. For me what I need to covet at the moment is that incentive. Without it this is all moot so to speak. That's why I say I would happily agree to that but....

Parisi: I guess what you're getting at is you need to move forward tonight for your project. You're saying if I had to do what you're saying ultimately I think the company would do it....you don't want to delay tonight or any further.....down the road from the Town Board arguing over the bond because ultimately you would acquiesce because it's that important in terms of the project.

Rossetti: Without it I'm dead in the water.

Lilly: Could you quickly go through the financing, you mentioned that a few times? Could you highlight that real quick?

Rossetti: Sure, the way these projects work, ultimately you have a federal tax incentive or federal tax credit that's issued to these projects and then we've got our incentive from NYSERDA. Those are the 2 main components that allow us to fund these projects. That's it.

Lilly: They actually give you money then?

Rossetti: Yes.

Lilly: How do they come up with the terms or the amount that they give?

Rossetti: There is, NYSERDA has, they are literally revising all of that as we speak. It's taken the last year to try and get it right because they have an initial program the megawatt block program but it really didn't run very smoothly once he got past the first few blocks that were no

brainers to finance but when you got down in to the lower block incentives we started explaining to the State that at those numbers you can't make projects work in upstate New York. They just went all these solar guys are whining you're lying; you will figure it out. It took a while for them to actually accept the fact that they weren't getting any projects in upstate New York because I would lose money guaranteed so they revamped the program, they're still doing these different MTC Credits and value distributed resources. They are still trying to work out the magic of it but we're pretty much finalized. I think the middle of January we get the final numbers and the way it's all penciling right now it looks like everything is going to work. That's how they are financed. 2 easy incentives, the State incentives and then a Federal tax credit.

Lilly: How much skin does your company have in the game then?

Rossetti: It's all out of my front left pocket right now. Paying consultants and everything, I am 100% funding the project at the moment. Myself and 2 partners.

Craft: Where is your company located?

Rossetti: Toronto.

Craft: This may not have anything to do with it, my son had a serious accident over there with a truck, and the trucking company was from Canada. He went after them he could not touch them. What recourse do we have in case something doesn't work out of taking it to you.....

Rossetti: The company that these projects are done through is a New York LLC.

Craft: Alright.

Parisi: Ultimately you shut down the project too.

Craft: Well we're talking if it's built and something happens in 2 years?

Rossetti: If that's your concern I can tell you the owner their head office is in Florida. The owners will be a slew of insurance companies and pension funds that are all US based.

Conrad: Can you talk about the impact on any wetlands? I know there was some discussion with the Army Corp.

Rossetti: Sure, I'm going to let Donna Kassel has more experience with wetlands than I do.

Kassel: The wetland delineation was done on November 2, 2018. The 3 wetlands that are in the project area of note are the ones at the top, left, middle and right. The panels cover about half an acre of wetlands of the 1.36 acres of wetlands on theour wetland scientist has reviewed the data and according to the current wetland rules the panels are not considered a structure and they are allowed to go directly in to the areas of the wetlands that they cover because they would not

be disturbing the hydro.....or soil because they are direct drive in posts. We are going to seek Corp. concurrence anyways because the wetland rules are in turmoil these days. There is a 2015 set; there is an 80's set. The States follow all different rules. The Corp. themselves is not agreeing to the application or the rules. That's where our professional wetland scientist believes we will get a Corp. concurrence. The wetland report is in development. You are more than welcome to a copy of it but these wetlands are clearly shown in a figure in the appendix J to the project narrative in the.....

Conrad: No mitigation is going to be required of you then?

Kassel: No, not according to what our wetland scientist says.

Waechter: They are not worried about the impact of the florafauna based on the shade period in those wetlands because the tilt eventually there is going to be a 2-3 hour tilt, flat tilt?

Rossetti: I think because it's currently tilled...

Kassel: They are farmed wetlands.

Waechter: The other question I have since it is wetland, how wet is the soil as far as getting back to that back corner in case any kind of emergency vehicle must get back there in case of fire in that back corner? Either of the two back corners.

Kassel: I do not know how wet the soil is back there.

Waechter: My concern is you have vehicles that are going to get bogged up in to that if it's mud.

Rossetti: I can maybe make a comment about that. I believe the Fire Chief has had a look at the project, is that Pat? Instead of my implying to you.

Waechter: As long as you are okay with it.

Rossetti: In most jurisdictions most Fire Chiefs worry about this piece of equipment right here and they don't worry about any of these.

Pat Martin: Most of the time the problems with the panels themselves it's going to be a quick problem and it's going to be something that sustains fire from them. We did initially have some concerns with the switch building and the access road. We reached out to the representatives and received more information and currently we are pretty satisfied with the information they provided and a few minor changes they agreed to make.

Waechter: Wonderful. Thank you.

Rossetti: We have a 15' wide road that

Taczak: That was my question the turn around and all that.

Conrad: Any other questions from the Board?

Waechter: I have a couple questions if nobody else has anything. First thing I want to make sure it's clear and on public record that it is 29 acres that are developing correct for the solar array? From what I understand going through the paperwork, I kind of look at it as a 73 acres that were being proposed for development. I just want to make sure that that clarity is in the public record that it's only 29 acres of this 73 acre plot that is going to be developed. Also I have a couple of environmental questions. I do notice in the SEQRA review that there is an endangered species as far as...long eared bat and also there are some migrating birds that could possibly be affected. I would like you to speak to those two points.

Kassel: The northern long eared bat is a federally endangered species and much...for solar panels because of tree....you're only clearing a half acre of trees for this project which is, it's not an issue because there are so many surrounding trees. The other reason is that the prohibition is not being anywhere near a hibernacula which is where the babies are born which is right here. The problem then if you're not near a hibernacula would be roost trees and you're only looking at half an acre of roost trees and it's all perfectly allowed.

Waechter: I'm assuming there is not a lot of dead growth that is in there, it's probably all mature pretty good trees?

Rossetti: Yes and not much of them.

Kassel: Then the migrating birds, specifically what do you want to know about them?

Waechter: As far as the clearing schedule because after going through and I think it is on...the time frame where you can clear, section E, August to May.

Kassel: Based on the bat mating season and avoiding that which is June and July. It was not based on nesting season for migratory birds. Partly because of the fact that it's agricultural lands and they are used all the time that way and mostly because we were focusing on the bat.

Waechter: Thank you.

Rossetti: I would just say that we will be complying with any of the environmental constraints on construction. Whatever those limits are.

Conrad: Any other questions from the Board? Bob do you want to give us your cheery little pep talk that you gave us?

Lannon: I'm impressed with the presentation and the thoroughness and responsiveness. I had my doubts that they would be able to do the SEQRA but they have. That's great. There are no

major issues; we had a couple minor issues on the engineering. They've addressed some of those. Some of those were unclear on our end. The fire access road, Pats weighing in on that and they seemed to be ready and will to comply with those issues. The SWPPP report is currently under review. I'm not anticipating anything major to come from that. I think I would agree that the proposed schedule might be something that this Board could consider recommending approval to the Town Board with the conditions of putting out SEQRA subsequent to the public hearing, also compliance with any minor engineering details that might still be in play. That won't be anything of any major consequence. Recommend that the Town Board call for a public hearing during the December 27th meeting which is the final audit meeting which is next week, for the January 14th for a public hearing. If all goes seemingly smooth and well as I believe it has to this point, the Town Board could consider conducting a public hearing and assuming there is nothing major consequence from that, close the public hearing that evening and then address SEQRA and issue the special use permit. That is a lot to happen in one meeting. I can completely appreciate the credits and incentive behind it and the need for expediency but I just want to caution everybody that Donna and I have spoken and every domino has to fall just right. If anything goes sideways could jeopardize the schedule which is of critical importance.

Waechter: I do have a question as far as the public hearing. Has anything come to light as of right now regarding this project?

Parisi: The public hearing hasn't been scheduled yet.

Waechter: Any phone calls from anybody who has caught wind of the project?

Masters: I talked to 3 of the neighbors over there. Not anyone of them, the Coders, the Mays and the Quarantillos, all 3 of them I spoke to personally and all 3 had any issue with it.

Lilly: Are they the closest residents to it?

Masters: Would they be the closest?

Don Laurie: Barb Ripley is the closest.

Masters: I haven't talked to the Ripley's.

Laurie: I talked to her about a year ago about the possibility of doing aI am the property owner. I talked to Barb Ripley about the possibility of her getting in with OYA Solar and she did not express any reservations although she didn't pursue trying to get involved with them.

Lannon: If you look at the site I do agree.....3.5 kb right in the middle property.

Masters: I agree with him when it talks about the site being a low impact to the Town with how flat it is and the distance back and the natural screening. Personally I think it's a great site. It will be non-evasive to the neighborhood.

Lannon: It will be hard pressed to find once it's built and screened.

Parisi: I will say that any conditions of approval if that's where the Board is going, we wouldn't issue building permits without this but it's nice to have it in the conditions as well. We need a pilot agreement between the solar company which is a payment in lieu of taxes agreement between the Town and the company and we will not issue building permits until we have that pilot agreement in place.

Rossetti: Happy to comply with that because we wouldn't be able to build without that pilot agreement in place. That is being negotiated and discussed I believe with our attorney?

Parisi: We were contacted at some point but we haven't had any follow-up since then. We were contacted that you were thinking about the solar facility, we provided notice that we wanted to negotiate it but we haven't had any follow-up since then.

Rossetti: I think you will get a call real soon.

Conrad: Any other questions from the Board?

Lilly: The decommissioning, are we as a panel okay with what the applicant has proposed? What did we do on the Swann Road project?

Waechter: I would like to go with our Town Attorney's recommendation.

Parisi: My personal recommendation would be set the year 1 decommissioning at the minimum for the cost of decommissioning and then ramp it up from there based on inflationary costs. The Town is in the best spot when we have a bond that covers the entire....

Lilly: Is that how Swann Road was done?

Parisi: Swann Road was actually full decommissioning cost up front the whole time.

Rossetti: We will comply with that.

Burg: I wouldn't vote for it.

Lilly: Staying consistent might be the best way to do it.

PB 2018-12M

Taczak: You're saying that you're going to put the 239, 240.....

Rossetti: I'm going to update the decommissioning plan that Tim just got to be in compliance with not the 230 but the 140 and change.....to get it to....if you could let me know I will give you one of my cards. Whatever that was, we will do exactly the same.

Conrad: He's saying we could have the full amount of the decommissioning.

Lilly: Which is the solar rules right?

Parisi: The solar rule is that we have to have a decommissioning bond. What they're saying is the amount and that's what we are haggling over now.

Rossetti: The timing of the amount.

Parisi: I think what we have to do is we'll have to take the minimum amount, full amount and divide it by the percentage it goes up each year and apply it to each one of those years so we'll have a schedule but we will have to figure out what that exact schedule is. For the purposes of your motion I guess it would be a bond in place that on year 1 covered the minimum cost of decommissioning and then increases based on inflation until it is at the total max decommissioning cost at the end of the life of the project.

Conrad: Is there any other discussion or question? Anyone from the audience care to comment?

John Jacoby and I am on the Lewiston Town Board. I think we should stay the same as we did for the Swann Road for the bond. Just to keep it consistent.

Parisi: That's a very good indication coming from one of our Town Board members of where the Town Board will be at; if that's the case they will want the full 239 year one and every year after that.

Rossetti: No problem. We are good.

Conrad: Anything else?

A motion to recommend site plan approval based on that fact it is a well suited site and meet the pilot program and the full amount of the decommissioning bond in the first year was made by Lilly, seconded by Craft, subject to Army Corp Engineer and completion of the SEQRA process, and carried.

PB 2018-12N

A motion to recommend approval of the special use permit was made by Taczak, seconded by Burg and carried with the same conditions as the Site Plan recommendation.

A motion to adjourn was made by Lilly, seconded by Taczak and carried.

The next meeting will be January 17, 2019, at 6:30 P.M.

Respectfully submitted,

Sandra L. VanUden
Planning Secretary

William Conrad
Planning Chairman