

MINUTES
Town of Geneseo
Planning Board Regular Monthly Meeting
August 14, 2023
7:03 PM – 9:05 PM

Members Present:

Robert Harris, Chair
Mark Shepard
Robert Irwin
Jennifer O'Shea
Philip Betette
Charles Maxwell
Floyd Streeter, alternate

Others in Attendance:

Jared Radesi, Code Officer
James Oberst, MRB, Town Engineer
Kevin O'Donoghue, Houghton Subdivision
Ryan McCune, Nexamp/Jaycox Creek 2
Lauren Rodriguez, LaBella/Jaycox Creek 2
Fred Ball, Nexamp/Jaycox Creek 2
Diane McMullan, Secretary

Absent: Patricia Ford

1. CALL TO ORDER and ATTENDANCE.

Robert Harris, Chair, called the regular August meeting to order at 7:03 PM. Floyd Streeter was announced by the Chair as a voting member in Patricia Ford's absence. There was a quorum.

2. CODE OFFICE REPORT.

Jared Radesi, Code Officer, distributed the Code Office Report dated July 1 through August 14, 2023. He added that the Hammocks continues doing well with C of O's. Three buildings with twelve units will have nine renters moving in this weekend.

3. COUNTY PLANNING BOARD REPORT.

Jared Radesi reported that the County Planning Board meeting August 10, 2023 was very long with seven items to review. Of note, a 2.6 MW solar project on route 63 in Dansville was approved. In Groveland, a well-thought-out pad A expansion site improvement was reviewed for American Rock Salt Co., LLC. Livonia referred a limit of five acres in order to have animals on property with agricultural definitions to the county, which was not looked upon favorably. Regarding the Town of Geneseo, many sign variances from Millstone Development were referred and only one favorable county vote was cast.

4. REVIEW OF THE July 10, 2023, PLANNING BOARD MINUTES.

Chair Harris requested that members review and vote on the above minutes. Fire Chief Chanler's misspelling of his name will be corrected. Patricia Ford's name will be added to the Adjournment vote for that meeting.

Mark Shepard made a MOTION to approve the amended July 10, 2023 minutes.

Jennifer O'Shea SECONDED the motion.

AYES in Favor: Robert Harris, Mark Shepard, Philip Betette, Jennifer O'Shea, Robert Irwin, Charles Maxwell, and Floyd Streeter.

Opposed: None.

Abstained: None.

MOTION CARRIED.

5. DOUGLAS HOUGHTON SUBDIVISION, 4047 Graywood South, tax map #74.77-1-2.

Chair Harris opened discussion regarding this subdivision/lot line adjustment. Kevin O'Donoghue, L.S. submitted this subdivision dealing with three parcels.

He explained that the owner wishes to sell lot 3. Plans are to build a shared garage (with a neighbor) on middle parcel 2. Lot 1 will remain.

Charles Maxwell spoke and said the land that was sold by Maxwell Farms was not suitable for farming.

Robert Irwin made the MOTION for PRELIMINARY APPROVAL for this project.

Charles Maxwell SECONDED the motion.

AYES in Favor: Robert Harris, Mark Shepard, Philip Betette, Jennifer O'Shea, Robert Irwin, Charles Maxwell, and Floyd Streeter.

Opposed: None.

Abstained: None.

MOTION CARRIED.

Chair Harris announced that the Public Hearing will be September 11, 2023 at 7:15 PM. The Secretary will do the necessary referrals and notifications.

- 6. JAYCOX CREEK SOLAR 2, LLC, tax map #72.-1-25.124 (south of Lakeville Rd., 0.52 miles northeast of Country Club Rd., near 4610 Lakeville Road)**
Project is a proposed development, to include 6.41 MW DC solar array, a gravel access road, and concrete equipment pads.

Ryan McCune came forward to announce the various representatives present from Nexamp and LaBella this evening. Fred Ball spoke about the SWPPP submitted with soils, vegetation, runoff, etc. listed. Lauren Rodriguez spoke about engineering. The final height of arrays will be shown on her final drawings. The Planning Board does not want them to be visible, for example, from a house on Reservoir Road.

The road to allow for the turning around of emergency vehicles is not done. Code Officer Radesi questioned how far a fire hose might reach when needed. TrueGrid is used for a light weight medical ambulance, but not a full-size emergency vehicle such as a fire truck. R. McCune remarked that trees have already been taken out via "the beautiful road." J. Radesi reported that there has been an array fire in the Mt. Morris/Leicester area. There currently is no access for a full-size fire truck but there is access for medium duty. Aggregate is not feasible for the gas line easement passage. It will not work; Chair Harris asked R. McCune to keep looking for a solution.

R. McCune, noted that the 62-day clock for automatic approval is now past. Chair Harris said this was extended.

Regarding deforestation, Fred Ball had suggested that the 20 acres of deforestation could be taken over by the Conservancy. However, that amount of area is not large enough for the Conservancy to consider. When planting replacement trees, it was suggested that perhaps 20% could be native deciduous trees instead of just evergreens. Rather than trees, R. McCune insisted that Mr. Brady wants to continue to farm that area. There is also concern that both Jaycox Creek projects have incurred a NYSDEC and NYSDAM penalty.

Fencing was discussed; Jim Oberst said it might be metal poles in concrete. The type of arrays available to be used were described by R. McCune.

Attention was drawn to the MRB letter dated August 10, 2023, requesting a detailed decommissioning estimate. This should include a breakdown of tasks to be done by the applicant/developer, including disposal cost.

Finally, it was also stressed that both Code Officer Radesi and R. McCune must contact Fire *Chief* Chanler about the gas line easement as soon as possible.

Chair Harris asked if board members wished to comment further or make a motion.

Mark Shepard motioned for PRELIMINARY APPROVAL of the JAYCOX CREEK SOLAR 2 project, tax map #72.-1-25.124, contingent on remarks in James Oberst's August 10, 2023, letter – specifically those dealing with reforestation located at the western part of the project, decommissioning tasks, and approval of the gas line easement by the Fire Chief.

Charles Maxwell SECONDED the motion.

AYES in Favor: Robert Harris, Mark Shepard, Philip Betette, Jennifer O'Shea, Robert Irwin, Charles Maxwell, and Floyd Streeter.

Opposed: None.

Abstained: None.

MOTION CARRIED.

Chair Harris said there will not be a Public Hearing set at this time due to these contingencies.

7. NEW BUSINESS/UPDATES/ANNOUNCEMENTS:

Code Officer Radesi gave an update on the Millstone Development/EXCEL project. The hearing for their various sign variances is scheduled for August 22.

The dumpster has been moved to the middle of the area instead of eliminated. That was part of a Planning Board request; the issue of parking spaces remains to be dealt with by the Planning Board.

Regarding the Houghton Subdivision Public Hearing on September 11, 2023, Code Officer Radesi will not be present.

The Secretary referred to a letter from Heather Ferrero at the County regarding return of the Ag Tour on October 27th. Registration will begin soon. Information was available at the center of the table.

8. ADJOURNMENT.

There being no additional business or announcements, Chair Harris requested adjournment.

Charles Maxwell made the MOTION to adjourn the meeting at 9:05 PM.

Mark Shepard SECONDED the motion.

AYES in FAVOR: Robert Harris, Robert Irwin, Charles Maxwell, Philip Betette, Floyd Streeter, Mark Shepard, and Jennifer O'Shea.

Opposed: None.

Abstained: None.

MOTION CARRIED.

Submitted by,

Diane McMullan, Secretary
Planning Board

dmm

Attachment: (1) July 1 through August 14, 2023 Code Report

(2) MRB Letter dated August 10, 2023 from Town Engineer

OWN OF Geneseo Code Enforcement Office

Building Permits by Issued Date: 07/01/2023 - 08/14/2023

Permit#	Applicant Name	Issued	Final	Property Owner & Location	Tax Map# Lot#	Fee	Project Cost	Description
23-0065	RW Geneseo II LLC	07/01/23		CW Aprile Properties, LLC. Volunteer Road	81.-1-2.815	1348.00		Hammocks Pool House, New Construction
23-0066	Nexamp Inc.	07/01/23		Nexamp Inc. 4610 Lakeville Road	72.-1-25.118/72.-1-25.122	5860.00		Jaycox Creek 5 MW AC Commercial Solar
23-0067	Christopher & Carol Marcy	07/06/23	08/01/23	Christopher & Carol Marcy 3314 POLE BRIDGE ROAD	64.-1-28.118	100.00	19,735.76	Installation 10.56 kw Roof Mounted Solar Array With Micro Inverter
23-0068	M.J. Mechanical Services inc.	07/17/23		HOR GEN MANAGEMENT, LLC 4305 GENESEE VALLEY PLAZA	81.-1-29.122	235.00	81,000.00	Remove 2 existing roof top units and install two new roof top units with new curbs. Install new bathroom exhaust. Add 1 ductless split system for a server room. Install complete new duct system throughout.
23-0069	Downey P. David	07/18/23		Downey P. David 4210 RESERVOIR ROAD	81.-2-28	50.00	6,225.00	Prefabricated Shed placed to satisfy the ZBA granted Variance
23-0070	Jack W. Pittrof	07/18/23		Jack W. Pittrof 4685 WEST LAKE ROAD	91.28-1-12	100.00		11.9' X 9.9' existing structure. Tear the roof off, extend the walls less than 2' and frame a new roof system.
23-0071	Castignetti, Geno	07/22/23		Castignetti, Geno 5476 LIMA ROAD	64.-2-32.13	1500.00		Permit renewal for the completion of a Large Scale Solar Project 7.53 MW DC 5.02 MW AC
23-0073	Allstete Roofing & More, LLC	07/25/23		POLLOCK RONALD K 4250 LONG POINT ROAD	90.-1-6.112	125.00	17,400.00	Roof tear off and re-shingle
23-0074	Feliciano Benitez	07/25/23		Ken Bove 5380 WEST LAKE ROAD	100.43-1-21	336.00	24,000.00	Updating of structural framing of entire building, to include engineered headers above openings, foundation and floor shoring. All new insulation of exterior walls and ceilings. Updating electrical wiring and plumbing.
23-0075	Allstete Roofing & More, LLC	07/25/23		LATORELLA A HENRY & 4967 BOOHER HILL ROAD	91.-1-19.2	125.00	10,900.00	Roof tear-off and re-shingle
23-0080	Mastec North America, Inc.	07/29/23		AVON WATER WORKS 3296 WEST LAKE ROAD	64.-2-32.112	285.00	285.00	On Existing 170+' Self-Support Tower, Install new Antennas and other updating

08/14/23

Violator Name	Issued	Final	Property Owner & Location	Tax Map# Lot#	Fee	Project Cost	Description
23-0081 Paul Buchbinder	08/02/23		Paul Buchbinder 4546 RESERVOIR ROAD	81.-2-47.21	200.00	50,000.00	maintenance 36' X 18' Inground Pool
23-0082 Paul Buchbinder	08/02/23		Paul Buchbinder 4546 RESERVOIR ROAD	81.-2-47.21	244.00	15,000.00	Pool House Accessory Pavilion 24' X 24'
23-0083 Diane S. Hamula	08/02/23		Diane S. Hamula 5369 RESERVOIR ROAD	82.-1-48	75.00	1,000.00	Rehabilitation to an existing deck, to include new decking, stairs, railing and structural fixes.
23-0085 MORGAN MATHEW	08/08/23		MORGAN MATHEW 5258 LAKEVILLE ROAD	73.-1-8	555.20	120,000.00	120' X 72' Accessory Building
23-0086 CAPEL MICHAEL	08/14/23		CAPEL MICHAEL 4884 BURBANK DRIVE	82.-2-38.12	75.00	15,000.00	18' X 10' Shed
Total Count: 16				Total:	\$11,213.20	\$360,545.76	

Town of Geneseo Code Enforcement Office

Violation Summary by Date Range: 07/01/2023 - 08/14/2023

Violation#	Violator Name	Violation Date	Property Owner & Location	Tax Map#	Offense	Comply by Date	Corrected Date
23-0076	Diane S. Hamula	07/29/23	Diane S. Hamula 5369 RESERVOIR ROAD	82.-1-48	CONSTRUCTION WITHOUT PERMIT	08/11/23	/ /
Total Count: 1							

Town of Geneseo Code Enforcement Office

Other Permit Summary by Type Description: AGRICULTURAL BUILDING - ZONING PERMIT
 Issued Date: 07/01/2023 - 08/14/2023

Permit#	Date	Property Owner & Location	Tax Map# DBA	Fee	Project Description	Notes
Operating Permit :Public assembly -occupant						
23-0087	08/14/23	Arby's	A 81.-1-29.121	50.00		
Arby's		4419 Genesee Valley Plaza				
Count:		1	Total:		50.00	
SIGN						
23-0077	07/29/23	CW Aprile Properties, LLC.	81-1-2.83	75.00	Temporary Realestate Sign, 2 - 4'X4' in V formation to make up 1 sign	
Bethany Milton		0 VOLUNTEER ROAD				
23-0078	07/29/23	CW Aprile Properties, LLC.	81.-1-2.815	75.00	Temporary Realestate Sign, 2 - 4'X4' in V Formation to Make 1 Sign on West Side of Volunteer Road	
Bethany Milton		Volunteer Road				
23-0079	07/29/23	CW Aprile Properties, LLC.	81.-1-2.815	75.00	Temporary Realestate Sign, 2 - 4'X4' in V Formation to Make 1 Sogn on South East Corner of Volunteer & Lima Road	
Bethany Milton		Volunteer Road				
Count:		3	Total:		225.00	
TEMPORARY STRUCTURE						
23-0072	07/26/23	HOR GEN MANAGEMENT, LLC	81.-1-29.122 4287	100.00	20' X 20' Tent with tables and chairs, no walls	
HOR GEN MANAGEMENT, L.L.C		4287 GENESEE VALLEY PLAZA				
Count:		1	Total:		100.00	
Total Count:		5	Grand Total:		375.00	

August 10, 2023

Mr. Robert Harris, Planning Board Chair
Town of Geneseo
4630 Millennium Drive
Geneseo, New York 14454

**RE: JAYCOX CREEK SOLAR 2, LLC – LAKEVILLE ROAD
SITE PLAN AND SPECIAL USE PERMIT REVIEW
TAX MAP NO. 72.-1-25.124
MRB GROUP PROJECT NO. 0704.12001.000 – 022**

Dear Bob:

MRB has completed a review of the latest submitted Site Plan and Special Use Permit application materials for the above-referenced project, received by MRB Group on August 4, 2023 prepared by Nexamp, Inc. and LaBella Associates (hereinafter "Design Engineer"). The project includes the construction of a 4-megawatt (MW), alternating current (AC) community solar project, located on approximately 49.8 acres within an 86.6± acres parcel. The proposed site was subdivided during the Jaycox Creek Solar, LLC application process and has the tax map number 72.-1-25.124. This is located within the Rural Residential (RR) zoning district. Site access will be provided via the access road proposed by the Jaycox Creek Solar, LLC solar project, from Lakeville Road (NYS Route 20A). We offer the following comments for the Planning Board's consideration. A brief written response to each comment should be provided by the design engineer.

General Comments

1. Section E.2.q of the Full Environmental Assessment Form Part 1 states that the forested land that has been used for hunting will be impacted by the perimeter fencing to be installed as part of this project. We note more specifically that per NYSDEC regulations, hunters will be required to comply with NYS firearm discharge distance requirements (500 feet for firearms, 250 feet for crossbows, and 150 feet for a bow). This should be noted as part of the SEQR review.
2. The proposed TrueGrid cut sheet states that the compressive strength of their system requires aggregate fill to meet the necessary compressive strength. The proposed use of the TrueGrid system for the proposed access road that will cross the gas line utility easement does not appear to utilize aggregate, rather soil and vegetation. It should be addressed how this will affect the performance of the product and ability to support the weight of emergency vehicles.

3. The Agricultural Notice of Intent (AgNOI) still appears to call out project information that is not consistent with information provided in the other documentation, such as the Full EAF Part 1 and site plan.
 - a. Total Parcel Size: 48.18 acres (AgNOI) vs 49.8 acres (in EAF Part 1);
 - b. System Size (kWac): 5,000 (AgNOI) vs 4,000 (All other documentation); and
 - c. Facility Area: 25 acres (AgNOI) vs 17.41 acres (or 34.40 acres of disturbance from Site Plan Project Data table). This is in conflict with the amount of MSG 1-4 (Agricultural Soil) that is being disturbed (22.3 acres). This should be reviewed and revised as needed.
4. Local emergency response agencies will need to review and comment on the plans, accessibility, and the emergency plans provided. All comments and requirements should be also passed along to the Town to track, and identify any conditions of those agencies.
5. As previously stated, coordination with the gas line utility company should be performed by the applicant and submitted to the Town for review since there is proposed work within the gas utility's easement. Documentation should also be provided to the Town showing that permission has been obtained by the applicant to cross their easement with an access road.
6. It is stated that herbicide use is a consideration for this project. This should be approved by the Town and all other applicable regulatory bodies prior to use.

Site Plan Comments

7. The following comments are in regards to Sheet C001:
 - a. The Grading Notes states that, *voids left by utility or structure removal or grubbing operations shall be backfilled and properly compacted with structural fill (NYSDOT item 304.12)*. This statement should be reviewed and revised, since this does not fully comply with the procedures outlined in NYSDAM Guidance regarding solar construction and post-construction.
8. It is our opinion that the personal gate on the western fence-line of the main solar array (near the double swing gate) should be moved south to be adjacent to the gap in the column of racking. This will be a more logical point to assist in the egress in the case of an emergency, as intended. We defer to the local emergency response agencies for their final recommendations on this gate location.
9. As previously stated, any proposed easements, including the dimensions and who the parties are to the easements, need to be added to the plans

Operation and Maintenance Comments

10. As previously stated, it is recommended that a grazing plan (if that is the proposed method of ground vegetation maintenance), be provided for the Planning Board

to review prior to approval of the practice. This should include the protection of all waterways from contamination (sheep waste), method of use of sheep, and all other logistics that go with the practice.

11. The bioretention area maintenance will need to be maintained per NYSDEC requirements. This documentation and guidelines will need to be added to this document. It is understood that this is in the SWPPP document but this maintenance document should either clearly and specifically reference the SWPPP document or add the NYSDEC maintenance requirements.

Decommissioning Plan and Estimate Comments

12. The Facility Description still does not accurately identify the important quantities and materials that are being proposed per the site plan. Items missing are the GeoGrid System, Fixed Knot Farm Fence (not Security Fence), and 8 personnel gates vs 4 stated in the document. This should be reviewed and revised.

Also, regarding the metal security gate at the entrance to the array; this should actually reference two 20' wide fixed knot farm fence double swing gates, and the number of fixed knot farm personnel gates being proposed.

13. The request for a detailed decommissioning estimate, includes a supporting breakdown of the tasks to decommission the site and restore it, which should include present day values, quantities, and unit values. We would also request that that the unit value also include a breakdown of the items used to calculate that unit value (labor, equipment use, and task timing). Furthermore, the information in the Decommissioning Surety Proposal should reflect this and the value breakdown. Currently, the Exhibit B value is less than the June estimate and is not consistent with the Decommissioning Surety Proposal. A more complete breakdown of the costs needs to be provided in order for us to fully evaluate this estimate. We also note that there is no value provided for the cost of disposal of the items after removal.
14. More information should be provided regarding how the cost for reforestation was calculated. This should include maintenance for the first two seasons of the plantings as well as the breakdown of the cost estimate.
15. After the recommended present-day estimate is provided and agreed upon, it is further recommended that the Town require the value at 26.5 years (identified that life of the project is 25 years plus 18 months for decommissioning and stabilization) be required as the day 1 value for the decommissioning surety. It is recommended that the value be evaluated at a rate of 3% inflation annually for 26.5 years and that value be placed in a surety to the Town.
16. The decommissioning estimate should still be certified by a licensed engineer. Please note that the latest submission does not have such certification.

SWPPP Comments

17. There are no additional Technical Comments at this time.
18. All updates to the calculations for this project should also be reflected in the Draft NOI. Upon final submission of the SWPPP the eNOI will need to be submitted to the NYSDEC and an acceptance letter will need to be added to the SWPPP when it is received by the applicant and prior to the issuance of a building permit.
19. Please note that all signatures for the NOI and other documents that are in the SWPPP document, as well as the contractor information will need to be filled out prior to any building permits being issued.

If you have any questions, comments, or concerns regarding any of the above, please do not hesitate to contact me.

Sincerely,



James J. Oberst, P.E.
MRB Group

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c: Diane McMullan, Planning Board Secretary
Jared Radesi, Geneseo CEO
Emily Lukasik, E.I.T., LaBella Associates, P.C.
Ryan McCune, Nexamp, Inc.