

REGULAR ARCADIA TOWN BOARD MEETING
October 8, 2024 – 7:00 PM
Town Hall
201 Frey St.
Newark, NY 14513

Supervisor Piscioti welcomed those in attendance followed by the gathering in the pledge of allegiance.

PRESENT: Supervisor Piscioti
Councilmembers: Greco, VanLaeken
Highway Supt. Kuhlman
CEO DeWolf

ABSENT: Councilmember Diamond
Councilmember Gerbig

MINUTES: Motion made by Councilman Greco, seconded by Councilman VanLaeken to approve the minutes of August 13, 2024 Regular Town Board meeting and the October 2, 2024 Special Town Board Meeting. All voted Aye.

HIGHWAY REPORT: Highway Superintendent Kuhlman read his report.

Highway Superintendent Report
October 8, 2024 Town Board Meeting

The guys are currently working on a ½ mile section of Chapel Street getting it ready for a layer of binder. It is currently a gravel section that is beyond where we normally plow in the winter; but there is a house being built on this section so we will have to extend what we plow. Gravel roads can be a nightmare for maintenance in the winter with the freeze and thaw conditions that we currently have in our area. Paving it is costly but saves a lot of aggravation in the future. This will be the last minor road work project for this year because it is getting late in the season and my construction budget is about spent!

We also have run all our sanders through the shop. They have been checked over and are ready to go when the time comes.

Thank you

Thomas Kuhlman Highway Superintendent

CODE ENFORCEMENT REPORT: CEO DeWolf read his report.

| Town of Arcadia Code Enforcement Monthly Report For: | September |
|--|-----------|
| Total Permits Issued for the Month | 7 |
| Total Cost of Permits | \$ 488.00 |
| Inspections Done for the Month | 15 |
| Total C of C's Issued for the Month | 3 |
| Total C of O's Issued for the Month | 0 |
| Total Variances Processed for the Month | 1 |
| Total Complaints Received | 2 |
| Total of Violation Letters Sent | 1 |
| Total of Violations Resolved | 0 |
| Total of Appearance Tickets Issued | 0 |

COMMUNICATIONS: Supervisor Piscioti stated the Village of Newark became an Empire State Trail Town. NYS Parks and Trails suggested Newark could use more bicycle racks and asked if the Town would like to purchase a bike rack for the 201 Frey St. location.

Motion made by Councilman Greco, seconded by Councilman VanLaeken to table this until they can look into it further before making a decision.

All voted Aye.

PUBLIC HEARING:

NY Arcadia Solar I, LLC

7:10 PM Moved by Councilman Greco, seconded by Councilman VanLaeken to close the regular scheduled meeting and open to a Public Hearing for NY Arcadia Solar I, LLC (6985 Old Lyons Rd.) request for Special Use Permit.

All voted aye.

Moved by Councilman Greco, seconded by Councilman VanLaeken to waive the reading of the legal notice.

All voted Aye.

Supervisor Piscioti asked the public for comments.

Representatives from Delaware River; Matt, Brian, and Don spoke about the project. Listing some of the benefits of the project. NYSEG customers could apply for a credit benefit. 2.2 Mega Watt could power 300-400 homes. There is no battery storage for this project.

Supervisor Piscioti read a letter from Catherine McCarthy who had several questions she wanted answered and NY Arcadia (Delaware River) Representative answered.

1. How many other solar farm projects does NY Arcadia have completed or underway in the region? What challenges did NY Arcadia face and how did they overcome?

Answer: They have grid drawbacks “utility grid” and wetland issues. They work with NYSEG and go from town to town to find the best possible spots.

2. What is the proposed size and project schedule? Answer: Depends on the Special Use Permit as to when it would start. It takes 4-6 months to build.
3. How will the land be altered to install the solar farm infrastructure and what is the impact to neighboring properties? Answer: Very small changes to topography. They will be using the fields the way they are. There will be minimal tree clearing and grading. Top soil will be spread

- back with pollinating seeds mixed in it. There post are made of galvanized steel and there would be a concrete pad for the inverter.
4. Where is the location of interconnect with the grid? Answer: On the Access rd. – Sleight Rd. Substation.
 5. If approved, who will own the land and who will own the solar farm infrastructure? Answer: John Ramph is the owner of the land and would have a lease for the Solar Project. NY Arcadia I, LLC is the owner of the project and will hold the permits.
 6. How will the land and solar farm infrastructure be maintained? Answer: The land would be maintained quarterly. Mowing, plowing, etc.
 7. For other similar projects, how were the neighboring properties impacted post –development? Answer: Neighbors were not negatively affected. Solar Farms are quiet. There is not a lot of traffic. When screened properly it isn't visible. There is very limited impact to land.

There were several other questions from neighbors about how close to their property is the project. These questions were answered by the Representatives of NY Arcadia I, LLC and Delaware River.

Other concerns from Residents were about decommissioning of the project; what happens to the panels. Per the Representatives the panels are taken to a plant that specialize in the recycling of panels. The land will go back to agricultural. A decommissioning plan has been given to the Town.

7:36 PM Moved by Councilman Greco, seconded by Councilman VanLaeken to leave the Public Hearing for NY Arcadia Solar I, LLC (6985 Old Lyons Rd.) open for the November 12, 2024 Town Board Meeting. This will be tabled for further review by Town Attorney, Town Engineers, and Arcadia Town Board.
All voted Aye.

Active Solar

7:36 PM Moved by Councilman Greco, seconded by Councilman VanLaeken to open the Public Hearing for Active Solar, 5647 Stuart St. request for Waiver from prime soil requirement.

All voted Aye.

Moved by Councilman Greco, seconded by Councilman VanLaeken to waive the reading of the legal notice.

All voted Aye.

Supervisor Piscioti asked the public for comments.

Hearing none, Supervisor Piscioti asked for a motion to close the Public Hearing.

Arcadia PV, LLC

7:38PM Moved by Councilman Greco, seconded by Councilman VanLaeken to close the Public Hearing for Active Solar Waiver Petition and open to the Public Hearing for Arcadia PV, LLC's 3527 Rt. 88 N Wavier requests.

All voted Aye.

Moved by Councilman Greco, seconded by Councilman VanLaeken to waive the Reading of the legal notice.

All voted Aye.

Supervisor Piscioti read a statement submitted by Gary Wells.

Attn: Town of Arcadia – Concerning Proposed Solar Farm at 3527 Route 88 North

The town has established code requirements on record. I find it difficult to make waivers, not only once but 3 times. If approved, it sets a precedence for future solar farms. If you deny them, you could open up a law suit against the town as a result of those requests.

I'm assuming prime farm land has been set aside to meet the new code. The best farm land is located at the site of the solar farm on this property.

Remember nothing can be done with this farm land after the life of the solar farm ends. Every generation is obligated to faithfully steward that which has been preserved by prior generations and to continue in that commitment of preservation until they pass it to the next generation for their ongoing stewardship. Our children and grandchildren will need more prime farmland in the future – Are these companies going to be around to remove the solar farms in 30 years? Most likely they will not. And, even more concerning, the soil will be contaminated in the area of these farms. If the point of constructing more solar farms is to produce renewable energy sources in an effort to "save the planet", why are so many willing to overlook the irrefutable damage being caused to the environment, by these renewable energy projects, under the guise of "saving" it? Perhaps the motivation for promulgating fear of the imminent destruction of

what is arguably a very resilient planet isn't driven so much by love of the earth but by the love of money.

I strongly oppose approval of this waiver.

Gary N. Wells
Maple Ridge Fruit Farm, LLC

Supervisor Piscioti asked the public for comments.

Deb Lockner stated she had the same concerns as Gary Wells and wanted to know how many Solar Farms are we going to allow. Councilman Greco stated there are 11,000 acres of prime farmland in Arcadia and only 2.1% of that is being used for Solar.

Jeremy Kaufman a Representative from RIC Solar (Arcadia PV, LLC) and Charlie Hill gave a description of the Solar Project. This would consist of 2 parcels. It is out of sight because of the woods. The waiver they are requesting is for a 50ft. side fence line setback, minimum lot size of 40 acres, and to allow electric lines to be placed over wetlands until the hilltop then they would be underground. Jeremy also stated that NY Power Authority has power lines right next to it that aren't pretty.

Deb Lockner asked Jeremy, as a developer why can't solar go on top of places like hospitals or schools. Jeremy answered this is mainly because that solar would only be supplied for that building and not to support hundreds of houses as a community benefit.

Town Attorney David Saracino stated that they and the Town Engineers are still reviewing this Solar Project.

7:54 PM Moved by Councilman Greco, seconded by Councilman VanLaeken to leave open the Public Hearing for Arcadia PV, LLC's Waiver Requests open until November 12, 2024 Town Board Meeting and open back up to the Regular Town Board Meeting.
All voted Aye.

The Arcadia PV, LLC Waiver Request will be tabled for further review by Town Attorney, Town Engineers, and Arcadia Town Board.

Representatives from Active Solar asked if they could speak about their project on Stuart St. They gave a brief overview of the project and why they are asking for a waiver. They need 27 acres to get to the 44% which is only 10% of the current farmland. This is a more economical option to the property owner. Once this project is in service they would be there

every 3 months to mow or plow. Supervisor Piscioti stated this project is still in the pending stage.

Moved by Councilman Gerbig, seconded by Councilman VanLaeken to approve Active Solar Development, LLC (5647 Stuart St.) request for a waiver of the requirement identified in the Solar Local Law 2 of 2024 identifying the maxim Prime Soil and or Soil of Statewide Importance that the solar project may occupy is 25% of the entire lot and allow proposed solar energy system to use 26.9 acres, or 45.7% of the prime soils and soils of statewide importance

Roll Call:

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|----------------------|--------|
| Councilman VanLaeken | Aye |
| Councilman Greco | Aye |
| Councilman Gerbig | Absent |
| Councilman Diamond | Absent |
| Supervisor Piscioti | Aye |

UNFINISHED BUSINESS:

N/A

NEW BUSINESS:

American Legion, August Maurer Post 286 Liquor License Class Change:

Motion made by Councilman Greco, seconded by Councilman Gerbig to Approve American Legion, August Maurer Post 286's request to apply for a Regular Tavern License instead of the Club License to the NYS Liquor Authority.

All voted Aye.

MRB Field Surveys for SW Quadrant Water: Motion made by Councilman Greco, seconded by Councilman VanLaeken to approve the quote from Kocher Surveying to complete the survey and mapping for \$32,800.00 for the SW Quadrant Water Benefit Area No. 3.

Roll Call:

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|----------------------|--------|
| Councilman VanLaeken | Aye |
| Councilman Greco | Aye |
| Councilman Gerbig | Absent |
| Councilman Diamond | Absent |
| Supervisor Piscioti | Aye |

Motion made by Councilman Greco, seconded by Councilman VanLaeken to approve the quote from Diehlux for \$14,850.00 (depending on the field investigation) to complete wetland delineation and associated environmental review for the SW Quadrant Water Benefit Area No. 3.

Roll Call:

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|----------------------|--------|
| Councilman VanLaeken | Aye |
| Councilman Greco | Aye |
| Councilman Gerbig | Absent |
| Councilman Diamond | Absent |
| Supervisor Piscioti | Aye |

Public Informational Meeting for SW Quadrant Water:

MRB has recommended waiting on a public informational meeting until the Town has applied for and receives a funding offer from Rural Development.

Norbut Solar – Pilot Agreements and Certificate of Approval:

Representative from Norbut Solar Farm spoke regarding the Pilot Agreement and Certificate of Approval that was submitted. Supervisor Piscioti stated this is still subject to Town Attorney review.

2025 Budget – Schedule Public Hearing: Motion mad by Councilman Greco, seconded by Councilman VanLaeken to schedule a Public Hearing for the 2025 Budget for October 30, 2024 at 4:00 PM at the Arcadia Town Hall.

All voted Aye.

SEQR-Designation Lead Agency: Motion made by Councilman VanLaeken, seconded by Councilman Greco designating itself the Lead Agency for NY Arcadia I, LLC Tier 3 Solar Project 6985 Old Lyons Rd. (Tax Parcel ID: 69111-00-556809 and 69111-00-627865)

All voted Aye.

PUBLIC COMMENTS:

Robert Szezerba asked if anyone has ever asked any solar companies if they have actually decommissioned a project and how it went and what it looked like after it was done. The Town Board has not asked that question and felt it was a great question and should be looked into.

Sue DeJohn asked how things were coming with Snake Rd. water. Supervisor Piscioti said Engineering is still finishing up its report and couldn't make any promises as to when it might be ready.

Timothy Wood from NAVA said things were going well. They are trying to get a Public Safety Grant for radio upgrades. Supervisor Piscioti said to be cautious because she believes the County is sending out surveys for this. Didn't want them to spend any unnecessary funds.

Deb Lockner asked why the Solar Projects have to have a PILOT. (payment in lieu of taxes) David Saracino, Town Attorney explained this is a State Statue and why it is beneficial to the Town.

Rodney Graybill asked the Town Board about the Sleight Rd. Solar. He was told they did not get their financing and if the Town had heard anything about this. Supervisor Piscioti said the Town has heard nothing in regards to this and CEO DeWolf also said they have had all their extensions for their SUP Permit approved.

REPORTS OF TOWN OFFICIALS:

All Town Reports

Moved by Councilperson Greco, seconded by Councilperson VanLaeken to accept the following reports: Town Clerk, Code Officer, Assessor, Supervisor and Highway reports.

Roll Call:

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| Councilman VanLaeken | Aye |
| Councilman Greco | Aye |

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| Councilman Gerbig | Absent |
| Councilman Diamond | Absent |
| Supervisor Piscioti | Aye |

AUDIT/PAYMENT OF BILLS APPROVED BY THE TOWN BOARD:

| | | |
|---------|----------|--------------|
| General | #346-369 | \$35,574.76 |
| Highway | #208-245 | \$252,280.50 |

Moved by Councilman Greco, seconded by Councilman VanLaeken to authorize payment of the General and Highway bills.

Roll Call:

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|----------------------|--------|
| Councilman VanLaeken | Aye |
| Councilman Greco | Aye |
| Councilman Gerbig | Absent |
| Councilman Diamond | Absent |
| Supervisor Piscioti | Aye |

ADJOURNMENT:

8:40 PM Moved by Councilman Greco, seconded by Councilman VanLaeken to adjourn the Town Board meeting.
All Voted Aye

Respectfully Submitted,
Terresa Vastbinder
Town Clerk

**TOWN OF ARCADIA TOWN BOARD RESOLUTION
 NY ARCADIA I, LLC TIER 3 SOLAR PROJECT
 6985 AND 69111 OLD LYONS ROAD
 SPECIAL USE PERMIT AND SITE PLAN APPLICATION**

SEQR - DESIGNATING LEAD AGENCY

WHEREAS, the Town of Arcadia Town Board (hereinafter referred to as Arcadia Town Board), is considering Special Use Permit approval with Site Plan approval to be provided by the Town of Arcadia Town Board for the construction of two ±2.2 megawatt (MW) alternating current (AC) solar photovoltaic facility (NY Arcadia I, LLC) on approximately a combined ±11.6-acres of a combined ±56.0-acre parcel, located at 6985 Old Lyons Road and 69111 Old Lyons Road (tax parcel ID: 69111-00-556809 and 69111-00-627865) in the Town of Arcadia, Wayne County, New York, and as described in the Site Plans dated June 24, 2024, last revised July 17, 2024 and all other relevant information submitted as of October 8, 2024 (the application); and

WHEREAS, the Town Board has determined the proposed action referenced above to be a Type 1 Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has on Tuesday, August 13, 2024, declared its intent to be designated the Lead Agency for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to ensure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as the lead agency for the Action identified above herein;

The above Resolution was offered by Councilman VanLaeken and seconded by Councilman Greco at a regularly scheduled Arcadia Town Board meeting held on October 8, 2024. Following discussion, a voice vote was recorded:

| | | | | |
|---------------------------|------------|-----|---------|---------------|
| Richard VanLaeken | <u>AYE</u> | NAY | ABSTAIN | ABSENT |
| David Greco | <u>AYE</u> | NAY | ABSTAIN | ABSENT |
| Joseph Gerbig | AYE | NAY | ABSTAIN | <u>ABSENT</u> |
| Michael Diamond | AYE | NAY | ABSTAIN | <u>ABSENT</u> |
| Dawn Piscioti, Supervisor | <u>AYE</u> | NAY | ABSTAIN | ABSENT |

I, Teresa Vastbinder, the Town Clerk, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Arcadia Town Board for the October 8, 2024, meeting.

Teresa Vastbinder
 Teresa Vastbinder, Town Clerk