

# Town of Manchester Planning Board Meeting Minutes

April 25, 2023 – 7:00pm

**Present:** Board members Steve Buerman, John Boeckmann, Lee Sanders, Julie Vanderwall, and Jefferey Flower; Chairman Scott VanAken; Code Enforcement Officer Steve DeHond; and Secretary Laurel Pitcher.

**Absent:** none

**Also, present:** Bill O’Hanlon, Alex Amering, Dave Phillips, Jim Lynch, Terri Valenti, Brandee Nelson, Ben Broder, and Todd Schram.

Scott VanAken, Chairman, started the meeting with review of the public hearing notice. Two neighbors were in attendance.

**Application #4644-23:** Consider Preliminary Site plan submitted by Cabbage Patch Lane, LLC who is requesting approval to construct a 300,000 sqft dry storage building on property located at 20 Cabbage Patch Lane, part of tax map no. 44.00-2-65.100 in a M-3 district pursuant to Section 325 Section 325-62.4.325-222.

A motion was made by Lee Sanders to declare the intent of the Planning Board of the Town of Manchester to be lead agency on this project. Motion seconded by Steve Buerman. All voted “Aye.” Motion carried.

A discussion was had at this time about environmental impacts, and it was concluded that there are no new concerns since the discussion at the precious meeting.

A motion was made by Julie Vanderwall to declare that said action WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and that the Planning Board does hereby make a Determination of Non-Significance on said Action, and that the Planning Board Chairman is hereby directed to issue the Negative Declaration as evidence of the Planning Board determination of environmental non-significance.

Motion seconded by Jefferey Flower. All voted “Aye.” Motion carried.

At this time, Chairman VanAken opened the discussion to any public questions or comments. A representative of Leonard’s Express said that they have reached out and received minimal public comments. He also said that there were no objections from Ontario County. The representative mentioned that there are some technical things they’ll have to work out such as not currently having access to a railway, but he said that it should not be an issue since the railroad companies are interested in expanding the rail line there in the future.

A motion was made by Steve Buerman to conditionally approve application #4644-23 submitted by Cabbage Patch Lane, LLC who is requesting approval to construct a 300,000 sqft dry storage building on property located at 20 Cabbage Patch Lane, part of tax map no. 44.00-2-65.100 in a M-3 district pursuant to Section 325 Section 325-62.4.325-222.

Motion seconded by Lee Sanders. All voted “Aye.” Motion carried.

No further questions or comments were received from the public at this time.

A motion was made by Steve Buerman to conclude the public hearing of application #4644-23 submitted by Cabbage Patch Lane, LLC who is requesting approval to construct a 300,000 sqft dry storage building on property located at 20 Cabbage Patch Lane, part of tax map no. 44.00-2-65.100 in a M-3 district pursuant to Section 325 Section 325-62.4.325-222.

Motion seconded by Jefferey Flower. All voted “Aye.” Motion Carried.

**Application #4643-23:** Consider Preliminary Site Plan and Special Use submitted by Catalyze Holdings LLC who is requesting to construct Solar Arrays on 116 acres vacant farm land on property located at State Route 31, tax map no. 4.00-1-31.000 in an A-1 district pursuant to Chapter 325 Section 325-40.33.

Scott VanAken revied the Public Meeting notice at this time.

The Catalyze team and engineers reviewed the property ownership; proposed property lease terms; maps of the property; and existing property access roads. They also mentioned the existence of a buffer between properties which is created by wooded areas at the edge of the property. Since the last Planning Board meeting, the Catalyze team made amendments to the plan to include conifer screens and arborvitaes bordering residential properties. They also plan to have better stormwater management and to implement better drainage systems. Catalyze representative Brandee Nelson added that the parcel will be entirely fenced.

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At this time, Chairman Scott VanAken reviewed the Ontario County's Planning Board (CPB) Minutes and comments from the CPB are included below.

1. Not much screening to the south along the farm road. Does there need to be any? Or screening from the existing farm?
2. The applicant will be responsible to pay agricultural district penalty for conversion of land from agricultural use.
3. Why are panels on high productive class 1-4 soils while areas to remain in ag use are less productive soils?

**OCSWCD** Consider damage to underground tile drainage during solar panel installation.

## **CRC Comments**

1. Ontario County comments to NYS on the draft Climate Action Plan identified disproportionate negative impacts on rural and agricultural areas. Half of all farmed land in Ontario County is owned by non-farmers. Losing the ability to lease and cultivate this land would negatively impact the viability of farming operations. Ontario County has also requested that a portion of the impact fee for conversion of prime farmland be returned to local municipalities for furthering their farmland preservation plans and that the impact fee apply to prime if drained land which has in fact been drained. The impact fee also inadvertently encourages farmers and other owners of forest land and scrub land not in agricultural production, but suitable for reforestation, to clear cut land for solar development.
2. The applicant should be required to protect and repair any agricultural infrastructure connected to adjacent lands with important agricultural soils.
3. Do the construction sequencing and decommissioning plan conform with the NYS Department of Agriculture and Markets Guidelines for Development of Solar on Agricultural Land. Important elements include practices regarding removal and restoration of topsoil and decommissioning decompaction.

## **CPB Comments**

1. The referring body should consider whether eliminating or relocating panels closest to homes along Gurnee Road is necessary to minimize impacts to adjacent residents.
2. The rows are not oriented to provide south facing panels.
3. The referring body should encourage applicant to consider dual solar agricultural use; see NYSDAM guidelines and NYS DAM Solar Installations on Agricultural Lands.

After reviewing the Ontario County Planning Board's comments, Catalyze representatives clarified some details. They said that Mr. Shram will continue to own the property and drive the preservation of farmland there. The Catalyze team is also up to date on the latest New York State regulations regarding soil and farmland preservation. They made sure to reiterate that the solar panels they plan to use do have the ability to track the sunlight, and they plan to use pollinator friendly plants.

Jim Lynch expressed concerns over deforestation and wetland destruction.

Brandee Nelson responded that the only tree removal will take place at the utility entrance in order to make it accessible for the upkeep and maintenance of the property. The affected area will total less than one acre, and Catalyze plans to plant new trees to offset the cleared ones. Ms. Nelson also said that the only wetlands present on the property are in an area they do not plan to build on, so wetland disruption will not be a concern.

Mr. Lynch also expressed concern over funding of the project. He wanted to know how much state funding would be going toward this project and seemed upset at the thought of the property receiving any tax exemptions.

Catalyze representatives responded by saying that state funding accounts for about 1% of the total project and later said that it is hard to guess what the total expense will be. Ben Broder of Catalyze discussed this, saying that each project has many variables. With the cost of materials having changed drastically in the last few years, it's very difficult to give an estimate of material costs. Mr. Broder talked about their most

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recent project saying that it's impossible to compare the two since the last solar project was built on a landfill.

Jim Lynch kept returning to the discussion about taxes. He would really like taxes to be paid on the property.

A brief discussion was had about who might be able to help with this concern; Dave Phillips, Town Supervisor of Manchester mentioned that Ontario County has an entity that accepts applications for the adjustment of taxes. Supervisor Phillips said that anyone is allowed to apply, but it's at the discretion of the county to approve or deny this request. Another note from Supervisor Phillips centered around tax exemptions and how the area school districts, the Town of Manchester, and Ontario County have declined to offer tax exemptions on solar properties. The Catalyze team assured Mr. Lynch that they have the intention of following all local laws and paying all applicable taxes on the property.

Steve DeHond redirected the conversation by mentioning the desire for Catalyze to be responsible for replacing all dead trees on an annual basis.

Brandee Nelson agreed and said that they can make updates to reflect these changes.

A brief discussion was had to discuss bond decommissioning; and Catalyze said they will get the necessary materials out quickly so that the Town's attorney and Town Board can review them.

This public hearing was not closed and will be kept open until the next meeting.

## **Previous Minutes:**

A motion was made by Julie Vanderwall to approve the meeting minutes, which took place on March 21, 2023. Motion was seconded by Lee Sanders. All voted "Aye." Motion carried.

At this time, the meeting was stopped at 8:02pm.

Respectfully submitted,

Scott VanAken  
Planning Board Chairman

Laurel Pitcher  
Recording Secretary