

TOWN OF CONCORD PLANNING BOARD
Town Hall

April 2, 2024
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Joseph Edbauer, at 6:50 p.m.

ITEM #2: Roll Call

Present:

Joseph Edbauer, Chairman
Bruce Luno
James Jozwiak
Julie Zybert
Michael Cochran
David Dains

Not Present:

Raymond Hilliker

Also Present:

Darlene Schweikert
Clyde M. Drake, Town Council Liaison
Thomas Roberts, CEO
James Taravella, RIC Energy
Thomas & Michele Burke
Kelly Baker
Eric Wiedemann
Misha Holzman
Chuck Stephenson
Scott Benkelman

The Items on the Agenda were discussed out order at tonight's meeting.

ITEM #6: RIC Energy Solar Project

This matter was moved up on the Agenda. Mr. Taravella had a virtual meeting set up for Kevin Bliss and Sheila Ransbottom to be present for the meeting. On Monday, March 25th, most of the Planning Board Members and CEO Roberts visited the RIC Solar Project in Hanover, New York, for a tour of that site.

Mr. Taravella asked the members if they had any other questions. He is hopeful that the members have had a chance to further review the application documents submitted. He noted that his hope for tonight is to have the application deemed complete so that it can be moved over to the SEQR process to start working on the environmental review. Chairman Edbauer asked Mr. Taravella to address some of the concerns from the March meeting. Mr. Taravella recalled that one of the biggest concerns was the view, particularly with the closest neighbors. Town Clerk Schweikert had provided Mr. Taravella with the names and addresses of the two closest neighbors: Hartman and Krzemien. He has reached out to both of them and has had an extended conversation with Krista Hartman. As of right now, they are scheduled to meet later this week or early next week to go over any enhanced vegetation that Hartman may want to obscure any views from the site. The members had also talked about the potential of a berm. That has been reviewed and it would change the storm water run-off and because RIC does not want to change the way the storm water runs off, that would be a last resort if it was

insisted upon by the Town because RIC wants to maintain existing drainage patterns on the site. Another point of discussion had to do with the soil classifications as well as their use. There was some confusion between uses as defined under SEQR, particularly agricultural and soil classifications with USDA with soils being classified as prime farmland and/or soils of statewide importance. As was discussed last meeting, those terms kind of cross but agricultural use can be on soils that are not prime farmland or soils of statewide importance so those numbers aren't going to necessarily match, which they don't which was what R. Hilliker was pointing out at the last meeting. They are referring to two different definitions of agriculture depending on the agency using them. In the Code Compliance Checklist submitted in their packet, the breakdown on Page 9 of 10 there is a breakdown of how the soils are broken down because the Town does limit projects of this nature to cover less than 50% of soils of statewide importance and/or prime farmland. It has been broken down: the project area itself is on 31.14 acres of the 102.5-acre parcel. Of that land, there is 4 acres or 3.9% of farmland of statewide importance plus the 30% as prime farmland so the project is at 33.3% of the soils classified as prime farmland and/or statewide importance under the Town Code. M. Cochran questioned if the 102.5 acres included wooded acreage and shouldn't that be subtracted from the 102 acres because it is not really farmland? Mr. Taravella said no, think of it this way: It has to encompass the whole parcel because if you want to put one panel 10 square feet that happens to be on prime farmland, it could be said that it was 100% farmland and it could be denied. It has to be the whole parcel. B. Luno questioned that if this parcel were to go back to farmland after any solar project or any disaster to the project, what would that do the soil because it would be contaminated material? Mr. Taravella noted that it is not actually; it is primarily silica and aluminum; it's basically a window. B. Luno questioned why it is so expensive to reclaim the land then? Mr. Taravella advised that the recycling process is expensive. There are advances in different technologies to recycle the panels themselves. Chairman Edbauer noted that it is the silica that is bonded to the glass that is the problem with recycling them.

Mr. Taravella noted that R. Hilliker asked about the hum of the inverters at the Hanover site and they are quiet at night. It is from the cooling fans flowing through during the day. One of his colleagues was going to dig up some literature on this; Mr. Taravella will check to see if the colleague can provide that information.

Chairman Edbauer noted that there was talk about the woods being part of the overall project and that is included? Mr. Taravella noted that it was, it really has to be the whole parcel or it doesn't make sense. Chairman Edbauer asked what the lowest point of the water table? Only an average was provided. Mr. Taravella noted that the geotechnical investigation yet. Mr. Taravella believed that the average depth of the water table documents said 6.5 to 7 feet if he recalls correctly. Chairman Edbauer was asking for R. Hilliker who wondered what the lowest point of the water table was. Mr. Taravella advised that there are no hazardous materials being driven into the ground. It is basically steel beams being driven in and they go about 4 to 6 feet depending upon the geotechnical results. As the project moves forward, RIC would do a bunch of other tests including soil conductivity tests that would be necessary to build a structure there. The

type of piles would depend on the soil conditions whether it would be a helical pile or a standard H pile.

Chairman Edbauer advised that he is little concerned about the fence being down at the Hanover location. Mr. Taravella noted that RIC's Operations & Maintenance Department has been informed about this situation. Chairman Edbauer noted that the fence being down is not a friendly community relationship in his opinion. Mr. Taravella noted that RIC is not happy about that either. Chairman Edbauer advised that the Town's Code requires that the project have a fence whereas the Town of Hanover does not require a fence. M. Cochran noted that that may seem like a small thing but what else is not being maintained? Mr. Taravella advised that there is not much really that needs to be maintained: the motors and the grass. J. Zybert found in the application the maintenance program that said they were going to inspect the fence twice a year. Mr. Taravella advised that the date of the wind storm was January 9th or 10th and that is far too long for that fence to be down. Chairman Edbauer asked if there was an agreement with a certain amount of time to correct something like this; Mr. Taravella is not privy to that but RIC is going after the O&M team to get that remedied. Chairman Edbauer advised that that may be something the Town would want included in any project. Mr. Taravella advised that, not to give the Town any ideas, but that the Town could include a penalty clause and advise RIC that they have an allotted amount of time to at least show action to get something repaired.

M. Cochran noted that he was not at last month's meeting but read in the Minutes that RIC does a study of the area, the infrastructure of the utilities and look for the best or only places that the site could be tied into the infrastructure and then RIC would choose from that? Is there any way that the Planning Board could see those kinds of maps? That in the Town of Concord, these are the places that would be looked at and that could work and then the Town could look at it and say that that may be a better place for what our culture wants than this location. Mr. Taravella noted that both National Grid and NYSEG have substation maps and he believes as part of those maps, they show the feeder lines that are around them and give a size capacity as well as the current demand on the lines. He believes those are public records; not easy to search but he could have the Interconnection Team put together a map of the lines. The thing to keep in mind is that going towards the 219 on Genesee Road, Mr. Taravella does not see 3 phase lines which is what is needed; there was only single phase. Going towards Zittel from the property, it does continue 3 phase that way a certain distance towards the golf course in 3-phase but the company also has to find landowners that are willing to work with them. M. Cochran said that that is what he is asking? Did you ask 10 other landowners and they all said no? Mr. Taravella said generally yes but he could ask the Origination Team who reaches out to landowners. Mr. Taravella gets involved once there are signed contracts with the landowner so he cannot tell the members how many people had been contacted but in general there could be six or seven properties that meet the eye test: big enough, don't have obvious wetlands, no extreme slopes. Then targeted mailings will go out and try to work with targeted phone calls and other times they would work with realtors to try to approach the landowners. Mr. Taravella advised that this project started three years ago. M. Cochran noted that it would be interesting to if there were 10 people

and you got to number 3 Zittel who agreed and you stopped at that point; whether the other 7 may have been better sites. M. Cochran noted that that is R. Hilliker's biggest concern; it's not that this is going to happen somewhere, but this location may not be the best location.

J. Zybert questioned Sections F and G in the packet, acoustic assessment. Section F SEQR the top of the page has Clymer Acoustic Assessment and goes on to describe the Springville address. Mr. Taravella noted that this is a typo. J. Zybert noted that looking at the site map, it showed the one test done by NYSEG and it showed on the site map where you would be connecting into the NYSEG poles but in the description, it says that you are delivering it to National Grid, in both of the assessments. J. Zybert noted that it is probably a typo but it may be something that RIC should correct. J. Zybert also recalls seeing in the packet, there was a Pass/Fail. Mr. Taravella noted that that is in the interconnection study. J. Zybert noted that there are some failures in there. Are those things that RIC needs to remediate or are those issues that NYSEG would have to correct? Mr. Taravella noted that basically RIC would need to upgrade equipment at the substation on RIC's dime; that comes out of RIC's pocket. J. Jozwiak questioned that with the size of this facility, this would max out those lines. Mr. Taravella said yes, but not in a negative way. Mr. Taravella noted that RIC cannot make this project any bigger than it already is. Mr. Taravella noted that he thinks they are pushing the limits of the substation. D. Dains noted that basically this is one and done and someone would have to go somewhere else where there is a 3-phase line. Mr. Taravella noted that the substation has been upgraded recently but not to the point where you could put tons of projects on it. This location is actually big enough that RIC could have done two 5 megawatt projects. Logistically it is big enough for two projects but they just can't. M. Cochran questioned if this could happen again somewhere around here that is fed by that substation? Mr. Taravella noted that the problem is that the substation is huge. It's in Orchard Park. It's feeding a lot of other areas and all the lines would need to be upgraded. He's pretty sure that this substation has a full queue of solar projects on it so anybody who wanted to do something would be at the bottom of the list. M. Cochran noted that they couldn't have done 2 projects then and that was confirmed. The land itself is big enough but the capacity of the substation is not. CEO Roberts noted that this would limit other better sites that the Town may want would be off the table. Mr. Taravella said that's if there are better sites. Hypothetically say, that there is another site right next door that the Town would prefer. If RIC drops this project, that new site project would go to the bottom of the list and may never come to fruition because it would be at the bottom of the list and other projects elsewhere would have priority as far as reserving capacity at the substation. RIC would lose their place hold on that capacity so even moving the project next door, RIC would lose their spot and go to the bottom of the list.

J. Jozwiak noted that the one picture looked like arborvitaes around the project in Hanover. Mr. Taravella advised that there was a huge mix of plantings. M. Cochran said he didn't know what the plantings were but they were not going to cover anything for the next 15 years. J. Jozwiak advised that if RIC is planting arborvitaes and you're planting it in cornfields where the deer are, you are basically giving the deer dessert. Arborvitaes attract deer. Wendel Companies, their engineer, has a landscape architect that designs the

plan. There was discussion before about the size. Mr. Taravella noted that they target 6 to 8 feet. Chairman Edbauer asked if that height was at 10 years or at planting and Mr. Taravella said at planting. There is a significant number of plantings; he believes over 300 shrubs, trees, bushes. It is a long stretch of land. J. Zybert noted that the site plans look like things would be more staggered. Chairman Edbauer noted that he is more concerned about the immediate residents who live right there and the shielding for them. Mr. Taravella noted that he had spoken to Hartman on the phone and will reach out again to the other neighbor Krzemien. Chairman Edbauer asked if Hartman seemed to have a problem with it. Mr. Taravella noted that Hartman's comment was that that is pretty far away from her backyard.

J. Jozwiak asked if there was any more talk about pushing the project back to allow more farmable land. Mr. Taravella advised that RIC did look at that but the problem is that this is where the slope goes down into the ravine and the project can't be pushed any further. J. Jozwiak asked if the slopes were ever being farmed and B. Luno said you can farm on slopes you just need to farm in certain directions on the slope.

Chairman Edbauer asked if RIC will indemnify the Town of any liability? Mr. Taravella said yes, it has to be insured. Chairman Edbauer asked Council Member Drake if he had a chance to look at the Town's Comprehensive Plan and he has not yet. The Comprehensive Plan is available online. Council Member Drake noted that his concern is that as a Town if we don't accept this project and it meets what is in the Comprehensive Plan and our Code, would these people have the right to sue the Town? This may be something that needs to be reviewed with the Town Attorney. Mr. Taravella noted that RIC would not want to go that route anymore than the Town does.

J. Zybert had a general question. New York was pushing in their Energy Plan to have 70% renewables by 2030. Was that peeled back to 50% renewable or is it still at 70%? Mr. Taravella did not know. J. Zybert was looking online and there was conflicting information. Has the target been eased back to 50%? J. Jozwiak noted that now the electric lawnmowers is being pushed back. There was a meeting in East Aurora with the Energy Coalition and by 2030, NYS is supposed to be at 15 gigawatts on the grid and we are now at 1.3; not even close.

J. Jozwiak asked if this project would go through, what would be the projected timeframe to start the project? Mr. Taravella answered that assuming that the Board moves to deem the application complete and move it to the Town Board, the SEQR process would start with a couple months of meetings there to make sure everyone is comfortable. Ideal world, they would get approval August/September to move on to the next stage. The next stage is financial and the PILOT, the decommissioning bond, say August/September. RIC would not be able to construct in October in WNY so Spring of 2025 construction and it takes about six months to build and then goes through a bunch of electrical inspections. S. Ransbottom noted that this would take about two months or so. Mr. Taravella noted that maybe online Fall of 2025 in the ideal world.

M. Cochran asked what this project would mean to the Town, power wise? What does it do for the Town? Mr. Taravella advised that it would allow residents to sign up for reduced power rates. He believes it reduces bills by about 5 to 10% because it is a community solar program through NYSEERDA. It costs nothing to sign up, it just reduces your rate and you can leave at any time. M. Cochran questioned if the individual resident has to manually sign up and Mr. Taravella noted that RIC has to sign people to sign up; they typically hire a firm to call people to get them to sign up. It radiates out so it would start in the Town and go out towards the Village. Council Member Drake asked if there wasn't already a program like that out there now and Mr. Taravella said yes, that is the one he is talking about. Council Member Drake noted that it really has nothing to do with this project. Mr. Taravella noted that the closer you are, the better the discount.

CEO Roberts noted that R. Hilliker had asked a question after the site visit: What would be the tax benefit of this project to the Town? CEO Roberts spoke with Assessor Martin who said that RIC will most likely get enough tax credits that no tax dollars would come back to the Town. Mr. Taravella noted that their company would typically have a PILOT with the Town. There is also an assessment spreadsheet if the Town does not want to do a PILOT that the solar facility would be assessed at whatever formula the assessor has to follow. CEO Roberts noted that the Assessor may not have that formula figured out. Mr. Taravella said that with a PILOT program there is money coming back and it would be at a greater rate than what you are seeing from an agricultural taxing of land because of the value of the project. The land value would stay the same. Council Member Drake asked if RIC had a dollar figure for the PILOT and Mr. Taravella said that that is something that is typically negotiated in private so as to not tip their hand to their competitors. The amount would eventually get published once agreement was reached.

The members had no further questions. Chairman Edbauer asked the members how they would like to proceed at this time. M. Cochran said he would like to see the map first. Chairman Edbauer agreed; wants to do all the due diligence before this project moves to the Town Board. Mr. Taravella said he could ask a colleague to send it over at that time but M. Cochran advised that he would prefer to have more time to do an analysis of the information. Mr. Taravella asked if the Planning Board would move the project to the next step contingent on the map; move it to the Town Board and provide the additional information requested. Chairman Edbauer advised the Town Board could ask for whatever additional information they may require. Chairman Edbauer asked for a motion; would that motion be to recommend the project or start the SEQR? Mr. Taravella would just like the application be deemed complete and then start the SEQR; the project would not move forward until the SEQR is complete. Council Member Drake is a little nervous about prime farmland and what is in the Town's Comprehensive Plan; that should definitely be looked at. Chairman Edbauer suggested that this be tabled for now and wait for the information; the members will not vote to make on a move on this tonight. This will allow time to review the Comprehensive Plan in more detail and review RIC's listing of other possible locations. Chairman Edbauer noted that, as discussed previously, the members are not thrilled with this site; the members have to make sure that they are covering all bases; that they just want to make sure that we are

fair to everyone. Mr. Taravella will return to the May 7th meeting. J. Jozwiak asked Mr. Taravella to get the additional information to the members ahead of the meeting to give them time to review. Chairman Edbauer asked if another rendering would be completed once RIC has had their discussion with the two neighboring property owners; the vegetation, whatever would be agreed. He particularly thought a berm would be appropriate but he understands what was said about the drainage runoff. Mr. Taravella noted that they cannot do a rendering of the backyards because they are not allowed on the property without owner permission. Now that there is conversation with Hartman, Mr. Taravella can ask permission to take photos of her yard towards the project. Chairman Edbauer said that would be beneficial in setting a lot of people's minds at ease. Mr. Taravella will talk to his team about that; the Town would also like to see a grid map of where RIC had looked and potentially who RIC reached out to; and additional renderings from the neighboring yards. M. Cochran noted that RIC's application is thorough, almost to the point of being overwhelming, but it provides a lot of information to think about. Chairman Edbauer asked if he could also provide any information about the discounts for the residents; percentages of discounts from close to the site and as you go farther away. J. Zybert asked if there was a way for RIC to provide a map showing the general elevation from Springville Boston Road so when cars are travelling by, with the plantings, what will they see? M. Cochran said that may be asking for too much; you are going to see it from the road. Mr. Taravella said he will see what they can do; maybe do a line-of-sight profile from up the road (not a real rendering). M. Cochran asked the height of the panels, like 10 foot high; at full 12 foot. Chairman Edbauer asked if these panels were going to be the newer style. Mr. Taravella noted that they will be a little higher capacity panel; Hanover is about 3.5 feet x 7 feet and the higher capacity ones may be about 4 feet x 8 feet but generate 10 to 15% power more per panel so the panel count goes down, the overall footprint goes down. Chairman Edbauer advised the Board is just being over cautious; it looks like all the bases are covered but want to do further review. Mr. Taravella thanked the Board. The zoom portion of the meeting ended at 7:32 p.m.

ITEM #5: Approval of Minutes

a) March 5, 2024– J. Zybert made the motion, seconded by B. Luno, to approve the Minutes as presented. All in favor. Carried. D. Dains said that it was a good meeting with a lot of questions asked and answered.

ITEM #3: Citizen Participation

a) Tom and Michele Burke attended tonight's meeting to address some of the concerns about parking at their winery on Trevett Road. This was discussed at the March meeting. Their Special Use Permit was approved with the condition that there be no parking on Trevett Road. Town Clerk Schweikert had received a complaint from a neighbor and members from the Planning Board had driven by and saw cars parking on the road. The Planning Board asked CEO Roberts to reach out to the Burkes to discuss this matter. CEO Roberts advised the Burkes and had a discussion. The Burkes are here tonight to address the concerns. Mrs. Burke advised that when they were issued their

Special Use Permit, they were asked to put in a specific parking lot, parking by their fence company and they were asked to put in an egress so that vehicles didn't back out on to Trevett Road. They have done everything that they know that they can do to alleviate parking on Trevett. She is aware of this happening four times since they opened. It is not every weekend or every time they are open. If they do anticipate it, Mr. Burke is in the parking lot parking cars and they shuttle people from a neighbor's yard and shuttle them back so they are not walking on Trevett. They are doing everything they possibly can to keep people safe. They have reached out to the neighbor across the street asking to try to purchase some property, or lease the property to get more parking in the area, but that owner has not responded to their offer. Mr. Burke advised that they do put out some signs asking people to park in the upper lot, with directional arrows. Mrs. Burke wanted to assure the Planning Board that they are doing everything that they can to make sure that people don't park on Trevett. They are concerned about their safety as well. D. Dains asked if the parking on their property gets maxed out? Mrs. Burke noted that when there is a big event, yes. Typically, on a Friday, Saturday, Sunday and Monday there is plenty of parking but if they have a fundraiser or event, there can be fabulous turnouts and they max out of parking. Those events don't happen all the time. Chairman Edbauer noted that he recalled the members' concerns about parking when the Special Use Permit came before their Board. CEO Roberts noted that Hwy Supt Edwards reached out to Erie County and, from his understanding, it is the Town Board decision to put signs up that Erie County can enforce the parking. Town Clerk Schweikert responded that because Trevett Road is a County owned road, for the Town to put up signs in the Right of Way, the Town Board would have to pass a local law; there would be maintenance issues if the signs were installed. The Town would have to follow the Manual on Traffic Control Devices which would have to be passed by local law and once that was approved, the Town would need to submit a permit to Erie County for their approval. The Town would need to supply and maintain signs. Mr. Burke asked if they could put up a couple more signs on their property and Chairman Edbauer thought that would be a better approach at this time. Mr. Burke will put two more signs up on his property. CEO Roberts will not require the Burkes to file for a sign permit for these parking signs. J. Zybert asked about paper Temporary No Parking signs. The biggest problem is that this is a County owned road and the Town can't put up any signs. D. Dains thinks that the Burkes are doing their due diligence. Mr. Burke will try to have the additional signs up by the weekend. The Burkes thanked the Board and left the meeting at 7:42 p.m. along with Kelly Baker and Chuck Stephenson.

ITEM #7: Tom Roberts – Abbott Hill Rd Property

Misha Holzman addressed the Board regarding Abbott Hill Road property that he is under contract to purchase from Bacon. At this Agenda Item, Tom Roberts is discussing as part of a personal project and is not discussing as Town of Concord CEO Roberts. The property is zoned Cluster Housing and he is asking if townhouses could be built on this property. This is around Bridgetop; Phase II of the Bridgetop project. Eric Wiedemann noted that the parcel is zoned R-12 Cluster Housing but the Code doesn't define whether townhouses can or can't be put on the property. They have their original design, a secondary design with the townhomes and there is an additional portion of lands

in the purchase at the top of the page. There would be a total of five townhouses with six units per townhouse plus in the bottom area, the prime location, there would be six single family homes. Maps were passed around for the members to review. M. Cochran asked what would make a difference between a cluster home and a townhouse? Is the definition not the same thing. Chairman Edbauer thinks it is up to legal interpretation and is not sure that the Board can give them an answer tonight. T. Roberts advised that the way the Code is written is that a preliminary plan and fee are submitted to the Town Board and then the Town Board will pass it on to the Planning Board and the Town Engineer. T. Roberts noted that this will be coming back to the Planning Board for their May meeting. Chairman Edbauer asked how big these townhouses would be; T. Roberts said they would be 160 feet long; about 1200-1400 square feet. Six units. T. Roberts showed the members the preliminary plot of Bridgetop of what was originally submitted years ago. Their intent is to provide a more defined map for the Town Board and next month's Planning Board meeting. Chairman Edbauer said that he believes their question is that they want to do townhouses and the prior buildings are single unit pedestal homes. That is the question. T. Roberts is not asking for an answer; just for direction. Does the Board see this as a no go? Or does the Board think they could look into this further? Does the Town want development at Bridgetop Phase II? Chairman Edbauer said, personally, yes. It's tax dollars for the Town. M. Cochran noted that the land is not usable for anything else. T. Roberts stated that it would be 36 new properties being developed and that will develop a tax base. M. Cochran asked if there was any issue with the water? T. Roberts advised that that is an issue to be addressed with Supervisor Drozd. The Kissing Bridge Water District was originally designed to handle this; they do not meet the demand now so they are only running directly off the wells. There is a storage tank in the ground that has not been in operation for over 20 years. An engineer's report will need to be completed either by the Town or if that is their responsibility. This is being discussed with Supervisor Drozd; the Town Engineer has to determine the feasibility of getting those tanks back on line and what the demand is. This will be submitted to Supervisor Drozd next week because he is the head of the Kissing Bridge Water District. Chairman Edbauer believes that it should be the private individual's responsibility to pay for that. M. Cochran noted that it was built that way originally for this project to happen. Chairman Edbauer wondered if it would have to be redone. T. Roberts stated that that is what they need to find out; and whose responsibility it would be to upgrade the plant if it needs to be updated. The Town has been collecting water fees on that property for 30 years for unused water taps. Town Clerk Schweikert advised that water charges collected from the Kissing Bridge Water District parcels go to maintain the water treatment facility; the Town does not have a reserve in that account. Council Member Drake stated that the fees collected cover the operation of the water district. Those homes in the district are the only taxpayers that pay for those costs and repairs. T. Roberts questioned if they were to pay into the fund, so if they were to fix those taps, will they be reimbursed for those expenses if the Town is collecting those fees? That's a question of T. Roberts personally, not as CEO; he feels that maybe a municipal bond may come into play to recoup any repairs of the plant. T. Roberts noted that this will be discussed at future meetings; it was not his intention for this tonight. This is just a feasibility of the Planning Board's view of their proposal on townhouses. Is it a possibility or is it a no go? J. Zybert questioned how many homes were in the

original plan and T. Roberts said that originally it was 300 homes. They are looking at Phase II of the original Bridgetop development and maybe a little bit of Phase III on the side; and there were eight phases.

Phase I is the original Bridgetop (pedestal homes) and Phase II is their proposal. T. Roberts reviewed a location map with the members. Council Member Drake wondered if the Phase II and Phase III parcels are part of the water district. This will need to be determined. Not all of the current Bacon parcels are in the water district. T. Roberts noted that this preliminary discussion; next Thursday, they will submit an initial plan and fee to the Town Board to get started. This is going to take months because he anticipates questions from this board and he also has questions. T. Roberts noted that they will be purchasing all the R-12 which will allow them to build two more townhouses right off of their road. There is a private road for Bridgetop but they would be building a new road around it. Water and gas are right at the end of the road. The private road is at the Town's snowplow turnaround. T. Roberts said their road would be made to meet fire safety aspects. It will be 8-foot driving lanes with shoulders so basically a 20-foot road from the snowplow turnaround.

The members reviewed the Town Code starting at Section 150-153. T. Roberts asked the members if the project had to go to ZBA for any reason, would there be any objections from the Planning Board? Chairman Edbauer noted that T. Roberts can do whatever they want in that regard; you spend the money and roll the dice. An application to the ZBA cannot be made until a building permit is denied and the property has not yet been purchased. The property to be purchased is 9.7 and they are looking to include a couple more feet to make it 10 acres. The townhouses would be 160 feet long by 25 feet wide x 38 feet deep, two stories; this is preliminary. Chairman Edbauer believes it is a possible project from what he sees right now. B. Luno asked if there would be a common area someplace and T. Roberts said yes there would be. That area is very much a park-like setting there because there is a ravine there. Chairman Edbauer asked what the parking arrangement would be at the townhouses. T. Roberts stated that the Code says there needs to be three parking spots within 150 feet. When it is designed, they will make sure to have two parking spots and if there needs to be an auxiliary parking lot within 150 feet, that would be added; that's more into the future site development plan. Council Member Drake asked if the plan was to hook into the Kissing Bridge Sewer and T. Roberts said yes. B. Luno asked if the plant will handle it and T. Roberts said from his understanding yes, from the design of the new plan. That is the next step: to see if that is a feasibility. Council Member Drake asked if the Bridgetop pedestal houses are connected to the sewer line now and T. Roberts said yes and there is line capacity there according to Caleb Henning at MDA Engineers. There is a six-inch line running down the hill with more than enough pitch.

Chairman Edbauer noted that at this time the Planning Board does not have all the particulars. T. Roberts wanted to know if the Board thought this could be a feasible project, or they will pull out of the contract. Chairman Edbauer and M. Cochran think the project may be feasible but nothing is guaranteed until all specifics are received; Chairman Edbauer thinks that based on what information was provided so far, it looks like it could move forward. B. Luno noted that they have the right to move forward so

they want. T. Roberts noted that next time they come to the Planning Board, the members will have a feeling as to what the project is. They will submit their preliminary plan to the Town Board with the fee and then it will come back to the Planning Board and to the Town Engineer. J. Zybert asked if they were looking to rent the units or sell. T. Roberts said sell; they have no intention of being landlords. D. Dains asked about Airbnb's. T. Roberts noted that any homeowner in the Town has the right to do that. This may be something the Planning Board would like to review during the Code Update process. D. Dains said some towns are having push back with Airbnb's. M. Holzman stated that they just want to sell the units.

There were no other questions at this but Chairman Edbauer said that he's sure that the members will have more questions as this progresses. T. Roberts noted that they have a contingent contract for the property based on getting through these first few steps. T. Roberts noted that if anyone wants to do a tour of the property, this could be arranged with him. He has permission to walk the property as long as he advises the current owner.

D. Dains noted that this was something that was put together years ago and he thinks the Town gave them permission to do it at that time. Chairman Edbauer noted that Bridgetop was pedestal single family homes and these are townhouses and single family. T. Roberts noted that if they have to do that and redesign their whole plan for single family detached dwellings, it could be reviewed but it may not be feasible for the investor's numbers. This could be looked at if this is what the Town requires. M. Holzman stated that they would want these units to look really good and blend in the surroundings. T. Roberts reminded the members that Ridgeview is a townhouse community in that area. T. Roberts noted that they would keep the trees and keep the area natural; it would be a park-like setting. E. Wiedemann noted that they prefer not to strip anything that they do not have to strip down; they would only remove whatever is necessary.

T. Roberts thanked the members for their time. E. Wiedemann and M. Holzman left the meeting at 8:12 p.m.

ITEM #4: Comments from Town Board Liaison

Chairman Edbauer noted that we skipped over this Item earlier. Council Member Drake noted that he will do some checking on the KB Water and the Craneridge Sewer too. T. Roberts noted that their first step is to submit the fee and the preliminary plan and let the Town Board determine if it is feasible.

Council Member Drake will also review the Town's Comprehensive Plan regarding the solar project. The Comprehensive Plan is also available on the Town's website if anyone would like to review it.

ITEM #9: Business from the Members

1) CEO Roberts brought the members up to date regarding his two Court cases: Bieber on Trevett Road and Southwest Supply. Since our Town Code states that there is jail time involved, there was not proper time for discovery. Both of these cases were dismissed by the Town Justice because of wording in our current Code regarding the penalty/jail time. Proper discovery proceedings were not done and the cases were dismissed. CEO Roberts will review these matters with Town Atty Attea; start the cases over again following the discovery procedure.

2) CEO Roberts informed the members that there is a squatter living in an abandoned home at Sharp St and Genesee Road. The owner (Daniel Creeley) vacated the home several years ago and the home is on the Erie County In Rem list for this year. CEO Roberts will discuss the matter with Town Atty Attea for procedure.

3) CEO Roberts and Town Clerk Schweikert have been researching the zoning property on South Cascade across from MRC. The new owner will be putting storage units on the parcel. The parcel is zoned R-AG and all parcels surrounding this parcel are Commercial. It appears as though this could have been an error in the zoning years ago and it should be Commercial. If Town Clerk Schweikert cannot find any documentation showing an error, the new owner will have to do a rezone application. This would not be spot zoning; it would just be making all that strip Commercial. CEO Roberts did issue a building permit for the storage buildings so the owner can start the project. CEO Roberts and Town Clerk Schweikert will continue to research this matter.

4) CEO Roberts had an initial call from the purchaser (Bieler) of 5.62 acres of vacant land on Transit Line near the compressor station. Mr. Bieler then called Town Clerk Schweikert to see about a Special Use Permit application for a seasonal cottage home. It may be a similar situation to the matter last month when someone wanted to put up a seasonal cottage with no water, no sewer; but that contract did not proceed. Town Clerk Schweikert is not sure if Mr. Bieler would be putting in water/sewer. Mr. Bieler lives in Tennessee. Chairman Edbauer thought R. Hilliker said that Bieler was going to put a traditional home on the property. If Mr. Bieler does proceed, it will be put on the Agenda. The Town Code says that for a seasonal cottage, a Special Use Permit is required and it would need Town Board approval. M. Cochran wondered what the definition of seasonal cottage; this will need to be researched. Chairman Edbauer thought that R. Hilliker did not want seasonal cottages on any of those properties he was selling. Town Clerk Schweikert noted that Mr. Bieler is also trying to reach out to Empire Energy, who owns the compressor station, to see about upgrading the driveway and use that as an entrance.

5) CEO Roberts reported that he has been in contact with the property owner on Transit Line Road with the abandoned vehicles. The owner will take steps to resolve; CEO Roberts will work with the owner.

6) M. Cochran did a zoom training class on Digital Zoning Code Revolution. It was very interesting but he feels that the Town does not have the talent or the money to do GIS mapping and the different layers; how this could be done in eCode360. This could include water, sewer, electric layering. Town Clerk Schweikert noted that when the Town updated their zoning maps last, Wendel Companies did have similar programs but they were very costly.

7) B. Luno wondered if the members should have an outside meeting to discuss their concerns with the RIC solar project. Chairman Edbauer noted that at this time the members are trying to collect all the information they can on this project for in depth review. This is the first project in the Town so it will set a precedence for any future sites. B. Luno said what bothers him is that if RIC did this Hanover project and is not taking care of it; that project was completed last Fall and this is the first Winter it went through. Chairman Edbauer noted that the neighbor there did not seem to have a problem with it. M. Cochran noted that the trees and hedges around the Hanover site were not required by the Town; this was done voluntarily by RIC. The Hanover project is very similar in size to the project being proposed here.

8) Chairman Edbauer asked Council Members if the members could use their on-site review of the Hanover RIC solar project towards their training credit hours. Five of the seven members were on site for this tour. The members found it very interesting and informative. Council Member Drake will check with Supervisor Drozd and advise.

ITEM #8: Code Update

Chairman Edbauer advised that since it is already late, the members will not work on the Code Update this evening.

ITEM #10: Motion of Adjourn

B. Luno made the motion, seconded by M. Cochran, to adjourn the meeting at approximately 8:37 p.m. All in favor. Carried. The next meeting will be Tuesday, May 7, 2024.

Darlene G. Schweikert
Planning Board Secretary

