

**Town of Arcadia Public Hearing for
Community Solar Project**

January 26, 2023

4:00 PM

Supervisor VanLaeken opened the Public Hearing with the Pledge of Allegiance.

Present: Richard VanLaeken, Supervisor
 David Greco, Councilman
 Dawn Piscioti, Councilwoman
 Joseph Gerbig, Councilman

Absent: Michael Diamond, Councilman

Motion by Councilman Greco, Second by Councilwoman Piscioti to waive the reading of the legal notice as published.

Supervisor VanLaeken asked for comments and questions.

Hearing none, Supervisor VanLaeken closed the Public Hearing and Open to a Special Meeting.

4:10 PM Moved by Councilman Gerbig, Second by Councilman Greco to close the Public Hearing and Open to a Special Meeting.

Moved by Councilwoman Piscioti, Second by Councilman Greco to adopt the Special use permit resolution for the Community Solar Project. (Complete Resolution Attached)

Roll Call:

Supervisor VanLaeken	Aye
Councilman Greco	Aye
Councilwoman Piscioti	Aye
Councilman Gerbig	Aye
Councilman Diamond	Absent

**AMENDED AND RESTATED
RESOLUTION**

Community Solar Project

At a special meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Town Hall at No. 201 Frey Street in the Village of Newark, Wayne County, New York, in said Town, on the 26th day of January 2023 at 4:00 P.M., Prevailing Time.

PRESENT: Richard D. VanLaeken, Supervisor
David Greco, Councilman
Dawn L. Piscioti, Councilwoman
Joseph W. Gerbig, Councilman

ABSENT: Michael J. Diamond, Councilman

The following Resolution was offered by Councilwoman Piscioti, who moved its adoption, seconded by Councilman Greco, to wit:

WHEREAS, Bull Rock Corp. (the "Developer") previously filed an application for a Special Use Permit with the Arcadia Town Board for the construction and development of a proposed Community Solar Project (the "Project"), which application was approved on June 8, 2021;

WHEREAS, the Developer also previously filed with the Arcadia Town Planning Board an application for Site Plan Review of the proposed Community Solar Project to be constructed and developed at the former Municipal Landfill Site on NYS Route 88 North in the Town of Arcadia, which application was approved on April 19, 2021; and

WHEREAS, the Developer inadvertently allowed the above-referenced Special Use Permit to expire without extension or renewal on June 9, 2022, and allowed the above-referenced site plan to expire without extension or renewal on June 9, 2022, but the Developer desires to continue pursuing the Project and has submitted a new application for a Special Use Permit which is substantively identical to the Special Use Permit application which was ultimately approved by the Town Board on June 9, 2021; and

WHEREAS, the Developer has also re-filed an application for site plan review with the Planning Board which, upon information and belief is substantively identical to the site plan which was approved by the Planning Board on April 19, 2021: and

WHEREAS, at the request of the Arcadia Town Board, the Town Planning Board has reviewed the newly filed Site Plan submitted by the Developer and has duly considered all impacts which may be expected from the proposed Project, and said Town Planning Board has duly completed the environmental review of the Project in accordance with the applicable SEQRA Regulations; and

WHEREAS, said Town Planning Board has conditionally recommended that the Arcadia Town Board grant a Special Use Permit to the Developer to construct and develop the Community Solar Project and related solar facilities, in accordance with the Plans submitted; and

WHEREAS, a Public Hearing was duly held by the Arcadia Town Board on January 26, 2023 after due publication and posting of notice.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Arcadia, Wayne County, New York, as follows:

Section 1. A Special Use Permit is hereby granted to Bull Rock Corp. (Developer), to construct and develop a Community Solar Project and related solar facilities at the former Municipal Landfill Site on NYS Route 88 North, all in accordance with the final Site Plan approved by the Arcadia Town Planning Board, and **SUBJECT TO** the following conditions and restrictions:

1. The Developer shall comply with all Site Plan requirements imposed upon the Development by the Town Planning Board Site Plan review process, including the construction and development of all improvements depicted on the Final Development Plans on file with the Town.
2. No building or site development permits shall be issued by the Town until such time as the Developer complies with all modifications and recommendations requested by the Town Engineer (MRB Group).
3. No building or site development permits shall be issued by the Town until such time as the Developer has executed a Site System Lease Agreement for the Town-owned land, which lease agreement shall be acceptable as to form and content by Town Counsel.
4. No building or site development permits shall be issued by the Town until such time as the Developer has entered into a written PILOT Agreement with Wayne County IDA which is acceptable as to form and content by the County of Wayne, the Newark Central School District and the Town.
5. No building or site development permits shall be issued by the Town until such time as the Developer has submitted a Decommissioning Plan, in form and content acceptable to the Town Engineer, Town Board and Town Counsel.
6. No building or site development permits shall be issued by the Town until such time as the Developer has submitted a Decommissioning Cost Estimate and Decommissioning Bond or other security acceptable to the Town Engineer, Town Board and Town Counsel.

Section 2. A copy of this Resolution shall be delivered by the Code Enforcement Officer to the Developer and to the Wayne County Planning Board.

The question of the adoption of the foregoing **Special Use Permit Resolution** was duly put to a vote on roll call, which resulted as follows:

Richard D. VanLaeken	VOTING	<u>Aye</u>
David Greco	VOTING	<u>Aye</u>
Dawn L. Piscioti	VOTING	<u>Aye</u>
Joseph Gerbig	VOTING	<u>Aye</u>
Michael J. Diamond	ABSENT	

The Resolution was thereupon declared duly adopted on January 26, 2023.