

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – March 17, 2022
PB 2022-3

Present: Baker, Burg, Conrad, Lattanzio, Waechter

Absent: Lilly, Taczak

Burg: I'd like to welcome everybody to the Lewiston Planning Board Meeting, March 17, 2022.

Roll Call

A motion to approve the minutes was made by Conrad, seconded by Waechter and carried.

Burg: We have one item on the agenda tonight, the Sanborn Area Historical Society solar farm. Please come up and talk about your project.

Marc Kenward, Erdman Anthony. What I would like to do is update you on what has changed since we were last here. As you know we were made aware of a zoning issue having to do with this little piece of the parcel that's down in the south east end that was in a general business district. We also have site access coming in from here. We understood from talking with Tim and the Town Attorney that there was no way we could have our access here for several reasons. First of all, there was traffic concerns on West Street and Niagara Street. More importantly the distance it would take the Fire Dept. to get to the array was much more than they can tolerate. We did move the pole farm which is the series of poles for the interconnection was here, we've now moved it back to be in the rural residential. We are still shooting for this point of interconnection pole right here at the corner but now we are putting everything underground, the pole farm underground and then back up to the interconnection. We went before the Zoning Board for the use variance. We also went to the Niagara County Planning Board, and came back to the Zoning Board last week and got approved for the use variance to bury the conduit with wires for the interconnection. There is still some driveway here that National Grid will need to access the pole farm. The use variance was approved. The main access is now in from Saunders Settlement Road along the east side. We're going to come in through this existing access, it's 20' wide, a new access driveway along the east side, it follows the lane way. Our main solar farm entrance is now right in here at the very north end where the existing lane way comes down in to this area here. We still have the same array arrangement or layout on the north side of the stream and the south side. We also were able to obtain visually the flood zone mapping and that's now shown in blue on this plan as well as the plans you have. The access, pole farm and interconnection and flood plain are now on here. I think we still owe you an updated decommissioning estimate. I apologize for not getting that in but we had a question come back today about getting some actual numbers for the

salvage for the disposal fees associated with that and we're working on that. I expect in the next 2 weeks that we will have a much more accurate decommissioning estimate for you. We were able to locate a company in Alabama that advertises their ability to recycle solar panels. They were given all the information today where the site is located. Their goal, they do recycle solar panels but their goal because they're so far away is to find a company in the Western New York area or the northeast area or the east coast between here and Alabama that would recycle them. One of their business mottos is to help people recycle solar panels. We hope to have the information on that for you by the next meeting and hope that we can get a public hearing scheduled. If there are any more questions, I would be happy to entertain them.

Baker: In recent guidance that I received from NYSERTA with respect to the decommissioning costs, their recommendation is the final total is the same number here, before the inflation is factored in it be increased by 25% as a contingency. I think this is already in existence but that the decommissioning cost be reviewed by all parties every 5 years and adjusted.

Kenward: I think that's the Town policy to review the decommissioning every 5 years Tim?

Masters: I think it is yes.

Kenward: Many municipalities have that as part of their....

Baker: They recommended; they're telling you it would be a wise move to include the 25% contingency.

Kenward: Contingency. We can do that.

Baker: The other thing is and I don't know how to judge this one way or the other but it also came to light through some information they shared that some of the panels from manufacture can and do, not all of them, but some of the panels contain materials that can be considered hazardous waste which opens up a new box. The panels that are proposed, it would be interesting to know what the manufacture stance is on the panels included in the package. Just a suggestion to take in to account.

Kenward: The best I can do is offer you a product sheet for the current solar panels. I actually sent that to the recycling company today. What I know about the solar panels, they are predominantly crystalline sulfate which is basically ground up to sand.

Baker: They talk about aluminum and glass being by volume or bulk, the major components are generally non-hazardous. They also said there's plentiful copper and potentially solder that has lead in it. In a small situation it's not hazardous but when you have a large number of these things it can be considered hazardous.

Kenward: I'll have to see what the product data sheet says.

Baker: That would be great yes.

Kenward: The other thing that was included in your packet was visual sims. That is the first time we presented them. Previously I have provided you with some view shed analysis based on google earth numbers. Google earth has a tool where you can do a view shed analysis. It gives you an output and what can be seen from this vantage point. Then we had the visual sims done from similar vantage points and as you can see in the visual sims some of the array is hidden by existing vegetation and land mass. I believe there were 5 visual sims. I don't know if you have any questions about them?

Conrad: Photo 4 from the back of the West Street School, that's the one to me that it appears is the most visible.

Kenward: I think you're probably right.

Conrad: It's tough to relate exactly what part we're looking at through this simulation versus what we see on the landscaping plan.

Kenward: The simulations do include the landscaping. If you look at figure 10, that is the same vantage point but with plants with 5 years of growth. Photo 9 shows a 2-year growth and you can see the tops of the panels peeking about. By year 5 the expected growth begins to screen it out. It doesn't screen it out all because we're not putting in screening through the wetlands here. As I explained before the posts that support the panels are screw posts. They are screwed in to the ground literally. There is no excavation or fill. When it comes time to de-commission they can be screwed out. Fence posts generally only have concrete on the corner posts, terminal posts, gate posts. The majority of fence posts are line posts that are pushed in to the ground. That's not considered fill either. If we were to plant trees through this, then it's considered excavation fill with a much higher impact. The tendency is to avoid putting in trees in the wetlands and there is still some existing vegetation here that will help the screening as well.

Conrad: Is there any vegetation that would be appropriate to plant in a wetland that would grow in height? I know some places where I golf have the wettest areas.

Kenward: This area up in here hasn't been tilled in a number of years despite what my photo imagery might suggest. When I was out there a year ago last September walking the site, the brush was as high as I was. The other thing we've done iswe used the hedgling screening slats which I call the fuzzy fence. It looks like pine garland that you weave through the fence with a vegetative appearance. It's always green. There is a cut sheet in your packet somewhere and it's on the detail sheet as well.

PB 2022-3C

Masters: Just so everybody is aware the one on Lockport Road has that up right now if you want to look at it.

Kenward: They put it in last fall. They had to re-do the landscaping/vegetation screening for that site. The Town was so unhappy with it they were going to pull the special use permit.

Masters: I sat in my car and from the car height I could not see the panels. It was good.

Kenward: This site is also using an 8' high fence. The ones we've done previously here in town, Swann Road and Williams Road has a 7' fence. The Historical Society requested an 8' fence. They wanted the screening on the north, east and west facing. Last month you requested also on the south facing fence line down here by the railroad.

Masters: The Town Code now is 8' just so you know. Our law was updated.

Dave Britton: I don't see anyare you using a helical pier? I don't see it on the drawing.

Kenward: It would be a continuation of this down in to the ground. It's either screw posts or....

Britton: We need to have something referenced. It's not called out. We need a bit more information on the actual foundation would be helpful.

Waechter: I just have a question as far as where you are at with your permit with the Army Corp. since you are going through a wetland?

Kenward: If it hasn't been submitted, it was just submitted this week or will be submitted by the end of this week. I can provide the Town with a copy of the whole package if you would like? It should be available. It will take 2-3 months before we get the permit back. We do have in our submitted package back in January the wetland delineation and jurisdictional determinations on these wetlands. The boundaries are good.

Waechter: I'm assuming construction won't start until fall?

Kenward: I expect construction won't start until next year.

Baker: I was going through the environmental assessment form and I got down to Section 13, impact on transportation.....I was wondering if you're going to address the need to monitor the....it's a pretty high-speed highway in front of the farm museum there, monitor the highway out there for any debris, specially I'm talking about trucks that track out the mud....

Kenward: The erosion and sediment control plan requires heavy stone....

Baker: If you address it in your construction schedulethen that should be minimal.

Kenward: It's addressed in our sedimentation and erosion control plan which requires a construction entrance of heavily crushed stone that's very boney and helps to knock the mud off.

Baker: I did not see a construction schedule in the package. We've been pretty adamant that we have that requirement so it details the sequence.

Kenward: There is a schedule included in our storm water pollution prevention plan but...

Baker: I mean for the whole project.

Kenward: The SWPPP requires a sequence of construction and I think it's a 9-month duration I have in there. We can break it out and provide it separately.

Baker: Previously we had indicated that after your support construction is completed or completed to some extent that the vegetation be introduced so that the growing cycle can begin on the screening vegetation. Other people had it at the end of the job.

Kenward: I think the Town requirement now is to have the vegetative screening completed before starting construction to the extent possible.

Baker: I noticed on the title sheet of the drawing, this might be my fault I don't know but if you look at the NYS Department of Agriculture and Markets, it says construction of this project is to comply to the extent practical. I would like to know what that means?

Kenward: Some of the guidelines, Ag and Markets guidelines and Borrego is committed to following that. After they get site plan approval then we prepare and submit to the Ag & Markets the Notice of Intent which provides much more detail about how they're.....complies with the Ag & Markets guidelines. Borrego typically does that internally. Borrego's own engineers do that internally.

Baker: They cover the environmental monitoring and construction requirements and post construction restoration and all that?

Kenward: They hire environmental monitors....

Baker: I'm not saying it wasn't in there. I just didn't know because that seemed like a pretty open-ended statement.

Kenward: It is open-ended to the fact those guidelines apply to this site because it's in an ag district and without regurgitating the requirements on the plans it's just a reference note. There's environmental monitoring, we also have to stockpile top soil and we now have changed that a little bit I should point out. Before we were stockpiling all the top soil on the south west down here. Now we have shortened this up so it's not in a flood plain area and we provided another top soil stockpile up here at the northern end. The Historical Society asked that we extend it across like a berm to help screen the site, mainly during construction from up here. That will also be a permanent pile there. This area in here we are using for a lay down area. The driveway splits the field here and we're going to use this area here and here for lay down area. This clump of trees generally stays and we're putting a small berm of permanent topsoil storage right in there.

Conrad: You'll seed the topsoil, right?

Kenward: Yes, it has to be seeded early on, right after it's built. It's storm water requirements too.

Baker: Getting back to the schedule when we're talking about the period of time when the connection to the grid construction is being performed, the poles and the NYSEG work or whoever the utility is out there. Could that be identified in the schedule so that the....there are a couple of residents on Niagara and the one guy on the corner and the buildings, so they could be given a little bit of notice so all of a sudden this doesn't show up and the phone starts ringing off the hook. So, it's identified separately or highlighted in the schedule?

Kenward: National Grid, they don't get started on their part of the interconnection until they know the job is going to be built. Quite often they are the last people on the site doing any kind of construction work. They're responsible for only 1 thing there are 5 poles in the pole farm and they're responsible for 2 of them. If you were following Williams Road at all, there were 3 poles set and National Grid didn't get there until late in the fall, early winter to set their 2 poles.

Baker: They have their own schedule.

Kenward: Yes, they do.

Conrad: They usually give you a window of when they're going to be there. They're not going to be there at 3:00 on a Thursday.

Baker: It would be nice to be on a schedule. The provision is made so the neighbors if you will in that area can be given a little bit of notice that there is going to be some activity there and we don't want you to be surprised by it. That's all.

Kenward: Keep in mind it's way down away from the intersection down in here. All there will be is....

Baker: But they're going to come in from Niagara and West. There might be some trucks and who knows.

Kenward: 2 trucks generally.

Baker: It's not a big deal. I thought it would be a nice courtesy to the neighbors.

Lattanzio: In the schedule too, I assume you're going to phase this?

Kenward: It's more of a sequence not phasing. It's built all at one time. When you say phasing I always think about, we're going to build part of it and then we'll build part of it. Whereas I look at sequencing is this is the order of construction. I just want to make sure we are on the same page.

Lattanzio: I was using that as a general term.

Kenward: That's what I wanted to get out there what my perception of phasing versus sequence, it's built continuously over about a 9-month period.

Lattanzio: The reason I ask is because I know SWPPP only allows you to open up so much without having to cover it on a daily basis.

Kenward: In this case even tree clearing could require it to be progressed in a manner that they don't have more than 1 acre of exposed bare ground. They will have to clear trees which causes some but it's the grubbing that causes the most disturbance. That's the messy part where they have to be very conscientious about grubbing, stabilizing. My suggestion always is save a pile of chippings and stabilize it with chipped up tree mulch.

Lattanzio: Because of the wetlands. Disturbing too much could destroy the wetlands throughout the construction process.

Kenward: For us here the wetlands are not in treed areas fortunately. They are all in what was one-time ag land. What they typically do is even for brush up to 2-3 acres require them to mow it. There are hydraulic mowers that fit on skid steer loaders that clear brush. It turns it in to mulch and leaves it. The brush clearing is very little or no disturbance. When they go to put posts in if there's a stump directly in the way they pull the stump out and put the post in.

Lattanzio: If you look at the grading plan you almost have a 20' elevation between your swale and the top left, northwest corner of the site. If that is unprotected, silt could potentially get down and make its way in to the wetlands.

Kenward: Again, that's part of our SWPPP.

Lattanzio: I also noticed there is a trench, it says LV right through the wetlands? You said there wasn't any excavation.

Kenward: That is part of the permit, the low voltage trenching. Low voltage is energy they pull directly off the panels. The panels plug in to one another with cables. They run this low voltage trench and it transfers down into underground wires and conduit. It's about a 5' width. It's directed over to the.....pad areas where it's then converted in to AC to inverters.

Lattanzio: But that trench is underground right?

Kenward: Yes. It's underground, that's a temporary disturbance on the wetland and it's part of the permit.

Lattanzio: That's about 18" down. It's not very deep.

Kenward: It has to be at least 18". I believe Borrego does 24". The one difference, I believe Ag & Markets is requiring to bury it at a depth of 3-4' so they only disturb the sub soil once. Borrego practice is to bury it a minimum required by Code because their decommissioning includes removing that wiring, removing that conduit. What they do is you can pull conduit out; you don't have to open the whole trench. You can pull it out at certain openings. Whereas Ag & Markets says it's okay to bury it 3-4' and leave it there. We've been in other Agriculture communities where they like the idea of it coming back out. When they install this the topsoil gets set aside, some get excavated out and removed but gets replaced with conduit and sand. There is always sand back fill around the conduit. Then the topsoil goes back in. In the end there is still some sand left in the bottom of the excavation but it's less disturbance and the topsoil is put back on there.

Baker: I'm back on the environmental assessment form again. Section 16, impact on human health, the (No) box is checked. Just for clarification, if you look at paragraph A, proposed actions located within 1,500' of a school, hospital, licensed day care center and so on, that sounds like it's in conflict with what we discussed earlier about the school being within 1,500' of the project. Is that box correctly checked no or should it be checked, yes?

Kenward: I believe it's correctly checked because the solar arrays are....it's definitely more than 1,500'.

Baker: I'm not doubting it, I'm just saying it kind of conflicts with what we talked about a little bit earlier, that the school was within 1,500' or something. I just want to get it clarified for the record that it's one way or the other. If it is within the distance then Section 16 has to be changed and all the sub paragraphs reviewed.

Burg: We have a negative declaration from the Environmental Commission. That would have been covered in their report.

Baker: But it's based on this, so if this is wrong. I'm not saying it's wrong. I'm saying earlier I heard somebody say it was within 1,500' unless...

Kenward: The entrance out at the road might be within 1,500'.

Baker: What does the project mean? Is that part of the project or not, I don't know.

Kenward: It's an existing access here but I think we were always looking at distance from the....

Baker: I'm just trying to avoid problems down the road if somebody comes up and they hire an attorney and decide that they're within 1,500' and how did this happen? Just verify it. The other thing is without getting in to a lot of detail with respect to construction in the wetland's areas, the back of this form, the impact on agriculture resources, especially on the construction of the.....I understand these are just screw anchors that hold the panels in place and I don't know what the Corp. of Engineers is going to say or request from you but is it possible to provide some kind of detailed plan on how you're going to do this to minimize the supposed non-disturbance?

Burg: Is that handled with the Army Corp. of Engineers as well?

Baker: Or do you say you're not going to disturb anything and we're not building anything and they take your word for it?

Britton: I think with the Corp. any areas that are disturbed have to be restored and there is an inspection done to make sure they're restored.

Kenward: I thought the environmental monitoring

Britton: It's part of the environmental monitoring. As far as how the work is done, how it gets disturbed....a lot of times these things are on track vehicles, that's why I was asking for a little more detail on the piers. The one I've seen they're just a helical pile and screw anchor and they get put on an auger.

Baker: It's the machine and the people that do the work.

Britton: The equipment they have now they're just on, they could be tracks or...

Kenward: Track mounted and they're not terribly huge. They're no bigger...

Britton: We're not talking about putting in, we just did a bunch....the restoration is the most important part. Granted what you're saying if you lay waste to it, I don't know....I've seen a few of these projects built but I've yet to see a project lay waste on a screw anchor type.

Lattanzio: Is the Geo Tech report done yet?

Kenward: No. Geo Tech will get it done after the approvals have been received from the local town.

Lattanzio: Just for recommendation that being a farm land I wonder if it has an abundance of organic material in it, helical piers might not work. You may have to go to concrete and that would change the whole plan for disturbance. I'm just throwing it out there because you can't put something structural in to an organic material because it's not structurally sound.

Kenward: I wish Mr. Wienke was here, the former owner of the land. He tells us it's very rocky soil. That is what he's telling us.

Baker: It has been farmed recently.

Britton: They look at the Geo Tech and then you can go deeper or they make them bigger, they make them have bigger plates on them. These are over board walks in swamp areas. Sometimes in a swampy area they are huge. There is not a tremendous load on these things either.

Kenward: Actually, there's more wind uplift.

Britton: But you're right Bill you need the Geo Tech to do the sizing.

Lattanzio: To save you a head ache down the road. You might go so far and need to go to a different type of anchoring system.

Kenward: Over on Williams Road we had 2 different anchoring systems because where there was a bit of the area was in a flood plain, and that meant there was more ice action on it so we had to go through and delineate where we did the construction plan delineate where the flood plain was that was inundated and they had to put in deeper posts there to prevent uplift during freezing situations. It is accounted for because people who ultimately make money off this, they want a system that's sustainable. They don't want to pick it up after a wind storm. A

tornado is one thing. The wind storms we get around here, we don't want any damage from that.

Baker: If there is any way possible, I would like to know how this work is going to be done so the wetland is protected. In most other cases where a wetland is involved and proposed construction or new construction, it can be difficult to circumvent the regulation let me put it that way. I'm not digging, I'm screwing a post in the ground.

Kenward: The Corp. of Engineers is well aware of how these work. They're either H piles or they're helical posts.

Baker: I know what they are. I agree with our recommendation. We don't have a detail really right now what the anchoring system is although I think everybody knows what it is but just for the record it should be there.

Burg: We can ask for more detail on the foundation around the screw posts. Do we need a more detailed construction schedule, something more than what the SWPPP is going to give us?

Britton: For the public hearing?

Conrad: All we need is the duration. We really don't need a schedule because they don't even know a schedule. It's going to be under construction for a couple of years. You have coordination with National Grid, coordination with the owner and all kinds of things you have to deal with. You're not going to have a schedule; you're going to have a duration that you can provide us.

Kenward: We'll try to break it out of the SWPPP and make it a separate document if you want that. The SWPPP asks for more detail too.

Britton: I think our office had a few SWPPP comments.

Kenward: I wasn't going to update the.....

Britton: It makes sense.

Waechter: If you could refresh my memory on this, how long is the lease period?

Kenward: 25 years and the decommissioning has to be updated to reflect that.

Waechter: This would lead me to a question for the Historical Society, since it is a 25-year lease on the property, is there a succession plan as far as what will happen to the property?

Wienke: It belongs to the Town. If the museum folds the Town gets it.

Waechter: Is there an official document that states that?

Wienke: Yes, there is, all filed with the Town.

Waechter: Do we have a copy of that?

Wienke: If we can't pay our bills, it goes to the Town to pay them.

Waechter: Where would a copy of that be possibly?

Masters: The Town Clerk should have a copy. I'll ask the Town Clerk to provide it tomorrow. If we have it, she would have it.

Kenward: It would probably be filed with NY State too because they are an LLC.

Masters: If it's been provided to the Town Donna would have it. I can ask tomorrow.

Waechter: That would be wonderful. I think this offers a unique situation.

Kenward: I think the goal here is to provide some revenue generation that will sustain the Historical Society well beyond the 25-year lease.

Waechter: Yes, that would be the end goal but you also have to have people that are willing to serve on the board and are willing to take over the Historical Society.

Wienke: We are aware of that.

Burg: Anything else from the Board? We have a couple of items here. Just for the record I want to state that SEQRA was completed and the Town Board issued a negative declaration on February 28, 2022. The Environmental Commission did review it and issued a negative declaration in March 2022. Before we move it for a public hearing, we need more detail on the decommission plan.

Kenward: What I would like to ask you if you could do, we can get that decommissioning plan submitted within a week. We would tentatively set that public hearing for next month?

Burg: We can schedule a public hearing on these few conditions, correct?

Seaman: Yes, you can schedule your public hearing and you don't need to render your decision until some period of time after you close your public hearing. You could actually schedule the

public hearing and if there are more items that come up during the public hearing, you can leave the public hearing open and it's not until you close your public hearing and the Board is ready to make a recommendation. You do not have to have everything perfectly in order for you to schedule the public hearing. As long as the Board is comfortable that the sufficient amount of information has been provided thus far, you can schedule the public hearing, make a determination at that public hearing, whether you're ready to close or leave it open. That remains to be seen at the next meeting. I would recommend you schedule the public hearing for the next meeting.

Burg: Just to make sure that these requests are in the minutes, we need a more detailed decommissioning plan. Do we need a material safety data sheet or just a product data sheet on the panels Pat?

Baker: We need something.

Lattanzio: To get what Pat's look for it would be SDS.

Baker: We can see what the product sheet says and if that's not sufficient we can get more definitive information.

Burg: We'll be looking for more information on the foundation and more a more detailed construction schedule or at least an outline of what the duration is. Tim you will look for that succession plan?

Masters: Yes.

A motion to schedule a public hearing for April 21, 2022, was made by Conrad, seconded by Waechter and carried.

A motion to adjourn was made by Conrad, seconded by Waechter and carried


The next meeting will be April 21, 2022, at 6:30 P.M.

PB 2022-3M

Respectfully submitted,

A handwritten signature in blue ink that reads "Sandra L. VanUden". The signature is written in a cursive style with a horizontal line underneath.

Sandra L. VanUden
Planning Secretary

A handwritten signature in blue ink that reads "William Burg". The signature is written in a cursive style with a horizontal line underneath.

William Burg
Planning Chairman