

APPROVAL OF MINUTES DATED May 24, 2023

SL Arkwright- Williams Street tier 3 Solar

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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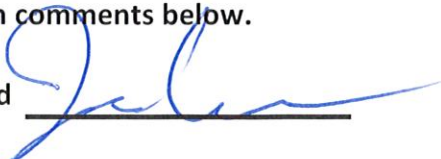
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**TOWN OF DUNKIRK PLANNING BOARD MEETING
SOLAR LIBERTY (SL ARKWRIGHT) ON BEHALF OF JOHN DACH
AT TOWN HALL, 4737 WILLOW ROAD
WEDNESDAY, MAY 24, 2023 AT 5:00**

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, Adam Rizzo, Nathan Rizzo, Carrie Cosentino, Nathaniel Bowers, John Dach, and James Scott Dimmer.

Chairperson Price opened the meeting at 5:24 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 5:00 p.m. at the Town Hall, 4737 Willow Road, Town of Dunkirk. The purpose of the meeting is to review the site plans for a Tier 3 Utility Scale Solar farm submitted by Solar Liberty on behalf of John Dach located on Section 96.01; Block 1; Lot 16, Section 96.01; Block 1; Lot 20, and Section 97.01; Block 1; Lot 15.2 of the Chautauqua County Tax Map. All person’s interested shall be heard at said meeting.”

PRESENTATION:

Adam Rizzo began the presentation on behalf of Solar Liberty. He stated that this project is unique because Mr. Dach’s property has limited uses due to the lack of resources and utilities his property has access to. Mr. Dach tried to sell the property twice and never could for that reason. Adam asked John Dach if he could share a few words about the project.

John Dach the property owner stated that he turned 74 so what he is trying to do is establish something so his family is not burdened 50 acres of land. He stated he tried to sell it, twice. He explained that this is his last chance to do something with the land. Otherwise, the grapes will rot, the posts will fall down, and the wire will remain. To remove the grapes would be a very expensive venture even with the different reimbursable programs out there.

Nathan Rizzo of Solar Liberty stated that they provided all the required information. There would be a chain link fence surrounding the modules. The option of an agricultural fence, if that would be the preferred option. Modules will be mounted at 20 degrees. The system will be roughly a 3.75 MW system. There will be no grading, they plan on following the topography of the land. They did a visual assessment of the property. They plan on planting a tree line on Williams

Street of baby green giant arborvitae, the max out at 14 feet quickly and can go up to 20 feet. There will be 2 transformer pads. They reached out to the East Town Fire Department and they were okay with the plans as presented.

Member Cooper asked about the chain link fence they are proposing, in the legend it mentioned a barbed wire fence.

Nathan Rizzo said that it would be a 7-foot chain link fence, he wasn't sure why there was a discrepancy. One thing he wanted to address was noise. He stated that you would not have any audible noise outside of the projects bounds.

Member Price had a question about the glare and any potential issues with the airport.

Nathan Rizzo stated that they are required to notify the airport of the project and did so.

PLANNING BOARD REVIEW- APPLICATION & SUPPORTING MATERIALS:

Member Gloss asked if the access road stopped after the gate.

Nathan stated that it did.

Member Bowers and Member Gloss discussed the issues that could occur for emergency vehicles trying to reach the property in the event of an emergency.

Member Cooper asked if there would still be access from the road located near Mr. Dach's Barn. He stated that could help with any potential issues.

Chairperson Price asked if members had any SEQR concerns or concerns with the Site Plan Application.

Member Cooper stated in reference to the SEQR application he noticed that Dunkirk Police Department was noted as the police department in that jurisdiction. He stated that was incorrect, it would be the New York State Trooper's and Chautauqua County Sheriff Department. Member Bowers confirmed this.

The applicants stated that they would update this on Page 3 of the document.

Member Bowers shared concerns and questions on how questions were answered on the SEQR document. One that he felt needed to be changed was the 2 different construction times mentioned on the SEQR, he felt that they should match.

Chairperson Price looked at the decommissioning plan, he asked if it was similar to the previous project discussed but just a little less due to the size.

Nathan Rizzo stated that he was correct.

Member Bowers stated that on Page 12 (same as the previous project discussed) did you amend the same issues with the species on the property.

Adam Rizzo stated that they would change that for this project too.

There were concerns going back and forth regarding paperwork. Old V.S. New. The Board needed clarification

Secretary Coughlin gave the Planning Board a run down of what had occurred this far and why there could be discrepancies between what was old paperwork and new paperwork.

The process was as follows:

1. ZBA Meeting #1 – Use Variance hearing. Upon meeting and hearing public concern they adjourned the meeting and chose to meet again in the form of a public workshop.
2. The ZBA held a public workshop where they found discrepancies and paperwork that did not match. They made the applicant submit new paperwork before their next meeting.
3. The ZBA held a 2nd Meeting – Use Variance hearing. They approved with the second set of updated plans.

Any old paperwork needs to be disregarded it is only kept for the history of the file. This project has been in the works for years which is why the board has received multiple sets of plans.

Member Cooper, Bowers, and Gloss shared concern about the need for an access road for emergency personnel.

Emails were reviewed from the Chief of the East Town of Dunkirk Fire Department. After review it was determined that the Fire Department would prefer an access road.

Applicants stated that they would be willing to add the road with a hammerhead turn around at the end of it.

REVIEW FROM OUTSIDE AGENCIES:

“Shari Miller, Planning Board Chair

May 22, 2023

Town of Dunkirk 4737 Willow Road Dunkirk, NY 14048

RE: MUNICIPAL ZONING REFERRAL No. 2023-37 USE VARIANCE AT 97.01-1-16, 97.01-1-20, & 97.01-1-15.2, 3751 WILLIAMS STREET

Dear Chairperson Miller,

This letter is in response to your municipal zoning referral received in full by this office on May 22, 2023 regarding a site plan review for the construction of a 3.75MW solar project at 3751 Williams Street, Tax Parcels 97.01-1-16, 97.01-1-20, & 97.01-1-15.2. These parcels are located in the R2 Zoning District. As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above-noted referral. With regard to General Municipal Law 239-m,

this proposal is subject to a referral to the County since it is within 500 feet of a County 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 county-wide or inter-community impact and that the proposal would be a matter of local concern. However, to assist the Town with its decision, I offer the following informal comments:

1. Loss of Agricultural Land – This proposed project would result in the conversion of approximately 16 acres of agricultural land. This land 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 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 – 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”

PUBLIC COMMENT:

James Scott Dimmer a neighboring property owner submitted a handout to each of the Planning Board Members. He explained what was within the handout. He highlighted the many issues he saw with the project. Within the handout were 3 different sections that went into detail of these issues. He emphasized the importance of the issues he saw with the project.

Nathanial Bowers asked about the tree species that were proposed and if they were native to the area.

Nathan Rizzo stated that local landscapers had suggested that type of tree because of its deer resistance, they were dense, and they grow quickly.

Member Bowers shared his concerns about the possibility of an invasive tree species and his want to minimize any intrusion of a non-native species.

Member Cooper stated that he has the same trees planted in his yard because they were recommended by a local landscaper, he thought they were native and non-intrusive.

The Planning Board concluded their discussion and a motion was made by Member Cooper to move the project forward with a recommendation of approval with 3 stipulations to the Town Board. The motion was seconded by Member Gloss. A roll call vote was taken.

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- John Dach’s (SL Arkwright) Tier 3 Utility Scale solar array to be located on Williams Street in the Town of Dunkirk. Located on the Chautauqua County Tax Map at 96.01-1-16, 96.01-1-20, and 97.01-1-15.2.

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 Three 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 Gloss. The motion was second by Member Bowers and carried.

Respectfully submitted,

Kyle Coughlin
Secretary to Planning