

Town of Manchester Planning Board Meeting Minutes

July 18, 2023 – 7:00pm

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

Absent: None.

Also, present: Bill O’Hanlon of Leonard’s Express, Brandee Nelson of Tighe & Bond representing Catalyze Holdings, Alicia Stoklosa of Hodgson Russ representing Catalyze Holdings, and Juliet Caplinger of Catalyze Holdings.

*Resolutions marked with an asterisk will be attached at the end for full review.

Application #4643-23: Consider Preliminary Site Plan, Subdivision, 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.

A brief recap of new developments since the previous meeting was had. Brandee Nelson said that the current site plan was sent to the Town of Manchester. She said the changes mostly included rewording of legal sections. In addition, Brandee Nelson said that Catalyze’s team met with the Town Board and no substantial objections were had.

At this time, Scott VanAken asked if there were any outstanding questions from the Board, to which there were none.

A motion* was made by Steve Buerman to approve application #4643-23 submitted by Catalyze Holdings who is requesting siteplan approval to construct solar arrays on 116 acres of 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. Motion seconded by Tammy Worden. All voted “Aye.” Motion carried.

A motion* was made by Lee Sanders to approve special use #4643-23 submitted by Catalyze Holdings to construct solar arrays on 116 acres of 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. Motion seconded by Steve Buerman. All voted “Aye.” Motion carried.

A motion was made by Tammy Worden to forward the ACE, the surety bond, and the Decommissioning Plan for review with recommendation of approval to the Town Board for application #4643-23 submitted by Catalyze Holdings. Seconded by Lee Sanders. All voted “Aye”. Motion carried.

Application #4649-23: Consider site plan submitted by Cabbage Patch Lane LLC who is requesting to construct an off load area for rail spur on property located at 20 Cabbage Patch Ln, tax map no. 44.00-2-65.100 in a M-3 district pursuant to Chapter 325 Section 22.1.

Chairman VanAken reviewed the public hearing notice at this time. He also read comments from the Ontario County Planning Board which are included below.

“The proposed gravel unloading area is approximately 8,750 SF. Related modifications shown on the site plan include installation of a silt fence on the downslope side of the .63 area of disturbance, perforated pipe to disperse stormwater shedding from the pad toward the rail siding, and a stabilized track crossing/construction entrance.”

The County Planning Board motioned “[t]o retain referrals 123-2023, 124-2023, 129-2023, 131-2023, 132-2023, and 133-2023, as class 1s and return them to the local boards with comments.”

After reviewing the County’s comments, a brief discussion about stormwater drainage was held. Because the ground will be gravel instead of asphalt, the area will be permeable and stormwater runoff to neighboring properties should not be a problem. Previous projects by Leonard’s also addressed groundwater drainage into a retention pond, thereby decreasing the possibility of flooding.

A motion was made by Steve Buerman to declare the actions on this project a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and that Type II Actions are not subject to further review under part 617 of the SEQR Regulations; and be it finally

Town of Manchester Planning Board Meeting Minutes

July 18, 2023– 7:00pm (cont.)

resolved that the Planning Board has satisfied procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action. Motion seconded by Jefferey Flower. All voted “Aye.” Motion carried.

A motion* was made by Steve Buerman to approve application #4646-23 submitted by Leonard’s Express who is requesting siteplan approval to construct an off load area for rail spur on property located at 20 Cabbage Patch Ln, tax map no. 44.00-2-65.100 in a M-3 district pursuant to Chapter 325 Section 22.1. Motion seconded by Lee Sanders. All voted “Aye.” Motion carried.

Previous Minutes:

A motion was made by Steve Buerman to approve the meeting minutes, which took place on June 20, 2023. Motion was seconded by Tammy Worden. All voted “Aye.” Motion carried.

At this time the meeting was stopped at 7:48pm.

Respectfully submitted,

Scott VanAken
Chairman, Planning Board

Laurel Pitcher
Recording Secretary

TOWN OF MANCHESTER PLANNING BOARD RESOLUTION
NEWARK SOLAR PROJECT
NYS ROUTE 31, MANCHESTER, NEW YORK
PRELIMINARY/FINAL SITE PLAN APPLICATION

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Manchester Planning Board (hereinafter referred to as “Planning Board”) has received an application for Special Use Permit and Site Plan Approvals for the development of the Newark Solar Project (“Project”), a proposed 13.52+/- megawatt (MW) direct current (DC) solar photovoltaic (PV) project located within the Town of Manchester. The proposed Project will be located on 50 acres of the approximately 116-acre parcel as described in the Site Plan, last revised July 12, 2023 and all other relevant information submitted as of July 18, 2023 (the current application); and

WHEREAS, this application was required to be forwarded to Ontario County Planning Board for review and made a recommendation of “Approval” at the April 12, 2023 Ontario County Planning Board meeting; and

WHEREAS, on May 16, 2023 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application; and

WHEREAS, the Planning Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of non-significance and a negative declaration was adopted by the Planning Board on May 16, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve the requested Site Plan with the following conditions:

1. Per Town Code §325-40.33(E) (4) Approval of the Final Site Plan is required prior to approval of the Special Use Permit.
2. A Special Use Permit granted by the Planning Board is required prior to signatures being affixed to the site plans.
3. Approval of the Decommissioning Plan and form of surety by the Town Board prior to the issuance of any building permit or construction beginning. Once approved by the Town Board, the decommissioning plan and fully executed surety shall be filed with the Town Clerk's Office upon the earlier of i) within 30 days of the date of the Town Board resolution or ii) prior to the issuance of any building permit or construction beginning.
4. The Town Engineer review letters dated May 15, 2023 and June 5, 2023 are to be addressed prior to the site plans being signed by the Planning Board Chair.
5. Site Plan approval is conditioned on the Stormwater Pollution Prevention Plan (SWPPP) last revised May 3, 2023 and again as per the Town Engineer letter dated June 5, 2023. No permits shall be issued until the NYSDEC Acknowledgement letter has been received by the Town Zoning & Code Enforcement Department.
6. All subsequent comment letters to the Town Engineer review letter dated May 15, 2023 are to be addressed prior to the site plans being signed by the Planning Board Chair.
7. All reviews and approvals from local, state and federal agencies as outlined in the May 15, 2023 Town Engineer review letter are to be completed prior to the site plans being signed by the Planning Board Chair.

TOWN OF MANCHESTER PLANNING BOARD RESOLUTION
NEWARK SOLAR PROJECT
NYS ROUTE 31, MANCHESTER, NEW YORK
PRELIMINARY/FINAL SITE PLAN APPLICATION

SITE PLAN APPROVAL RESOLUTION

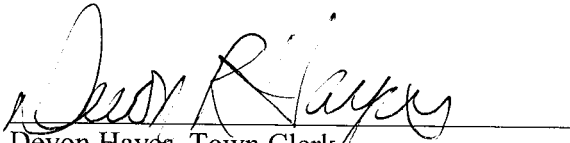
8. NYSDEC permits are to be obtained and provided to the Town of Manchester prior to issuance of permits.
9. The Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan) Newark Solar Project within twenty-four (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.
10. The Planning Board shall consider all comments set-forth in Ontario County Planning Board meeting minutes, dated April 12, 2023.
11. The special use permit shall remain in effect for the current owner of the premises with no requirement for renewal, provided the use remains in compliance with the conditions of approval.
12. The Town Code Enforcement Officer may make an on-site visit at least once over the course of every year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
13. No permits shall be issued, nor is construction permitted to occur, until the NYSDEC Acknowledgement letter from NYSDEC has been received by the Town Code Enforcement Department.
14. After completion, the Applicant shall provide to the Town of Manchester Zoning Department a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
15. If the Applicant violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state, or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Manchester Zoning Board of Appeals holds a hearing on same as provided for herein.
16. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
17. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season.
18. A preconstruction meeting with the Town of Manchester, once all conditions of approval have been met, is required to be held prior to issuance of any permit. This will be determined by the Code Enforcement Officer.
19. Comments made in the Town Engineer review letters must be addressed and adhered to prior to the issuance of building permits and construction beginning.

TOWN OF MANCHESTER PLANNING BOARD RESOLUTION
NEWARK SOLAR PROJECT
NYS ROUTE 31, MANCHESTER, NEW YORK
PRELIMINARY/FINAL SITE PLAN APPLICATION

SITE PLAN APPROVAL RESOLUTION

The above Resolution was offered by Steve Buerman and seconded by Tammy Worden at a regular scheduled Planning Board meeting held on Tuesday, July 18, 2023. Following discussion, a voice vote was recorded:

I, Devon Hayes, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Manchester Planning Board for the July 18, 2023 meeting.

A handwritten signature in cursive script, appearing to read "Devon Hayes", is written over a horizontal line.

Devon Hayes, Town Clerk

Town of Manchester

TOWN OF MANCHESTER PLANNING BOARD RESOLUTION
NEWARK SOLAR PROJECT
NYS ROUTE 31, MANCHESTER, NEW YORK
SPECIAL USE PERMIT APPLICATION

SPECIAL USE PERMIT APPROVAL RESOLUTION

WHEREAS, the Town of Manchester Planning Board (hereinafter referred to as “Planning Board”) has received an application for Special Use Permit and Site Plan Approvals for the development of the Newark Solar Project (“Project”), a proposed 13.52+/- megawatt (MW) direct current (DC) solar photovoltaic (PV) project located within the Town of Manchester. The proposed Project will be located on 50 acres of the approximately 116-acre parcel as described in the Site Plan, last revised July 12, 2023 and all other relevant information submitted as of July 18, 2023 (the current application); and

WHEREAS, this application was required to be forwarded to Ontario County Planning Board for review and made a recommendation of “Approval” at the April 12, 2023 Ontario County Planning Board meeting; and

WHEREAS, on May 16, 2023 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application; and

WHEREAS, the Planning Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of non-significance and a negative declaration was adopted by the Planning Board on May 16, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested special use permit with the following conditions:

1. The special use permit shall remain in effect for the current owner of the premises with no requirement for renewal, provided the use remains in compliance with the conditions of approval.
2. The Town Code Enforcement Officer may make an on-site visit at least once over the course of every year, or as may be necessary to ensure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
3. In the event of any complaints about the Special Use Permit being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
4. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with Town Code requirements and conditions of this approval.
5. No signage associated with the Special Use Permit has been approved. Separate approval by the Planning Board is required for all signage.
6. All conditions as required by the Planning Board as part of Site Plan approval are required to be addressed prior to the issuance of permits and construction beginning.
7. Prior to obtaining a building permit or construction beginning, the Applicant must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Manchester at its discretion) for the decommissioning of the site and for the removal of the solar energy system, such bond to be approved by the Town Board with

TOWN OF MANCHESTER PLANNING BOARD RESOLUTION
NEWARK SOLAR PROJECT
NYS ROUTE 31, MANCHESTER, NEW YORK
SPECIAL USE PERMIT APPLICATION

SPECIAL USE PERMIT APPROVAL RESOLUTION

Manchester as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer based on their review of the Decommissioning Cost Estimate.

8. Approval of the Decommissioning Plan will be required on behalf of the Town Board.
9. Per the Town Code §325-40.33 (E) (18) The owner, operator, or his/her successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall notify the Town Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.
10. Per the Town Code §325-40.33 (17) The owner, operator, or his/her successors will stabilize and revegetate the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
11. Per Town Code §325-40.33(E) (4) (ii), the Town Board will be required to review and approve Agricultural Conservation Easement (ACE) area. The Town Board will need to coordinate with the Town Attorney and the ACE will need to be filed with the Ontario County Clerk's Office and prior to the issuance of any building permits.
12. Per the Town Code §325-40.33(17) (iii) Upon the decommissioning of the project and removal of all equipment, the soils at the site shall be restored to the condition and classification that existed prior to the construction of the project, or if the Town has an agricultural and farmland protection plan, that is in compliance with such plan.
13. Per the Town Code §325-40.33(18) (vi) The applicant must file the Decommissioning Plan and form of surety with the Town Clerk's Office within 30 days of the Town Board approval.
14. After completion, the Applicant shall provide to the Town of Manchester Code Enforcement Officer a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
15. If the Applicant violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state, or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Manchester Zoning Board of Appeals holds a hearing on same as provided for herein.
16. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
17. All contact information for the applicants, developers, and landowners are to be provided to the Town of Manchester CEO prior to issuance of a permit or construction beginning.

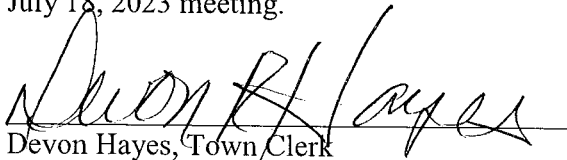
TOWN OF MANCHESTER PLANNING BOARD RESOLUTION
NEWARK SOLAR PROJECT
NYS ROUTE 31, MANCHESTER, NEW YORK
SPECIAL USE PERMIT APPLICATION

SPECIAL USE PERMIT APPROVAL RESOLUTION

18. A preconstruction meeting with the Town of Manchester, once all conditions of approval have been met, is required to be held prior to issuance of any permit. This will be determined by the Code Enforcement Officer.
19. Prior to issuance of a permit or construction beginning the Qualified Inspector information will need to be filled out and placed into the project SWPPP.
20. Prior to issuance of a permit or construction beginning the Owner/Operator Certification Form will need to be signed and dated and submitted with the NOI and inserted into the project SWPPP.
21. Prior to issuance of a permit or construction beginning the NYSDEC Acknowledgement Letter is to be provided to the Town of Manchester CEO and MRB and also inserted into the project SWPPP.
22. Comments made in the Town Engineer review letters must be addressed and adhered to prior to the issuance of building permits and construction beginning.
23. The Coordinated Electric Service Investigation Review (CESIR) detailing the project's impact to the utility system will be required prior to issuance of permit and construction beginning.

The above Resolution was offered by Lee Sanders and seconded by Steve Buerman at a regular scheduled Planning Board meeting held on Tuesday, July 18, 2023. Following discussion, a voice vote was recorded:

I, Devon Hayes, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Manchester Planning Board for the July 18, 2023 meeting.


Devon Hayes, Town Clerk
Town of Manchester

**APPROVAL RESOLUTION
PRELIMINARY & FINAL SITE PLAN
PLANNING BOARD
TOWN OF MANCHESTER**

**Re: Leonard's Express – Cold Storage Rail Spur Unloading Area
Address: 20 Cabbage Patch Lane
Tax Parcel # 44.00-2-65.100**

Applicant: Costich Engineering Representing Cabbage Patch Lane, LLC

WHEREAS, the Town of Manchester Planning Board (hereinafter referred to as “Planning Board”) is considering Preliminary and Final Site Plan approval for the construction of a gravel pad area to accommodate the unloading of rail cars from the north side of the existing railroad spur, which services the existing Leonard's Express Cold Storage buildings; currently owned by Cabbage Patch Lane, LLC located at 20 Cabbage Patch Lane and within the Rail Enabled Industrial District (M-3), and all other relevant information submitted as of July 18, 2023 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, on July 18, 2023 the Planning Board classified the above-referenced project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations and are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, upon consideration by the Planning Board, of all written and oral submissions and testimony by the Applicant and following a public hearing on this matter, closed on July 18, 2023, and the Board having given this matter due deliberation and consideration; it is

WHEREAS, on July 18, 2023 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application, and completed a formal review of the application; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby grants to the applicant Preliminary and Final Site Plan approval for the application, based upon the following Findings and subject to the following Conditions:

FINDINGS

1. This Resolution is based upon the materials submitted by the applicant, including the Site Plan application, together with all other written materials and oral testimony submitted by or on behalf of the applicant.
2. The materials submitted by the applicant, with respect to Site Plan, adequately and fully comply with the requirements of Town Code Site. The Planning Board's review of such Site Plan materials, as well as the applicant's response to the Planning Review Committee comments, satisfy the Board that the Site Plan adequately addresses all requirements of Town Code

CONDITIONS OF APPROVAL

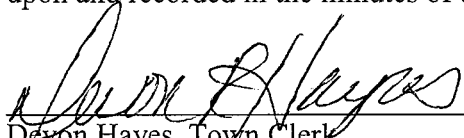
1. The Planning Board shall consider all comments set-forth in Ontario County Planning Board meeting minutes, from the July 12, 2023 meeting.
2. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.
3. All reviews and approvals from local, state and federal agencies are to be completed prior to the site

plans being signed by the Planning Board Chair.

4. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.

The above Resolution was offered by Steve Buerman and seconded by Lee Sanders at a regular scheduled Planning Board meeting held on Tuesday, July 18, 2023. Following discussion, a voice vote was recorded:

I, Devon Hayes, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Manchester Planning Board for the July 18, 2023 meeting.



Devon Hayes, Town Clerk
Town of Manchester