

Planning Board
5 Route 31, P.O. Box 568
Jordan, NY 13080



Town of Elbridge
County of Onondaga
State of New York

**Town of Elbridge Planning Board
December 12, 2023
Minutes**

Members Present: Co-Chairman John Stevenson; Members: Steve Walburger, Tim Sullivan, Wendie Smith, and Sec/Alt Member Holly Austin

Members Absent: Chairman Marc Macro

Staff Present: Joe Frateschi, Esq., Howard Tanner

Others Present: Doug Blumer, Erin Enright, Nathan Cobb, Joe Tomi

Public Hearing

Subdivision

Applicant: Joe Tomi
Property Address: Route 5
Tax Id: 040.-04-06.0

Opposed: None.

In Favor: Joe Tomi spoke and just said he thinks it's a great idea for the Town.

Public hearing closed.

Old Business:

Subdivision:

Applicant: Joe Tomi
Property Address: Route 5
Tax Id: 040.-04-06.0

The Planning Board had had a question about a line on the plans, and the applicant notes that it was removed to resolve the issue, and a new drawing was submitted. No Planning Board members had any further questions.

SEQRA review:

Motion to designate the Planning Board as lead agency made by Steve Walburger and seconded by John Stevenson and all voted in favor.

Each question on Part 2 was reviewed individually and the answer to each was deemed to be “no” or “small impact.”

A motion to declare there is no significant impact was made by Tim Sullivan and seconded by Wendie Smith, and all voted in favor.

A motion to approve the subdivision as submitted on the map by Warren Ramie Surveying dated 8/2 was made by Wendie Smith and seconded by John Stevenson, and all voted in favor.

Special Permit/Site Plan Review

Applicant: Norbut Farms Community Solar
Property Address: Wheeler Road (O’Connell Farms)
Tax Id. 040.-07-05.1

The applicant noted that nothing has changed since the plans were last submitted. John Stevenson clarified that the PILOT agreement will be a condition of approval if the board votes to approve the project tonight.

The cut sheet regarding the batteries was submitted by the applicant and is being reviewed by the fire department. The batteries have a refrigerant in them and they are a closed loop system. Fire Department approval will be a condition of approval tonight.

Counsel read the Resolution attached hereto.

Steve Walburger made a motion to approve the Resolution as presented, and Tim Sullivan seconded the motion. All present voted in favor.

Minutes November 14, 2023

Motion to approve November meeting minutes by Steve Walburger, Tim Sullivan seconded, all voted in favor.

Steve Walburger moved to adjourn, Tim Sullivan seconded, all voted in favor. Meeting adjourned at 7:26 pm

**RESOLUTION NO. ____ OF THE
TOWN OF ELBRIDGE PLANNING BOARD**

RESOLUTION FOR SITE PLAN AND SPECIAL PERMIT APPROVAL

At the meeting of the Town of Elbridge (the “**Town**”) Planning Board (the “**Board**”) held on December 12th, 2023, Board member Steve Walburger moved for adoption of the following resolution, and Board member Tim Sullivan 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 Elbridge Site 1, LLC; and Wheeler Road, LLC (collectively, the “**Applicant**”) has applied (the “**Application**”) to the Town for Site Plan Approval, Special Use Permit Approval and Area Variance Approval under the Town Zoning Code to permit the construction and operation of a single project with a total project size of approximately 5 MW(AC) ground-mounted solar array, for a total project size of approximately 5 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 00 Wheeler Road (now or formerly known as Tax Map Number 040.-07-05.1) in the Town;

WHEREAS, the Project constitutes a Type I Action under the New York State Environmental Quality Review Act, as set forth in Article 8 of the New York State Environmental Conservation Law and its implementing regulations as set forth at 6 NYCRR Part 617 (collectively, “**SEQRA**”), thus requiring a coordinated review, and the Board declared its intent to act as Lead Agency on October 10th, 2023;

WHEREAS, the Board referred the Project to the Onondaga County Planning Board for its review pursuant to New York State General Municipal Law Section 239-m;

WHEREAS, the Board held a public hearing on November 14th, 2023 to hear all persons interested in the Project;

WHEREAS, the Board, duly acting as Lead Agency for the Project under SEQRA, conducted a full and comprehensive coordinated review of the Project in accordance with SEQRA and duly issued a negative declaration under SEQRA on November 14th, 2023 (the “**Negative Declaration**”);

WHEREAS, the Town of Elbridge Zoning Board of Appeals (the “**ZBA**”) duly noticed and held a public hearing on the Area Variance Approval request on November 15th, 2023 wherein the ZBA reviewed documentary, testimonial, and other evidence relative to the Project, and all persons and organizations in interest were heard, and thereafter the Zoning Board closed the public hearing on the Application; and

WHEREAS, the ZBA granted the requested Area Variance at their meeting held on November 15th, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the requested Special Use Permit and Site Plan Approval for the Project are hereby GRANTED, all subject to the following conditions:

1. The Applicant shall be required to comply with the requirements of the local Fire Marshal. 2. That the following conditions as set forth in the Onondaga County Planning Board's November 1, 2023 referral letters be complied with:

- o A SWPPP must be submitted and be acceptable to all governing authorities with jurisdiction over the project;

- o Comply with any wetland permitting requirements;

- o SPDES permit is obtained

3. Operation and Maintenance Plan to be reviewed and approved by Town Counsel;

4. Decommissioning agreement and bond have to be reviewed and approved by Town Counsel;

5. A Host Community Benefit Agreement, a PILOT Agreement and/or some combination of the two, that is acceptable to the Town, working with the Town Board; and

6. With the exception of any minor modifications requested by the local Fire Marshal, this approval is made with the further condition that this approval is for plans and other submitted documents "Site Plan Documents" that have been signed by the Planning Board chairperson, and the applicant, including those as finally approved, and requires that all of the work shown be completed by the applicant in order for a certificate of occupancy or compliance to be issued. Any proposed changes, additions, or deletions to the scope of work or materials from the Site Plan documents are NOT approved and are subject to further Site Plan Review.

7. The Applicant shall be required to obtain a building permit from the Town Building Department and pay the appropriate fee.

BE IT FURTHER RESOLVED, that the Board has duly considered all the documents and information generated as part of its review of the Application, including, but not limited to the following:

1. The Application, plans, and other submissions from the Applicant and reviewing agencies.

2. The Negative Declaration.

3. Testimony provided by the Applicant and interested parties at the Public Hearing and other open meetings.

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.]

