

Meeting Minutes February 14th, 2024

At a regular scheduled meeting of the Planning Board of the Town of Mentz held in the municipal building, located at 14 Sponable Drive, Mentz, NY 13140 at 7:00PM, a public hearing was had to discuss the topic of the application for a special use permit submitted by of New Leaf Energy Inc. to install a Utility Scale Solar Energy System located at 9055 N. Main Street Road, Port Byron NY 13140, owned by David Clair and Carol martin, the following were present:

Chairman: Fred Whiting

Member: Richard Burke

Member: Laura Torres

Member: Doug Wilson

Member: George Ackley

Clerk: Caitlin Bacon

Code Enforcement Officer (CEO): Jay Moose

Public Present: Polly Lyn Davies, Martin Willix, Lori Sircusa, Jodie Ecker, Laurie Powers, Patricia Gilfus, Bill Applebee, Deb Applebee, Barbara Clancy, Shannon Daley, Cody Dudley, Heather Dudley, Al Coleman, Brenda Coleman, Tom Green, Heather Mahunik, Sandra Loveless, David Ware, Darlene Smith, Wilfred Nieves, Alicia Stoklosa, Kasey Rose, one signature was not legible and two signatures appeared as "Allen" and "Freddy" with no legible last name, and one person refused to sign, however, several members of the public present confirmed it was Dona Jackson

Chairman Whiting called the meeting to order at 7:04PM and immediately proposed to open the public hearing.

Motion to open the public hearing regarding the aforementioned Solar Array Project made by Chairman Whiting.

Motion was seconded by Member Burke.

All in Favor: 5-0

Chairman Whiting opened the floor for public comment.

Public present, Martin Willix, from New Leaf Energy also commented that he was available to answer any questions.

The public residents present started out the meeting with many questions and concerns with major topics such as:

- How the project will benefit the residents
- Traffic concerns during construction
- Energy usage and capacity
- Environmental impact and studies
- Wetland laws
- Crystalline silicon
- Safety Concerns for first responders*
- The substation location
- Operation quality in the heat or cold
- Decommission plans
- Electro magnetic hypersensitivity
- Land value after a build
- Why this location was considered if the energy output was "low"

All questions were answered by the companies present such as New Leaf, Erdman Anthony, and Hudgson Russ and the Planning Board and CEO Moose.

At 7:15PM Darlene Smith entered the Planning Board Meeting.

Concerns regarding contamination into the Seneca river were raised by many present, who voiced questions and concerns and were discussed as follows.

Public Present Mr. Coleman was concerned that his land was being used as the wetland buffer calculations and did not want his land involved at all.

Public Present Ms. Gilfus continued, and repeated several times throughout the hearing, of water contamination concerns.

Ms. Gilfus stated that she does not want municipal water. Ms. Gilfus mentioned that herself and other Town of Mentz residents spend a lot of money on their wells, and want to keep it that way, their own wells and not municipal water, as beliefs of continued methods of forcing residents to hook up to municipal water lines was indicated. Ms. Gilfus questioned why she was not notified of this project. CEO Moose displayed the certified letter stubs mailed to all the residents in the radius required by the zoning laws adopted by the Town of Mentz for the Solar Project.

Public present Ms. Powers stated that it is against New York State law to build solar farms on wetlands. Member Burke asked Ms. Powers to please reference the law number and provide it to the Board. Ms. Powers stated that she did not know the law but would find it. Ms. Powers also questioned the rate and severity of fires the solar panels have the potential to produce. Member Burke and Mr. Willex updated the public that the local fire department has been contacted and were working with the appropriate training requirements and best plans for fire apparatus.

Public present Ms. Siracusa asked another public present attendee, Mr. Ware, if this is what he "signed up for", battling solar panels with toxins, as the mentioned Mr. Ware is a volunteer firefighter. Mr. Ware replied, by first stating that he was not here on behalf of a firefighter or with the fire department, yet, most of the items in your home are just as bad, if not worse.

The conversation then moved to the zoning law. Public present Mr. Applebee questioned the Planning Board on the current zoning of agricultural land status and the change of the use of the land, if this project is approved to become commercial utility. Member Burke assured him that this is why the request for a special use permit application was submitted and is being reviewed wholly by the Planning Board.

Public present Ms. Davies read the zoning law reciting the agriculture plans to protect farmlands aloud.

CEO Moose then explained to the public present after several questions regarding zoning and the process of the project were asked. CEO Moose explained, in detail, the zoning districts, referencing a power point slide and the zoning law and the process, from start to finish, for this project.

It was then asked by Ms. Siracusa if the board has the power to say yes or no. Chairman Whiting explained that the Planning Board is required to stay neutral and the application, site plan and all studies performed are considered, to ensure the zoning laws and other related laws are followed.

Ms. Siracusa then questioned the Planning Board why this was the first of them to hear of the project. The Planning Board stated that this has been brought up and submitted as far back as July 2023, and at regularly scheduled meetings, on the second Wednesday of each month, are open for the public to attend, along with meeting minutes that are typed each quorum and are available to anyone.

Mr. Applebee questioned the Planning Board if they were privy to an environmental lawyer. The planning Board explained that neutral parties are completing the studies and any cost related to companies, such as lawyers, are reimbursed by New Leaf Energy under the conditions of approval.

Public Present Ms. Powers stated that she was concerned about the wildlife near the area, especially an Eagles Nest. Chairman Whiting stated that during the Full Environmental Assessment Form, Part Two, Eagles were not mentioned as wildlife that will be impacted.

Public Present Mr. and Mrs. Applebee exited the Public Hearing at 8:07PM.

Public Present Mr. Ware stated that he felt the approximate 10 percent savings on a utility bill for residents was minimal for a multimillion-dollar project and multimillion dollars to get rid of.

The topic of noise level was brought up. Mr. Neives stated that the noise is about the same level and hum of a refrigerator and the part that gives off this sound is in the middle of the array.

Incentive for the solar array company was questioned, Mr. Neives stated that grants are given for projects like this.

Mr. Dudley asked what percentage of maximum energy output these panels will produce. Mr. Neives stated that without looking at the plans, he believes that the percentage is 98%.

CEO Moose explained that all the documents that are being discussed are all available to the public and discussed monthly at the Planning Board Meeting, which is open to the public.

Member Burke then read a few of the questions straight from the SEQR document to give the public examples of topics they discuss.

After a question asked by Ms. Mahunik, regarding how many times CEO Moose will be at the property to inspect it, CEO Moose explained that this question cannot be answered now. CEO Moose stated how the process of inspection is completed, along with his duties and responsibilities. That all the documents submitted at this time are subject to change and it is unknown until it is approved and final and each time a project is completed for him to inspect.

Public present Mr. and Mrs. Dudley exited the Public Hearing at 8:30PM.

Public present Ms. Gilfus expressed concern that their voices were not being heard and being discriminated against because they are being affected. CEO Moose brought up the slide regarding the town adopting the zoning law and only a handful of people attended said meeting. CEO Moose displayed the Zoning law amendment section, if they wanted to amend the law on solar panels, on the TV screen slide and explained the entire process of amending the Zoning Law. CEO Moose urged the public to attend meetings and recommend changes that they think the Town should make to the Zoning Law and what fits the community yet, the problem is, no one shows up. Other projects in the Town were then brought up and Ms. Stoklosa requested the Planning Board close the public hearing, as these topics are no longer relevant.

Motion to close the public hearing regarding the aforementioned Solar Array Project made by Chairman Whiting.

Motion was seconded by Member Burke.

All in favor 5-0

The Public Hearing portion of the Planning Board meeting closed at 8:40PM.

At 8:42 PM, almost all of the public present exited the Planning Board meeting.

Members from New leaf Energy, Erdman Anthony, and Hudgson Russ remained, along with the public Mr. Ware, Ms. Clancy, Mr. Green, Ms. Davies, and Mr. and Ms. Coleman.

The Planning board resumed its regularly portioned items of the meeting.

No other new business to discuss.

No other old business to discuss.

Public present Ms. Davies, Mr. Ware, Mr. Green, Mr. Neives, Ms. Stoklosa exited the Planning Board meeting at 8:47PM.

Mr. Willix continued discussions with Mr. and Ms. Coleman at the drawing board.

After reviewing the meeting minutes, Chairman Whiting proposed a motion to accept the meeting minutes from prior Planning Board meeting, January, to be approved.

Motion to approve meeting minutes dated January 10th, 2024, as presented, by Chairman Whiting

Motion was seconded by Member Burke.

All in favor 5-0.

Next scheduled Board Meeting is March 13th, 2024.

Motion to adjourn the scheduled Planning Board Meeting on February 14th, 2024, made by Chairman Whiting.

Motion was seconded by Member Wilson.

All in favor: All 5-0.

Meeting Adjourned: 8:54PM

Caitlin Bacon

Planning Board Clerk Bacon