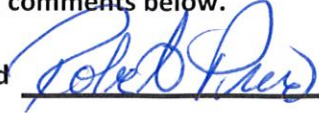


APPROVAL OF MINUTES DATED May 24, 2023

Brigham Rd. Solar Liberty - Tier 3 Utility Scale

Due to minutes of above meeting being mailed to all members of the Planning Board
I the undersigned do hereby approve said minutes as mailed, or disapprove with comments below.

Signed 

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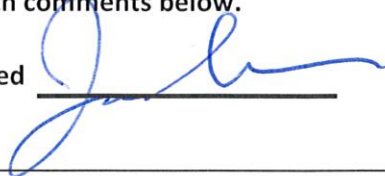
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**TOWN OF DUNKIRK PLANNING BOARD MEETING
SOLAR LIBERTY ON BEHALF OF CHAUTAUQUA COUNTY FAIRGROUNDS
AT TOWN HALL, 4737 WILLOW ROAD
WEDNESDAY, MAY 24, 2023 AT 4:30**

PRESENT: Acting Chairperson Bob Price, Member Paul Bowers, Member Jordan Cooper, and Member Ben Gloss.

ABSENT: Members Carl Brandt and Chairperson Shari Miller.

ALSO PRESENT: Secretary Kyle Coughlin, Matt Pacos, Adam Rizzo, Nathan Rizzo, Carrie Cosentino, Nathaniel Bowers, Paul Foreman, John Dach, Councilwoman Priscilla Penfold, and Thomas Haase.

Chairperson Price opened the meeting at 4:30 p.m. with a pledge to the flag.

Roll call was taken and Chairperson Price began the meeting.

PUBLIC ANNOUNCEMENT & PURPOSE OF THE MEETING:

Chairperson Price stated that the legal notice that was posted on May 17th, 2023. "NOTICE IS HEREBY GIVEN THAT; the Town of Dunkirk Planning Board will meet on Wednesday May 24, 2023 at 4:30 p.m. at the Town Hall, 4737 Willow Road, Town of Dunkirk. The purpose of the meeting is to review the site plans submitted by Solar Liberty on behalf of Chautauqua County Fairgrounds located on Section 96.03; Block 3: Lot 4 and Section 96.03; Block 3; Lot 5 of the Chautauqua County Tax Map. All person's interested shall be heard at said meeting."

PRESENTATION:

Chairperson Price stated that even though Member Bowers and himself had a preliminary meeting with the applicant, they would like them to present their plans.

Nathan Rizzo of Solar Liberty stated that they provided a full package for the Planning Board. He stated that the project would consist of a 5 MW system surrounded by a fence. They followed all of the setback requirements in the Town code. He explained that the system is feeding the lines that run parallel to the property. It's setback quite a bit from the road so there will be minimum visibility from the road side of the project. There are no batteries associated with the project, strictly solar tying into the National Grid lines. The system will be a fixed tilt system, at its highest point it will be 9 feet tall and at the lowest point it will be 3 feet tall. All of the modules will be facing south at a 20-degree angle. He asked if there were any questions.

Chairperson Price reviewed the paperwork with Member Bowers and stated that he knew Member Bowers had concerns at the preliminary meeting regarding the project.

Nathan Rizzo stated that per Mr. Bower's concerns from the last meeting, they reached out to the West Town of Dunkirk Fire Department and have not heard back yet. For a different project they are working on, they received correspondence from the East Town of Dunkirk Fire Department.

Member Cooper asked Member Bower's when they met at the preliminary meeting, did he address access for the fire department.

Member Bowers stated that he did. He was concerned with getting to the back of the property in case of a fire. He stated that he didn't think any changes were made, so that remained a concern of his.

Chairperson Price asked the applicant if they were able to do anything about that.

Nathan Rizzo stated that was why they reached out to the West Town Fire Department. Since no response was received, they made no changes.

REVIEW FROM OUTSIDE AGENCIES:

“RE: MUNICIPAL REFERRAL No. 2023-30

SITE PLAN REVIEW AT 96.03-3-4 & 96.03-3-5, 10653 BRIGHAM ROAD

Dear Chairperson Miller,

This letter is in response to your municipal zoning referral received in full by this office on April 25th, 2023 regarding a site plan to develop a 5MW solar project at Tax Parcel 96.03-3-4 & 96.03-3-5. These parcels are located in the M-1 Zoning District. As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of County Road Brigham Road. I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-1. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of local concern. However, in order to help the Town with its decision, I offer the following informal comments:

1. Loss of Agricultural Land – This proposed project is located on land that is currently within a NYS Agricultural District and is on land considered by the USDA to be either prime farmland or prime if drained. While this department recognizes the need for renewable energy, we also prioritize the preservation of the County's viable farmland and rural landscape. We urge the Town to consider the impacts of this project and future projects on the local agricultural economy, and to discuss ways to mitigate agricultural impacts.

2. Decommissioning Plan – The applicant has prepared and submitted a decommissioning plan for the project. I would also encourage the Town to work with the applicant on an agreement to periodically update the decommissioning costs and surety to ensure that they remain adequate to cover future costs. Chautauqua County's Solar Energy Decommissioning Template (available at <https://planningchautauqua.com/>) recommends reviewing these costs every four (4) years.

3. Visual Impacts – I applaud the applicant for including a Visual Assessment. Solar energy systems can result in adverse visual impacts to nearby properties. Screening and landscape

requirements in local solar laws can help mitigate these visual impacts. The Town may find NYSERDA's Model Solar Energy Local Law a helpful resource for how to address screening and visibility for solar projects. This model law can be found at the following address: <https://www.nyserda.ny.gov/solarguidebook>.

4. Landscape Cover – NYSERDA's Model Solar Energy Local Law recommends that landscape cover under solar energy systems be made up of native perennial plant species that provide foraging habitat for birds and pollinators. I would encourage the Town to clarify with the applicant the type of landscape cover that would be used for the project, and to suggest that it conform to NYSERDA's recommendation (if it does not already).

If you have any questions regarding this matter, please contact our office at (716) 661-8900."

PLANNING BOARD REVIEW- APPLICATION & SUPPORTING MATERIALS:

Chairperson Price had a question regarding the decommissioning plan. He stated that he noticed there was a recyclable value shown on the decommissioning plan. He asked if that value was taken off of the decommissioning value total.

Nathan Rizzo stated that not necessarily. He explained that some municipalities allow for that so they show it under both circumstances. With the recyclable amount being deducted and without.

Member Bowers stated that he was concerned with where the panels would go after they are no longer in use. He further explained his concern with long term recycling availability.

Adam Rizzo of Solar Liberty stated that he reached out to a few electronic recycling companies. One being Sun Kings, they offer options to currently recycle solar panels and he would expect there would be more in the future as the technology grows.

Member Bowers shared his concern that they will sit in a landfill.

Nathan Rizzo stated that the DEC is structuring a recycling program to help prevent that.

Adam Rizzo stated that they can recycle them as of today and they can provide a letter of that if needed.

Chairperson Price stated that letter would be helpful.

Adam Rizzo stated that the decommissioning plan is where the recycling concerns could be addressed. He reminded the board that there are no toxic chemicals and they can be disposed of safely in a landfill; worst case scenario.

PUBLIC COMMENT:

Paul Foreman (10676 Brigham Road, Dunkirk) who lives right next to the proposed project asked about the construction of the access road and where it would be located because there is one there already.

Nathan Rizzo stated that they would just be reworking the road that's there, making it larger.

Paul Foreman stated that the property is built up in the center, he asked if that was where the panels would be located.

Nathan Rizzo stated that was correct. They plan to follow the contours of the site, following the grade.

Paul Foreman then asked if the fence would be chain-link.

Nathan Rizzo said that they proposed either a chain link fence or an agricultural fence.

Chairperson Price said that they preferred the chain link fence.

Paul Foreman stated that he would like to see a tree line put on his side of the project so he would not have to view the proposed project.

Nathan Rizzo stated that on that side there is 150 feet of brush and that will not be removed. They believed that was sufficient but they are open to evaluating the project after 12 months and adding any needed vegetation or screening in efforts to be good neighbors.

Thomas Haase (10598 Brigham Road, Dunkirk) asked if the concerns he shared at the preliminary meeting were addressed.

Adam Rizzo stated that they updated their SEQR document with the other wild life species that they discussed.

Matt Pacos (10611 Brigham Road, Dunkirk – Garage across the street) stated that he was concerned about the angle of the panels and them shining right into his front door.

Nathan Rizzo stated that they could run a glare analysis for the property.

Matt Pacos stated that he wanted them to do that.

Nathan said there is anti-reflective coating on the modules to absorb the sun, there will typically be very little glare, if at all.

Matt Pacos asked what the percentage of absorption was.

Nathan stated that when the sun is shining down on the modules there is no glare. The only time a glare can be seen is at sun up and sun down. This is also the time you are already looking at the sun, so the glare isn't very noticeable.

Matt Pacos shared his concerns with the applicant about what is in the ground in that area.

Nathan Rizzo stated they are aware of the issues on the property and are prepared to address them if they need to.

Member Cooper asked if there were any more questions, in efforts to keep the meeting moving forward.

Nathaniel Bowers (11200 Urban Road, Dunkirk) said he had questions about both the access road and the vegetation. He asked how the fire department will reach the back of the property. He stated that there needs to be a way to get water to that portion that does not involve running 600 feet of hose.

Nathan Rizzo stated that they are still waiting on West Town of Dunkirk Fire Department.

Nathaniel Bowers shared his concern of a fire with the capacitors and different mechanics involved.

Nathan Rizzo stated that there are no batteries/capacitors involved in this project. This project does not have the ability to store any energy, the energy is fed directly into the grid.

Nathaniel Bowers stated he was still concerned with the potential fires and issues the fire department could face.

Member Cooper stated that even though they reached out to West Town, he suggested that they reach out to the East Town of Dunkirk regarding this project as well. They will get an answer faster that way. He stated that he was a volunteer firefighter for East Town of Dunkirk's Fire Department and they would respond as mutual aid in the event of a fire. He agreed that 600 feet of hose is a lot of hose to try to pull.

Member Gloss stated that because they cannot get a truck back there, that will be a problem.

Member Cooper stated that the back portion needs to be reached in the event of an emergency.

Member Gloss stated that another issue will be getting water, all the more reason why there needs to be a way for a tanker truck to reach that back portion.

Chairperson Price asked if there were any other questions from the Planning Board. He felt that they heard all the public comments/concerns and addressed them the best they could. He explained that it's just whether the Planning Board wants to recommend the project to the Town Board as approved, approved with conditions, or disapproved. The Planning Board does not get the final say, they are just an advisory board.

Member Cooper stated his main concern was a turnaround in the rear of the property, other than that he would be ready to move forward with a approval with conditions.

Member Gloss stated that he was concerned with the vegetation. In efforts to be a good neighbor he felt that they should address the vegetation after 12 months and add additional vegetation if it is a nuisance to the neighbors. He also shared road maintenance concerns with the applicant as well.

A Motion to send the project to the Town Board with a recommendation of approval with conditions was made by Member Cooper. The motion was seconded by Chairperson Price.

ROLL CALL VOTE:

Chairperson Price	YAY
Member Cooper	YAY
Member Gloss	YAY
Member Bowers	NAY

RECCOMENDATION TO TOWN BOARD:

The Town of Dunkirk Planning Board has voted to recommend that the Town Board Approve the Site Plan for Solar Liberty’s Tier 3 Utility Scale solar array to be located on 10653 Brigham Road in the Town of Dunkirk, Tax Map Number’s 96.03-3-5 and 96.03-3-4.

There were three stipulations that the Planning Board have for this recommendation. They are as follows:

1. That an access road is constructed to reach the back of the property with the ability for an emergency vehicle, such as a tanker truck to be able to turn around.
2. That within 12 months of completion, the vegetation be reviewed to see if any additional vegetation is necessary
3. That the Two parcels be merged with the Town of Dunkirk Assessor.

ADJOURNMENT:

With no further business for the Planning Board, a motion to adjourn the meeting was made by Member Cooper. The motion was second by member Bowers and carried.

Respectfully submitted,

Kyle Coughlin
Secretary to Planning