

Town of Manchester Planning Board Meeting Minutes

June 20, 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: Brandee Nelson representing Tighe & Bond for Catalyze Holdings; Mike Mantell, Greg Elko, Chet McLaughlin, Joe Kirisits, and Andrei Stover of SunEast; and Alicia Stoklosa of Hudson Russ LLP.

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.

Chairman Scott VanAken started the meeting with review of the hearing notice. There were no neighbors in attendance.

Brandee Nelson, Engineer and representative of Tighe & Bond for Catalyze Holdings, began by reviewing the outstanding items required for this project. This includes a referral from the Town of Manchester Planning Board for a full decommissioning plan and the agricultural conservation easement (referred to as ACE going forward).

Alicia Stoklosa of Hudson Russ LLP also represented Catalyze Holdings in this meeting. She detailed the ACE by going over the property's boundaries and proposed footprint of the solar array saying that soils present from soil and mineral groups 1 through 4 detailed in the Town's code would need to be conserved on other lands. This is set up to be satisfied by another parcel also owned by Mr. Schram where approximately 47 acres of the same soil groups will be conserved (approximately 46 acres will be used in this application for the solar array, satisfying the code requirements). Since the Town of Manchester's code doesn't specify which type of easement must be used in the preservation of lands, Catalyze's attorneys recommended using a type of easement recommended by New York State Ag & Markets.

Steve Buerman: Will the 47 preserved acres be documented or surveyed in any way?

Brandee Nelson: Yes, that's something we're working on right now.

Brandee Nelson talked about how her team has been working with Mr. Logue, who represents the Town of Manchester to build the Decommissioning Plan. The total plan is detailed at \$781,360, and if it were to be submitted, a bond would be enacted as well. This bond would annually be renewed for the value of \$431,362. She said it's a pretty standard form of bond as well.

John Boeckmann: Number two talks about the abandonment of the operational facility where it must be abandoned for twelve months before the Town can act. How would we know when that twelve-month period starts?

Brandee Nelson: I'm not certain, but I know there's monthly maintenance scheduled for the property. I imagine the twelve-month period would start when maintenance stops, but I'll have to double check with the owners. Other projects have annual reports, and we could look into doing that with this project too. Keep in mind that these systems aren't just walked away from. They're very highly monitored as the investments only pay off if electrons are going out to the grid. Would something like that work for the Board?

Steve Buerman: I'd prefer to have notification of abandonment as soon as the system is abandoned rather than being notified months later.

Tammy Worden: It's hard to predict future possibilities when a project is so new, but we want to be sure someone other than the owner is aware of abandonment if it should happen.

Brandee Nelson: Sure, we can include that to notify the Town Code Official upon abandonment of the facility. Under number 1, we can update that to say Catalyze Holdings or any entity that may own or

Town of Manchester Planning Board Meeting Minutes

June 20, 2023– 7:00pm (cont.)

operate the facility in the future that decides to retire the facility shall provide notification to the Town at that time.

John Boeckmann: I have a question about number nine that talks about fence removal saying that it would be removed; what if the owner wants it to stay?

Brandee Nelson: The fencing would not remain unless the owner of the property stated in writing that they wanted it to.

Steve Buerman: At the time of decommissioning, I'd suggest that they come before the Board if the property owner wanted to leave any pieces, otherwise decommissioning should return the parcel to its natural state. That way, the company can't strongarm the property owners into accepting an unfinished job.

Tammy Worden: I have a question on 3.7; it says that you will review the plan every 5 years to update for changes in regulations and technology, but I don't see anything about the Board being involved in this. Who would be approving these changes? I'd prefer it if we reviewed that together as a Board.

Brandee Nelson: I can revise that to say any updates to the decommissioning plan shall be reviewed and approved by the Town of Manchester Planning Board.

Tammy Worden: For the bond itself, are there any consequences of nonrenewal of the bond?

Scott VanAken read some comments from the Town of Manchester Attorney to Catalyze representatives concerning values of the bond and other aspects of the decommissioning plan that didn't add up. This includes concerns addressed by Ms. Worden, and he said that the Attorney would be reaching out to Catalyze the following day to clear up anything outstanding.

A motion was made by Steve Buerman to forward the ACE, the surety bond, and the Decommissioning Plan for review without recommendation to the Town Board with the requirement that those changes have been addressed as discussed. Seconded by Tammy Worden. All voted "Aye". Motion carried.

Application #6467-23: consider Site Plan submitted by SunEast Development who is requesting site plan approval extension of 12 months on property located at 3169 Co Rd 13, part of tax map no. 45-1-6.110 in an A-1 district pursuant to Section 325 Section 325-75(G)(1) and (2).

Scott VanAken reviewed the Public Meeting notice at this time. 14 neighbors were notified, and none were in attendance.

Mike Mantell, a Civil Engineer representing SunEast Development: We're requesting an additional 12 month extension to continue obtaining an interconnection agreement with the National Grid. It's taking longer than we expected, which is largely due to the Covid-19 Pandemic and the backlog of requests. We're waiting for the interconnection agreement in order to get building permits, but there's no changes to the design. We just need more time. Granting this extension wouldn't change the project at all, it would just allow us the time needed to get the necessary approvals in order to move forward.

Scott VanAken: The code talks about needing continuous activity in order to grant an extension, so what's been done in the last year and a half since you got that last extension? There was a list of 6 items provided to you at the time of the last extension that needed to be done to commence breaking ground. How many of those things have been worked on?

Mike Mantell: I don't have that in front of me, but the main thing is the interconnection agreement. Most other items would happen after construction begins. I believe we submitted a generic operation and maintenance plan before, but we won't have a specific one until construction begins. The feasibility and system impact studies are complete, but we're still waiting for the facility study and the interconnection agreement still.

Lee Sanders: We've learned a lot since you first applied for your project, and we've had other projects that were able to come up with preliminary agreements for connection.

Town of Manchester Planning Board Meeting Minutes

June 20, 2023– 7:00pm (cont.)

Mike Mantell: We have no control over them allowing us to hook into the grid. It also depends on the size of the project, and we have no control over any of that.

Scott VanAken: Is there any possibility of it becoming unfeasible?

Mike Mantell: No, none.

Tammy Worden: Have they assigned a project manager?

Mike Mantell: There is a, yes, well, there's someone at the national grid and NYSEG that is responsible for our project. Smaller projects are much more streamlined. Since ours is 20 megawatts, it will take much longer.

Tammy Worden: Would we be able to get a statement from them detailing what has been accomplished so far?

Mike Mantell: We can provide evidence that we're in the middle of this process. We definitely want to get this project built, and we're doing everything we can to get this to happen.

Steve Buerman: We certainly support solar, but we don't want to keep going forward if it will be nonviable in the future. It's been 3 years since starting this application. I think we need to put a deadline on it, and if the project isn't done by that time, then we'll shut it down and you would have to restart the application process under the new code.

Scott VanAken: If we granted a 1-year extension, plus 1 year permitting time, that would give them 2 years to finish. After that, they'd need a new project approval under the new code.

A motion was made by Scott VanAken to approve a 12-month extension on site plan #4647-23 submitted by SunEast Development with reference to the site plan extension from November 16, 2021 meeting minutes for application #4592-19 with the conditions of form of proof of process as discussed and note that this is the final extension at which time all requirements of the town and construction must be completed to be in a position to apply for a building permit by no later than July 19, 2024. Motion seconded by Steve Buerman. All voted "Aye". Motion carried.

Previous Minutes:

A motion was made by John Boeckmann to approve the meeting minutes, which took place on April 25, 2023. Motion was seconded by Lee Sanders. John Boeckmann, Julie Vanderwall, and Scott VanAken abstained from voting. All other members voted "Aye." Motion carried.

A motion was made by Tammy Worden to approve the meeting minutes, which took place on May 16, 2023. Motion was seconded by Steve Buerman. All voted "Aye." Motion carried.

At this time the meeting was stopped at 7:54pm.

Respectfully submitted,

Scott VanAken
Chairman, Planning Board

Laurel Pitcher
Recording Secretary