

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES – SPECIAL MEETING
APRIL 18, 2023
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman	Kathleen M. Ellis
Andrea L. Mellon, Vice Chairman	Allan J. Ormond
Paul D. Mager, Assistant Secretary	Mark Smith
Danny Newbury	Tina J. Abrams

PLANNING BOARD MEMBERS ABSENT:

Robert C. Keis
James Valent
David McCoy
Michael J. Zaprowski, Secretary

PLANNING DEPARTMENT STAFF

Crystal J. Abers, Director
Emma Carrasco, Planner

GUESTS:

Peter Sorgi, Attorney
Steve Cornwall, Town of Machias Supervisor
Robert Shenk, Town of Machias Councilman
Henry Zomerfeld, Attorney
Several Community Members

1. CALL TO ORDER

Charles Couture, Chairman, called the meeting to order at 6:00 p.m.

2. WELCOME & OPENING REMARKS

None

3. APPROVAL OF MINUTES

3.1. March 30, 2023

Charles Couture called for a motion to accept the minutes. Dan Newbury moved to approve with a second from Andrea Mellon. Motion carried.

4. OLD BUSINESS

4.1. General Municipal Law Section 239 (l) & (m) Referrals

Town of Machias – Entire Town

- Local Law – Amendment to Solar Moratorium

We are revisiting Town of Machias Amendment to Solar Moratorium. They are amending Local Law 1 of 2023 to exclude certain projects from the solar moratorium. Exceptions would be made for applications submitted to the Town prior to the moratorium and which have been issued, negative declarations pursuant to NYS Environmental Quality Review Act. A public hearing was held March 20th at 6:30 pm. We received the unofficial meeting minutes from the Town Clerk last week on April 11th, which were all shared with you that day. The document was passed around for anyone who did not get a chance to see it, as well as a letter of concern from Brenda Hanson which was received over the weekend. The projects that are referred to in the minutes were previously submitted and were found incomplete with no further information provided by the town. There are also copies of the County Planning Board Recommendations in the binder that is being passed around. A timeline of events for this referral was shown, stemming from the original submission date of June, 2022. The referral was found to be incomplete for the following reasons:

- Not including disconnect and emergency shut-off information.
- Missing design evaluations that illustrate the potential views of high-end proposed structures.
- There was no schedule for updating cost estimate to amend financial surety value.
- “Decommissioning Plan” does not describe how the funds will be kept (i.e. bond, letter of credit, etc) – doesn’t ensure the availability of funds.
- There was unclear wording about who the successor would be in case they went out of business or sell transfer rights.
- There was a suggestion to plant a native to New York pollinator mix at the end of construction instead of perennial rye grass.

There was a resubmission in July, but it was still incomplete due to still not addressing items one and four.

There was also a submission for a project on Main Street in the Town of Machias which was returned as incomplete as well due to having an incomplete Ag Data Statement and the site plan did not address any disconnect and emergency shut-off information, and no adjacent property information was included. No financial security was described and the decommissioning plan did not address method and schedule for updating the cost of decommissioning and restoration. It also did not address the method of ensuring the availability of funds. There was also a suggestion to delay mowing to reduce the mortality of nesting grassland birds.

The Solar Moratorium was a resolution that was approved at the Town of Machias Board Meeting on September 19, 2022. In December, 2022, the County Planning Department received the referral, however it was returned as incomplete due to missing Part 1 Municipal Referral Form. The Town resubmitted it in January 2023 and the referral was complete so the County Planning Board did approve and the Town did respond with a Part 3 that they are in accordance with our recommendation.

Then we move on to March 22, 2023, when we received the referral via email to amend the solar moratorium. Given all this, we still feel that there is a lack of information because the projects that would become exempt were returned as incomplete. We would like to know what the Town's response is to the comments and suggestions and also what has changed between now and January. There is significant county wide and community impact and our Staff Recommendation is to disapprove for lack of information.

Peter Sorgi argued that the referral was sent by UPS on 3/13/23, when in fact the Planning Department never received it, so he stated that our 30 days are up so it doesn't matter what we do now. He said that it is done.

Motion was made by Dan Newbury to accept the recommendation to disapprove with a second by Al Ormond. Motion carried.

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| 5. Members Forum | All |
| 6. NEXT MEETING ANNOUNCEMENT
6.1. April 27, 2023 | Chairman |
| 7. ADJOURNMENT
Motion to adjourn was made by Al Ormond, with a second by Andrea Mellon. Motion carried. Meeting was adjourned at 6:15 pm. | Chairman |