

**TOWN OF KENDALL  
PLANNING BOARD  
MEETING MINUTES**

**Tuesday, November 24, 2020 at 7:00 p.m.**

<b>ATTENDANCE:</b>	Chair. Andrew Kludt	- present
	Jeff Conte	- present
	Phill D'Agostino	- present
	Steven Catone	- absent
	Patty Pfister	- present

Also present: Brian Harper, Next Era, and their Engineer (via phone call) Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

Chairman Kludt called the meeting to order at 7:02 p.m.

**SEXUAL HARASSMENT TRAINING:**

All board members present watched the video regarding sexual harassment in the workplace.

**APPROVAL OF MINUTES:**

Minutes from the October 27, 2020 meeting submitted by Recording Secretary Bakutis were reviewed. Jeff Conte moved to accept the minutes as amended, seconded by Patty Pfister. All in favor.

**REVIEW AND DISCUSSION OF MEMORANDUM OF DECOMMISSIONING PLAN AND THE KENDALL SOLAR AND ENGERGY STORAGE PROJECT:**

The Town of Kendall engineers recommended that the Planning Board accept the application as completed. This board has not received the completed application, LaBella's sent Andrew a message saying they have a completed application and they sent one to the PB which they have not received. There are two issues that the Town Board would like the Planning Board's view on, the first is the decommissioning insurance bond and the second the removal of trees, brush, poles, etc. on the project site.

**SOLAR PROJECT UPDATE:**

Brian gave a brief overview of where they are with the two projects: They individually submitted the two projects in November of last year, both projects with battery storage on them, one off W. Kendall Road and the other off Center Road. They received feedback from the town regarding the D.E.C. and finally received the sign off from them this year on W. Kendall Road they received an email from the D.E.C. regarding the Orleans project (Center Rd.) but they are still waiting for the letter. Right now, there moving forward with the W. Kendall Road project, they are taking battery storage off both projects. The energy storage tanks are no longer on the sites. For the W. Kendall Road project, they had the access road coming in from

the north, off the old railroad easement, they changed that to be coming off W. Kendall Road to the center of the project eastward and going up northern side of the project. Brian told the board they spent a few days with Cathy Spencer and folks at LeBells's and they reviewed the decommissioning plans, site plan and there is a SWPP now and they seem to be in a good position.

- A.K. - Asked why isn't there going to be battery storage at the projects now? Brian replied saying it was not economical to keep the batteries on location.
- A.K. – Noticed from the plans that the driveway was coming directly off W. Kendall Road now, is that going to be going through the middle of the field to the west of the solar panels, and the solar panels will still be in the same location all the way to the back of the fields and there will be no access out to the old railroad tracks? Brian replied yes to all. He also said they're going to keep the twenty foot wide road because they would not be able to use the existing road that was there with it being approximately twelve feet wide at its largest point. There are wetlands on each side of it so it would have been an environmental issue to go to the Army Corp and get permission to extend the road, it was just easier to bring off W. Kendall Road.

The engineer of the solar project said they sent the SWPPP in early October and they had some comments that needed a response, the plans are not at a level where they are close to final, there are a few minor issues that need working through, nothing he is concerned about. It will be required prior the final D.E.C. approval.

Chairman Kludt asked Brian that it appears they want to put up the forward estimate of the decommissioning cost up now for bond instead of putting a lesser amount with an inflation adjusted increase. Brian said yes, instead of having to review and go through every year or every five years they just add the 2% escalator to the price thirty years out and just get the bond up front then, its easier from their perspective for them and the town.

LaBella's have not approved the final SWPPP yet, Brian believes that will happen around the same time the permit is issued.

LaBella's sent a decommissioning plan:

- Decommissioning of insurance bond.
- Expected life expectancy – warranted for 25-years with two 5-year extenders.
- Removal of ALL above and below ground equipment, our code reads all above ground and below ground equipment and structures must be removed from the site, the solar plan reads anything below 3-feet deep underground can be abandoned in place. Brian said that it will be revised to read all equipment and material above and underground will be removed from the project.
- Landscaping and swells would be left if the landowner and the Town of Kendall agrees.
- Andrew requested an updated, completed packet including more detail.
- Phil D'Agostino's concern is what are the chances that this company/developer is not going to go bankrupt in ten years or sell the site to a developer. Brian said that is when

the town would call the decommissioning bond and they would come take the panels and leave the site in good condition.

Brian asked the Town of Kendall's perspective on what the next steps are, Andrew told him if we could get the completed finalized packet together with all the actual pertinent information then we could review it and agree with what LaBella's was saying, when they feel it is a completed application then we could schedule a public hearing and schedule the County Planning Board meeting and go from there, we'll have the public hearings and we can make a decision on it. Andrew informed Brian if we can get the completed packet within the next two weeks, he will double check on dates for a public hearing. Brian told the board he will try to get the completed packet out by next week. The county will not approve anything without the SWPP, Andrew will check to see if the CPB will accept the preliminary or if they need the actual finalized one. He will also have to check on the dates due to the holidays. There was also discussion on these subjects:

- Exits and entrances within the fence perimeter, there will be two gates, only one will go to the public road and it is a drivable lane.
- There will be a lockbox the fire department will have access to at the main gate to and training will be provided.
- Energy storage will be removed from the site plan, there will not be any on site.

**TOWN BOARD UPDATE:**

Chairman Kludt told the board that the Town Board would like their input on abandoned property and to give them their definition of what could be considered as abandoned property.

**CODE ENFORCEMENT UPDATE:**

CEO Hennekey told the board Karl Driesel would like to add a lean-to off the north side of the new barn. He will need a variance and it will go before the Zoning Board of Appeals.

**ADJOURNMENT:**

Phil D'Agostino made a motion to adjourn, seconded by Steve Catone. Meeting adjourned at 8:49 p.m.

**NEXT MEETING:**

Tuesday, December 22, 2020 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis  
Recording Secretary