

Town of Arcadia Planning Board Minutes

Date: June 16, 2025

Applicant: Arcadia PV Solar

Address: 3527 & 3569 NYS Route 88 N.

Request: Site Plan Approval

Members Present:

Bob Hutteman  
Warren Weichbrodt  
Mike Greene- Absent  
Chris Jendrick  
John Shipley

Neighbors Present:

Victor Ciaccia- 1241 University Ave, Roch.  
Charlie Hill  
Casey Carpenter- Times of Wayne Cty.

Project Details: At the board meeting, there was a large discussion of the access road on the property. Charlie stated that the driveway has been used for power line and gas companies for years. The board read the comments from MRB and RIC. If they change to an impervious driveway, they would have to change the SWPPP and probably add swales to direct the water but would have to be engineered through their team. There are ways to have an access road without having to use the Geo-Web system.

Motion made by Chris Jenderick, seconded by Warren Weichbrodt to grant this Site Plan approval with conditions of driveway issues being addressed and any other outstanding MRB comments. All present voted AYE.

Submitted by,



Deputy Town Clerk  
Madyson Vacchetto



**TOWN OF ARCADIA TOWN BOARD RESOLUTION  
NY ARCADIA PV, LLC TIER 3 SOLAR PROJECT  
3527-3569 NY-88, NEWARK, NY 14513  
SITE PLAN APPROVAL APPLICATION**

**SITE PLAN APPROVAL RESOLUTION**

**WHEREAS**, the Town of Arcadia Planning Board (hereinafter referred to as Planning Board), is considering Site Plan approval to be provided by the Town of Arcadia Town Board for the construction of the Arcadia PV, LLC solar project (Project), a proposed 4.171-megawatt (MW) alternating current (AC) solar photovoltaic (PV) project located within the Town of Arcadia. The proposed Project will be located on +/- 27.43-acres of 132.6-acres of both parcels (Parcel 68114-00-679160 is 93.15 acres, and Parcel ID 68114-00-644278 is 39.45 acres) as described in the Site Plans dated September 20, 2025, last revised April 28, 2025, and all other relevant information submitted as of May 13, 2025 (the application); and

**WHEREAS**, this Application was forwarded to Wayne County Planning Board for review and comments were received by the Town; and

**WHEREAS**, the Town Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review Act (SEQRA) Regulations; and

**WHEREAS**, the Town Board in compliance with NYS Town Law and SEQRA a determination of significance and a negative declaration was adopted by the Town Board on April 8, 2025; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approve the requested Site Plan Approval with the following Special Use Permit conditions:

1. The Applicant shall obtain a Building Permit within twelve (12) months of obtaining all required approvals (Federal, State, Local, and Utility) or this approval shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved Solar Energy System within twenty-four (24) months of obtaining all required approvals or this approval shall automatically terminate and be deemed null and void and be of no force an effect at law. The Applicant may request extensions, in writing to the Town, if they are not able to meet the timelines outlined in this condition.
2. The Town Engineer review letter dated March 4, 2025, is to be addressed prior to the site plans being signed by the Planning Board Chair. The signed site plan is required prior to issuance of a building permit.
3. Prior to issuance of a building permit the Final Plat Map is to be filed with Wayne County and proof of the filing is to be submitted to the Town of Arcadia Town Clerk's office.
4. Prior to issuance of a building permit the Applicant shall enter into a contract with the Wayne County IDA, on behalf of the Town, for payments in lieu of taxes pursuant to Real Property Tax Law §487 9.(a).
5. Prior to the issuance of a building permit the Applicant is to enter into a Road Use Agreement with the Town that includes terms of use of Town roads, inspection of Town roads before and after construction of the project and establishes a bond value to be secured prior to use of Town roads.
6. Prior to the issuance of a building permit all easements and subdivisions will need to be submitted to the County Clerk's Office and proof of filing is to be submitted to the Town Clerk.



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7. No ground disturbance is to begin until the NYSDEC Acknowledgement letter regarding the Notice of Intent has been received by the Town Code Enforcement Office and added to the Final SWPPP document.
8. The Decommissioning Plan will be updated to reflect as-built conditions and approved financial security as required in Section 411.06 (C)14 of the Town's Solar Law.
9. Prior to obtaining a building permit, the finalization of the written Decommissioning Plan in an acceptable form and content per the Town Engineer and Town Attorney comments.
10. Prior to obtaining a building permit, the Applicant must provide adequate surety in the form of a letter of credit in a form approved by the Town Attorney and the Town Engineer for the removal of the Solar Energy System, with Arcadia as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer based on their review of the Decommissioning Cost Estimate submitted by the Applicant.
11. The Decommissioning Agreement, in a form and content acceptable to the Town Attorney and the Town Engineer is required to be signed by all parties and filed with the Town Clerk's Office prior to issuance of a building permit.
12. Prior to signing the site plans, the Applicant is to provide a decommissioning estimate that identifies all requirements of the decommission, including transportation of waste and recycling materials off site, and the associated values for each requirement. This value is to be increased annually by no less than 3% for the life of the project (35-years) plus 18 months for the process of decommissioning and stabilization.
13. A separate approval by Resolution from the Arcadia Town Board of Decommissioning Plan and Decommissioning Surety shall be secured for the entire value of the at least 35-year Decommissioning Estimate. The decommissioning surety is to extend 18 months beyond the expected life of the project to ensure that the surety remains valid during the permitting, coordination, and decommissioning process. The end-of-life value plus 18 months with the annual escalation is to be the value of the surety from day one prior to issuance of a building permit as outlined in condition 10.
14. Every 5 years after the Applicant's project is approved (or if the surety is renewable less than every five years, then annually) no later than thirty (30) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the system shall provide the Town of Arcadia Code Enforcement Officer & Town Clerk with written confirmation that the required surety is still operable and valid to account for inflation or any other anticipated increase in costs of removal as provided for above.
15. After completion of the project, the Applicant shall provide to the Town of Arcadia Code Enforcement Officer a post-construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
16. A Special Use Permit granted by the Town Board is required prior to signatures being affixed to the site plan.

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17. All consultants' fees for review of the Application (including but not limited to the Town Engineer's and Town Attorney's fees) are to be reimbursed to the Town by the Applicant as a condition of the Special Use Permit for the life of the project. Prior to the issuance of a Building Permit all such consultant fees are to be reimbursed to the date of the building permit submission.
18. Any increase of stormwater drainage from the site to neighboring properties will trigger an automatic review of the Project. If there is evidence that the Project is increasing the runoff of stormwater onto neighboring properties, then the Applicant will have 180 days to provide mitigation solutions that will be reviewed by the Planning Board and the Town Engineer.
19. As the Operation and Maintenance of the site is dependent on the final construction and layout of the Project site and the equipment used, a final Operation and Maintenance Plan outlines all site-specific information, schematics and emergency procedures that stay up to date with the site operations and maintenance needs, as well as maintenance contractor information, Emergency Action Plan, Emergency Shutdown Plan, Fire Response Plan and Guidance, emergency contacts, snow clearing, and other relevant information of maintenance that will be contracted out. This will need to be approved by the Town as complete prior to the Code Enforcement Officer closing the building permit and providing a certification of completion.
20. Maintenance of ground cover vegetation is to not exceed 12 inches of height. Whenever a violation of this condition of approval occurs, any person may initiate a complaint to the Town. The Code Enforcement Officer will accurately record the complaint, file it appropriately, and investigate it. If the complaint is found to be valid, the Code Enforcement Officer will inform the owner of the premises that there is a violation of the condition of approval. The owner will be notified by email from a Town official and by certified mail and by any other means agreed upon by the Town and the person(s) of contact. The violation will have to be 30-days from the date of notice by email to correct the violation. Additional penalties may be assessed per violation. If the violation of this condition is not corrected with that 30-day window, this will be cause for revocation of the Special Use Permit after the applicant is notified in writing of the violations and the Town of Arcadia Town Board holds a hearing on same as provided for herein. This process is to be clearly identified, and a certification of understanding is to be signed by any potential owner of the NY Arcadia PV, LLC project site as a condition of the Special Use Permit.
21. All trees and fencing are to be free from vines and other invasive vegetation. Whenever a violation of this condition of approval occurs, any person may initiate a complaint to the Town. The Code Enforcement Officer will accurately record the complaint, file it appropriately, and investigate it. If the complaint is found to be valid, the Code Enforcement Officer will inform the owner of the premises that there is a violation of the condition of approval. The owner will be notified by certified mail and by any other means



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agreed upon by the Town and the person(s) of contact. The violation will have to be 30-days from the date of notice to correct the violation. Additional penalties may be assessed per violation. If the violation of this condition is not corrected with that 30-day window, this will be cause for revocation of the Special Use Permit after the applicant is notified in writing of the violations and the Town of Arcadia Town Board holds a hearing on same as provided for herein.

22. All contact information for the applicants, developers, and landowners are to be provided to the Town of Arcadia Code Enforcement Officer prior to issuance of a Building Permit.
23. A preconstruction meeting with the Town of Arcadia, once all conditions of approval have been met, is required to be held prior to issuance of any permit.
24. No Battery Energy Storage Systems (BESSs) Units are not part of this application and thus not approved as part of this project.
25. Prior to construction, before a Certificate of Compliance is issued by the Code Enforcement Officer, prior to decommissioning, and after decommissioning of the site, the Owner or System Operator of the solar array project shall engage an independent and competent entity to take soil samples consistent with Cornell University's soil testing guidelines for measuring contaminant levels in a particular area regarding collection, labeling and packaging of representative soils beneath and around solar panels and solar system equipment according to soil sampling locations specified on a plan submitted to the Town for approval. Such soil sampling shall consist of three individual samples per acre of installed solar panel arrays of the same kind and model, to be taken from the ground at a 1-2" depth along the lower drip edge of representative solar arrays across the lot, with an additional three separate individual samples to be taken on the lot at a 1-2" ground depth along the main course of water flow leaving that lot. Such soil samples shall be collected, labeled, packaged and transferred with a chain of custody to an independent laboratory certified by the NY State Department of Health Environmental Laboratory Approval Program for soil analysis, which lab may or may not be the same entity collecting the soil samples.
26. Pre- and post-construction penetrometer testing, according to NYSDEC guidance, shall occur under the observation of the Town and/or their representative's. Results shall be provided to the Town and Town engineer for review. Post-construction penetrometer test results will be compared to pre-construction results to determine the level of decompaction that will need to be performed prior to the pervious access road being installed.
27. The limited use pervious access road will require the GeoWeb System or a specified equivalent for the entire proposed limited use pervious access road. There is only to be details in the site plan for the limited use pervious access road with the GeoWeb System identified and it is to be noted in the detail sheet that the GeoWeb System or a specified equivalent for the entire proposed limited use pervious access road.

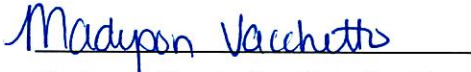
**TOWN OF ARCADIA TOWN BOARD RESOLUTION  
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3527-3569 NY-88, NEWARK, NY 14513  
SITE PLAN APPROVAL APPLICATION**

**SITE PLAN APPROVAL RESOLUTION**

The above Resolution was offered by Christopher Jendrick and seconded by Warren Weichbrodt at a regularly scheduled Arcadia Planning Board meeting held on June 16, 2025 with the above Special Use Permit conditions being met and all MRB comments are addressed. Following discussion, a voice vote was recorded:

Robert Hutteman	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Warren Weichbrodt	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Michael Greene	AYE	NAY	ABSTAIN	<u>ABSENT</u>
Christopher Jendrick	<u>AYE</u>	NAY	ABSTAIN	ABSENT
John Shipley	<u>AYE</u>	NAY	ABSTAIN	ABSENT

I, Madyson Vacchetto, the Planning Board Clerk, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Arcadia Planning Board for the June 16, 2025 meeting.



Madyson Vacchetto, Planning Board Clerk





# Town of Arcadia Planning Board Minutes

Date: June 16, 2025

Applicant: Norbut Solar

Address: Route 88

Request: Extension Request

## Members Present:

Bob Hutteman  
Warren Weichbrodt  
Mike Greene- Absent  
Chris Jendrick  
John Shipley

## Neighbors Present:

Victor Ciaccia- 1241 University Ave, Roch.  
Charlie Hill  
Casey Carpenter- Times of Wayne Cty.

Project Details: Victor from Norbut came to the meeting to request a 1 (one) month site plan approval extension. The board agreed to give Norbut a 3 (three) month extension for the site plan approval. Norbut also came to get their site plan signed.

Motion made by Chris Jendrick, seconded by John Shipley to grant the Site plan approval for a 3 month extension. All present voted AYE.

Submitted by,



Deputy Town Clerk  
Madyson Vacchetto



**RESOLUTION GRANTING A THREE MONTH EXTENSION OF THE SITE PLAN  
APPROVAL FOR THE NORBUT SOLAR FARM, LC PROJECT**

At the meeting of the Town of Arcadia (the “**Town**”) Planning Board (the “**Board**”) held on June 16, 2024, Board member Chris Jendrick moved for adoption of the following resolution, and Board member John Shipley seconded the motion and it was passed by a majority vote of the Board.

**WHEREAS**, Norbut Solar Farm, LLC, on behalf of itself and its affiliates, NSF Arcadia Site 1, LLC; NSF Arcadia Site 2, LLC; and Route 88, LLC (collectively, the “**Applicant**”) applied (the “**Application**”) to the Board for Site Plan Approval under the Town Zoning Law to permit the construction and operation of two (2) separate but related projects each comprised of an approximately 3-5 MW(AC) ground-mounted solar array, for a total project size of approximately 8.29 MW(AC), and associated infrastructure, including equipment and improvements for interconnection to the local utility power grid (collectively, the “**Project**”), primarily on certain undeveloped land located at 694 (2749) State Route 88 North (now or formerly known as Tax Map Number 68113-00-690342) in the Town; and

**WHEREAS**, this Application was forwarded to Wayne County Planning Board for review and comments were received by the Town; and

**WHEREAS**, the Town Board classified the above referenced Project to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review Act (SEQRA) Regulations; and

**WHEREAS**, in compliance with NYS Town Law and SEQRA a determination of significance and a negative declaration was adopted by the Town Board on June 13, 2023; and

**WHEREAS**, the Town Board granted the Applicant a Special Use Permit on July 11, 2023; and

**WHEREAS**, on May 14, 2024, the Town Board granted an extension to the Special Use Permit until July 11, 2025; and

**WHEREAS**, the requested Site Plan Approval was granted by the Board on June 19, 2023 and granted an extension until July 11, 2025; and

**WHEREAS**, as a condition of the Site Plan Approval the applicant is required to obtain a Building Permit within twelve (12) months of obtaining all required approvals; and

**WHEREAS**, as a condition of the Site Plan Approval the applicant may request extensions if they do not meet the timelines outlined in the conditions of Site Plan Approval; and





**WHEREAS**, as set forth in Article 12 Section 12.4((C.)6.) of the Town Zoning Law, Site Plan Approval shall expire one (1) year from the date of approval, unless a building permit for the project is obtained, and where conditions are imposed upon Site Plan Approval, such conditions are satisfied. However, this limitation period may be extended by the Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby grants an extension of the Site Plan Approval until October 11, 2025.

**BE IT FURTHER RESOLVED**, that the Applicant shall therefore have until October 11, 2025 to obtain a Building Permit, and if the Building Permit is obtained by October 11, 2025 then the Site Plan Approval will not expire.

**BE IT FURTHER RESOLVED**, that the Applicant shall therefore have until October 11, 2027 (24 months from October 11, 2025) to complete construction.

**BE IT FURTHER RESOLVED**, that if any term, condition, or provision of this Resolution, or the application thereof, shall, to any extent, be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this Resolution, or the application of such term, condition, or provision, other than those to which it is held invalid or unenforceable, will not be affected thereby, and each remaining term, condition, and provision of this Resolution will continue in full force and effect to the fullest extent permitted by law so long as the Resolution, in its remaining form, realizes the overall intent of its findings, terms, and conditions.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall immediately file a date-stamped copy of this Resolution in the Town records.

[Signature page follows.]





**IN WITNESS WHEREOF**, this Resolution was duly adopted by the Board at its regularly scheduled meeting, the date of which is listed above.

Robert Hutteman Voting Aye  
Warren Weichbrodt Voting Aye  
Michael Greene Voting Absent  
Christopher Jendrick Voting Aye  
John Shipley Voting Aye

Madyson Vacchetto

Madyson Vacchetto, Planning Board Clerk



Town of Arcadia Planning Board Minutes

Date: June 16, 2025

Applicant: Sleight Road NY Solar Farm, LLC

Address: 105 Sleight Rd, Newark NY 14513

Request: Site Plan Approval

Members Present:

Bob Hutteman  
Warren Weichbrodt  
Mike Greene: Absent  
Chris Jendrick  
John Shipley

Neighbors Present:

Victor Ciaccia- 1241 University Ave. Roch.  
Charlie Hill  
Casey Carpenter- Times of Wayne Cty.

Project Details: Representatives from Sleight Road NY Solar Farm, LLC requested for a site plan approval extension for three months, and the board agreed.

Motion made by Chris Jendrick, seconded by Warren Weichbrodt to grant this 3 month Site Plan extension. All present voted Aye.

Submitted by,



Deputy Town Clerk  
Madyson Vacchetto





**RESOLUTION GRANTING A THREE MONTH EXTENSION OF THE SITE PLAN  
APPROVAL FOR THE SLEIGHT ROAD NY SOLAR FARM, LLC COMMUNITY  
SOLAR ENERGY SYSTEM PROJECT**

At a regular meeting of the Planning Board of the Town of Arcadia, Wayne County, New York, held at the Municipal Building in Newark, New York, in said Town, on the 16<sup>th</sup> day of June, 2025 at 7:00 P.M., Prevailing Time.

**PRESENT:** Robert Hutteman, Chairman  
Warren Weichbrodt  
Michael Greene- Absent  
Christopher Jendrick  
John Shipley

The following Resolution was offered by Christopher Jendrick, who moved its adoption, seconded by Warren Weichbrodt, to wit:

**WHEREAS**, Sleight Road NY Solar Farm, LLC (the "Developer") was granted a Site Plan Approval for a community solar energy system project (the "Project") by the Planning Board on the 24<sup>th</sup> day of May, 2022; and

**WHEREAS**, the Developer has advised the Town that it desires to pursue the Project and needs additional time in order to complete construction of the Project and has requested an extension of time for the Site Plan Approval; and

**WHEREAS**, Section 12.4(c)(6) of the Town Zoning Code provides that an applicant may request an extension of the site plan approval from the Planning Board, to be granted at the Planning Board's discretion;

**NOW, THEREFORE**, be it resolved by the Planning Board as follows:

The Site Plan Approval is extended to, and shall expire on, September 28<sup>th</sup>, 2025.

Following discussion, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Robert Hutteman	<b>VOTING</b>	<u>Aye</u>
Warren Weichbrodt	<b>VOTING</b>	<u>Aye</u>
Michael Greene	<b>VOTING</b>	<u>Absent</u>
Christopher Jendrick	<b>VOTING</b>	<u>Aye</u>
John Shipley	<b>VOTING</b>	<u>Aye</u>

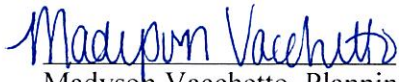
The Resolution was thereupon declared duly adopted on June 16, 2025.





### **CERTIFICATION**

I, the undersigned Clerk of the Planning Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Arcadia Planning Board for the June 16, 2025 meeting.



Madyson Vacchetto, Planning Board Clerk

