

Town of Ghent Planning Board

Meeting of 1/20/21

Planning Board Chairman French, Member Barufaldi, Member Machiz, Member Groom, Member, Member Lazar and Member Ocean, Attorney Matt Cabral and Code Enforcement Officer Keefe. Absent Member Stoner.

Called to order 6:00PM by Chairman French via Zoom.com.

Old Business:

Nexamp Solar

–Application for a Special Use Permit/Area Variance

NYS Route 9H

Tax Parcel ID# 91.1-4.100

Chairman French begins by stating the Board has received the draft resolution as well as the decommissioning plan with some edits and states Mr. Jurkowski had also asked if the meets and bounds had been finalized for the subdivision. Mr. Morrison stated they have a draft of the meets and bounds complete, Mr. Auerbach states they drafted an easement agreement and sent it to Mr. Cabral this afternoon and it gives Parcel A the right of access over Parcel B and both parcels are responsible for maintaining the landscaping independently and if one goes under the other is responsible. Mr. Auerbach states the one issue that Nexamp had with the decommissioning plan was with a guarantee of Nexamp Solar in the decommissioning as well as the right of assignment that the Town would have over a future purchaser, from a financing perspective those would be problematic for Nexamp. Mr. Cabral asks if both are problematic in the resolution as well as the decommissioning plan, Mr. Auerbach states that is correct, Chairman French states that is item seven. Mr. Auerbach states that Nexamp will post a bond therefore these shouldn't be necessary as Nexamp has not ever done this with any other project, Mr. Machiz states it was his suggestion as a cross default. Mr. Curlin states the reasoning for the two projects and that they can't have one project through NYSEDA and Mr. Stout adds the agreement can explain the specifics for the colocation. Mr. Stout asks on behalf of the property owner, what the Town liability would be for a project like this going under located on private property. Mr. Cabral asks what Nexamp may have done regarding security with other projects outside of decommissioning bonds, Mr. Curlin states they have never done anything outside of a decommissioning bond, if they are in violation the Town can pull the permit and they will be required to decommission.

Chairman French states he is having an issue with item number seven as well, understanding solar has a different track record, however this is not in the Town Code and could be dangerous territory pertaining to other projects that may come before the Board and not advocating this additional provision. Mr. Machiz then explains the reasoning is due to cross-defaulting, Mr. Cabral asks about a mechanism that was dealt with in the past were there was a default with some other requirement for approval that the Town honors as a decommissioning plan and maybe that would get this Board closer to an approval. Discussion ensues to come to a

compromise to reach an approval between Mr. Cabral, the Planning Board and the applicant. Mr. Machiz asks if Nexamp could provide a certification that they are providing more than fifty percent of the output, Mr. Curlin states they would be able to provide that.

Chairman French asks the Board for comments regarding the resolution, Mr. Cabral states it references November 4th, 2020 as the date the application was deemed complete. Mr. Cabral adds that SEQRA had been done with this application earlier than normal due to the coordinated review with the Town Board. Mr. Barufaldi states he had some questions regarding the benefits to Ghent residents and the percentage of discounts in the resolution, Mr. Cabral state what he believes the language should state. Mr. Auerbach asks about landscaping and if a species were to need replacing that the Town Engineer be consulted if perhaps a type of tree may not be available any longer or any substitute planting be approved by the Engineer. Mr. Barufaldi asks about project benefits, Mr. Cabral states it is on Mr. Machiz's redline version. Mr. Groom asks if it ends up not being community solar does this loose the Special Use Permit, Mr. Curlin states that the permit runs for 25 years as that is the agreement with NYSERDA. Mr. Baurfadi adds part of the agreement with prioritizing Ghent residents for the discount was for the first 45 days and after that period Ghent residents would not be shut out if they still wished to subscribe they could get it from another facility with the discount still. Mr. Machiz adds he had also noted to add the execution of the Pilot agreement by the Town Board.

Board moves into Executive Session per Section 108.

Meeting adjourned at 9:11PM.

Respectfully submitted,

Erin Reis

Secretary