

Meeting Minutes April 10th, 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, following were present:

Chairman: Fred Whiting

Member: Doug Wilson

Member: Richard Burke

Member: Laura Torres

Member: George Ackley

Clerk: Caitlin Bacon

Code Enforcement Officer (CEO): Jay Moose

Town of Mentz Attorney: Kevin Cox

Public Present: Polly Lyn Davies, Lori Siracusa, Alicia Stoklosa, Steve Siracusa, Becky Siracusa, Bob Vogel, Barbara Clancy, Deb Applebee, Bill Applebee, Brandon MaGill, Martha Robinson, Wilfred Nieves, Martin Willex, Steve Morgan, Mark Ganthior

Chairman Whiting called the meeting to order at 7:04PM, the Pledge of Allegiance was said by all present, followed by a moment of silence.

Chairman Whiting proposed a motion to accept the meeting minutes from prior Planning Board meeting, March 13th, to be approved.

After reviewing the minutes, a motion to approve meeting minutes dated March 13th, 2023, with a typo correction ("Ton" to "Tom") was made by Member Torres.

Motion was seconded by Chairman Whiting.

All in favor 5-0

Member Whiting announced the Resolution of a Negative Declaration.

Attorney Cox stated that the Planning Board reviewed Part II to determine the amount of environmental impact of the Solar Array Project, noting two sections that impacted soil and agricultural land and all other sections had no or little impact.

New leaf attorney, Ms. Stoklosa, requested that the Planning Board vote on lead agency status again, since the 30 days has expired, as a formality.

Member Burke questioned what the land of the proposed array was used for in the past. Mr. Willix referred him to review the EAF Part I.

Member Wilson questioned the maximum output of the array, Mr. Nieves stated that the maximum output is 3.5 megawatts and no more.

Member Wilson also questioned the array map, as it was noticed that there was a wetland in the middle of the array. Mr. Willix stated that New York State does not consider an array impact to such wetlands. A discussion regarding this was had. It was stated that construction over an array is not considered impact in New York State. The Army corps has jurisdiction over the wetlands and there is documentation stating this. Mr. Willix explained that the reason for this is because they are just driving a fence post into the ground, no cement, no footers, and is not permanent and is pulled out when decommissioned.

The planning Board returned to the lead agency formality vote.

Member Burke proposed a motion to become lead agency on the Solar Farm project on Main Street, since the 30 days expired.

Motion was seconded by Chairman Whiting.

All in favor: 5-0

A motion to accept the negative declaration resolution was made by Chairman Whiting. Motion was seconded by Member Ackley.

A member of the Public questioned what this meant.

Attorney Cox explained this is a proposed resolution to conditionally approve the site plan draft regarding the Type I Solar Farm project application from September of 2023. Attorney Cox further explained the process of the project that the Planning Board became lead agency, the 239 was sent to the county for review, there was a public hearing, and 62 days from a public hearing, a decision is to be made, and 62 days is approximately next Tuesday. Attorney Cox continued to explain the conditions of the approval and asked the Planning Board to ensure they reviewed #1-6 section 11.04A of the zoning law.

After review by the Planning Board, Chairman Whiting read the declaration aloud and made a motion to approve.

Member Wilson questioned the potentially harmful chemicals and if the soil is compromised, how are the contaminants removed.

Attorney Stoklosa explained a TCLP test and that the solar panels to be used for this project are not characteristically hazardous and will not contaminate anything above the New York State standard. Public present Mr. Vogel noted fire possibility is hazardous.

Mr. Willix suggested that the Planning Board make that a condition of the approval, that only the crystalline silica panels are installed.

Chairman Whiting stated the crystalline silica based panels will be added to the conditions of approval.

Chairman Whiting made a motion to approve the written resolution for the special use permit, in addition, the requirement of crystalline silica based panels.

Public present Mr. Applebee raised his hand and made a comment to the board to ensure they review the list of impacts thoroughly.

Motion was seconded by Member Burke.

Member Wilson made a statement that he wants no pollution. Again, airborne vs. soil contamination was had.

All in favor: 5-0

Planning board resolution, with amendments, as follows:

TOWN OF MENTZ PLANNING BOARD

Resolution Adopting Negative Declaration for the Solar Project proposed by North Main Street Solar 2, LLC in the Town of Mentz, New York

WHEREAS, on or about September 22, 2023, North Main Street Solar 2, LLC (“Applicant”) submitted applications to the Town of Mentz Planning Board (“Planning Board”) for site plan approval and a special use permit to construct and operate one (1) 3.5 MW AC community solar farm (the “Project”) located at 9055 N. Main Street Road (Tax Map No. 75.00-1-27.1) (“Property”) in the Town of Mentz (“Town”) (together, “Application”); and

WHEREAS, the Application is a Type I action under the New York State Environmental Quality Review Act (“SEQRA”), thus a full Environmental Assessment Form (“FEAF”) Part 1 was prepared as part of the Application; and

WHEREAS, the Planning Board declared its intent to be the Lead Agency under SEQRA, and following the required 30-day notice period with no objection from any involved agencies, the Planning Board was established as the Lead Agency for review of the Project on April 10, 2024; and

WHEREAS, pursuant to Section 239-m of the New York General Municipal Law, the Application was referred to the Cayuga County Planning 239-l, m & n Review Committee (“County Referral Committee”), which reviewed the Project at the County Referral Committee’s January 18, 2024, meeting; and

WHEREAS, the Planning Board, as the Lead Agency reviewing the Project, has considered the Application and the FEAF Part 1, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and such other information deemed appropriate; and

WHEREAS, the Planning Board has identified the relevant areas of environmental concern, taken a hard look at these areas, and made a reasoned elaboration of the basis for its determination; and

NOW, THEREFORE, BE IT RESOLVED by the Town of Mentz Planning Board as follows:

1. Based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Planning Board finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared.
2. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated therein.
3. This resolution is effective immediately.

PASSED AND ADOPTED this 10th day of April, 2024 by the Town of Mentz Planning Board.

Planning Board Clerk Bacon

NEGATIVE DECLARATION
Determination of Non-Significance

Lead Agency: **Town of Mentz Planning Board**

Date: **April 10th, 2024**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act (“SEQRA”)).

The Town of Mentz Planning Board (“Planning Board”), as lead agency, has reviewed the application for one (1) 3.5 MW AC community solar farm proposed by North Main Street Solar 2, LLC (“Applicant”) submitted to the Planning Board in September 2023, and has determined that issuance of site plan approval and a special use permit to the Applicant for the Project (“Action”) will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Consideration of the Applicant’s proposed solar project and issuance of a special use permit and site plan approval therefor.

Location of Action: The Town of Mentz, New York (“Town”).

SEQRA Status: Type I Action.

Description of Action: The Planning Board has reviewed the application for the Project, which presents plans for a 3.5 MW AC project (“Application”).

Reasons Supporting this Determination:

The Planning Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Planning Board compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR §§ 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

The Action will not create a substantial change in existing air quality or ground or surface water quality or quantity, traffic or noise levels (beyond limited, temporary increased noise of operating work vehicles and equipment transportation and installation activities) during the temporary construction period), nor will there be any significant increase in solid waste production. Similarly, the Action will not result in any increased potential for erosion, flooding, leaching, or drainage concerns. The Applicant developed an erosion and sedimentation control plan and will implement best management practices to ensure that erosion does not occur during construction or after construction of the Project is complete. The Property will occupy approximately 15.77 acres of a larger 138.6-acre parcel, and only approximately 600 square feet of impervious surface will be created by the Project. And in any case, the Project design minimizes impervious surfaces as much as possible and includes use of pervious materials for certain Project elements, like the access road, as well as stormwater management controls.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

There will not be any removal or destruction of large quantities of vegetation or fauna, nor will there be substantial interference with any wildlife or habitat or other natural resources. There will be minimal tree/shrub clearing onsite, which will ensure no impacts result to any significant natural communities or habitats onsite. Specifically, only approximately 0.7 acres of forest will be removed from the Project site and converted to grassland.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

There will be no impacts to Critical Environmental Areas as designated under 6 NYCRR § 617.14(g) as a result of the Action. The Property is not located in nor does it adjoin a Critical Environmental Area.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted; and

The Action does not present a significant material conflict with the Town's plans or goals for development in the Town. Adoption of an amendment or addition to a zoning law by the legislative body of a municipality must be in conformance with the comprehensive plan. The Town revised its zoning ordinance ("Zoning Ordinance") in 2019 to regulate the siting of solar projects in the Town and indicated its legislative intent to accommodate the use of solar energy systems and "provide for the siting, development, and decommissioning of solar energy projects in the Town of Mentz, subject to reasonable conditions that promote and protect the public health, safety, and welfare of the community while promoting development of renewable energy resources." Zoning Ordinance § 10-01(B). Indeed, the Town spent significant time and resources

to amend its Zoning Ordinance to meet the current and future needs of its community and ensure such changes further its goals for growth and development as stated in the Joint Town of Mentz and Village of Port Byron Comprehensive Plan (“Comp Plan”). In fact, the Zoning Ordinance was amended to directly support the Comp Plan’s goal to “adopt zoning regulations that encourage or at the very least, not discourage the use of solar and wind systems ...” (see pg. 23). The Town would not have recently amended its Zoning Ordinance if such changes were not consistent with the Comp Plan.

Moreover, the Zoning Ordinance permits Utility Scale Installations (which the Project qualifies as) in the Agricultural zoning district, where the Property is located, pursuant to issuance of a special use permit and site plan approval. Zoning Ordinance § 11.06(A)(15). When the Town amended the Zoning Ordinance, it carefully contemplated where it was appropriate to permit Utility Scale Installations. The Town limited these facilities to only one zoning district. As such, the Town Board made a legislative determination that Utility Scale Installations, such as the Project, are in harmony with the Town’s zoning and planning regulations and the character of the surrounding area. *See North Shore Steak House, Inc. v. Bd. of Appeals of Inc. Vill. of Thomaston*, 30 N.Y.2d 238, 243 (1972) (“The inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood.”). Additionally, any purported “impacts” of specially permitted uses are presumed to have been considered by the municipality when such uses were deemed permissible in the zoning law. *See WEOK Broadcasting Corp. v. Planning Bd. of Town of Lloyd*, 79 N.Y.2d 373, 383 (1992) (“... the aesthetic visual impact of the [radio] towers, was, we presume, considered at the time that radio and television towers were included as permitted uses in the Designed Business zone.”).

Furthermore, given the rural and sparsely settled area surrounding the Project site, any temporary increase in noise associated with the construction phase of the Project will be minor in nature and will not result in any significant noise impacts. In addition, all solar panels part of the Project are manufactured with anti-reflective coatings, and the Project site will be sufficiently screened by existing vegetation.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

There will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of community or neighborhood character as a result of the Project. As mentioned above, the Project is proposed to be sited in the Agricultural zoning district, where such projects are permitted via the issuance of a special use permit, and the Project is therefore compatible with the character of the district. Further, as indicated on the updated site plans, the Project will be well screened by existing vegetative buffer.

(vi) a major change in the use of either the quantity or type of energy;

There will be no such impacts.

(vii) the creation of a hazard to human health;

The Action does not create a hazard to human health.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

There will be only a minimal change in the use, or intensity of use, of the Property. The Property is currently vacant agricultural land, which will be converted to a passive solar facility. Once the Project is constructed, there will be little to no activity on the Property. The Project is only a temporary construction, which will be decommissioned completely at the end of its useful life, and the Property can be restored for agricultural use. The Project will similarly no present any impact to recreational resources or open space.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

There will be no such impacts, as after construction, the Project site will be visited only a few times a year for routine and preventative maintenance.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

There will be no such impacts.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

There will be no such impacts.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

There will be no such impacts.

Attorney Stoklosa requested Chairman Whiting's signature on required documents.

Planning Board Clerk Bacon commented to Attorney Cox that conversations regarding fire department training and the purchase of required equipment to combat a fire of this nature have been had in the past meetings. Attorney Cox was unaware and questioned Attorney Stoklosa on the validity. Attorney Stoklosa agreed this has been brought up and also questioned Mr. Nieves on the specifics. Mr. Nieves also agreed that this conversation took place and that New Leaf did say they would provide the appropriate training and any required equipment the volunteer agency may need, and doesn't have, to combat a possible solar array fire. Attorney Stoklosa agreed to this as a condition of approval for the Solar Project.

Chairman Whiting made a motion to amend the previous resolution to include the newly founded fire training and any equipment costs at the responsibility of New Leaf Energy, in addition to the written resolution and solar panels requirement.

Motion was seconded by Member Burke.

All in favor: 5-0

TOWN OF MENTZ PLANNING BOARD

Resolution Approving Special Use Permit with Conditions and Site Plan Approval with Conditions for the Solar Project proposed by North Main Street Solar 2, LLC Located at 9055 N. Main Street Road in the Town of Mentz, New York

WHEREAS, on or about September 22, 2023, North Main Street Solar 2, LLC ("Applicant") submitted applications to the Town of Mentz Planning Board ("Planning Board") for site plan approval and a special use permit to construct and operate one (1) 3.5 MW AC community solar farm (the "Project") located at 9055 N. Main Street Road (Tax Map No. 75.00-1-27.1) ("Property") in the Town of Mentz ("Town") (together, "Application"); and

WHEREAS, the Application is a Type I action under the New York State Environmental Quality Review Act ("SEQRA"), thus a full Environmental Assessment Form ("FEAF") Part 1 was prepared as part of the Application; and

WHEREAS, the Planning Board declared its intent to be the Lead Agency under SEQRA, and following the required 30-day notice period with no objection from any involved agencies, the Planning Board was established as the Lead Agency for review of the Project on April 10, 2024; and

WHEREAS, the Planning Board and Applicant representatives reviewed and discussed in detail Parts 2 and 3 of the FEAF in relation to the Project in detail at the Planning Board's January 10, 2024 meeting;

WHEREAS, pursuant to Section 239-m of the New York General Municipal Law, the Application was referred to the Cayuga County Planning 239-l, m & n Review Committee ("County Referral Committee"), which reviewed the Project at the County Referral Committee's

January 18, 2024, meeting and issued a letter dated January 30, 2024, providing comments and recommendations regarding the Project, but stated that the matter was of “local concern”; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on the Application on February 14, 2024; and

WHEREAS, the Applicant’s representatives submitted the following materials to the Planning Board on March 6, 2024 for the board’s consideration: (i) letter in response to the four recommendations noted in the Count Referral Committee’s January 30, 2024 239-m referral letter; and (ii) responses and educational materials related to public comments received at the February 14, 2024 public hearing regarding the health and safety risks associated with solar panels; and

WHEREAS, the Applicant received approval of the Project Fire Access Site Plans from the appropriate Fire Chief on March 11, 2024; and

WHEREAS, the Applicant provided revised copies of the Project site plan documents and the Storm Water Pollution Protection Plan to the Town on April 3, 2024, which were updated to reflect additional turn arounds along the Project access driveway; and

WHEREAS, the Planning Board, acting as Lead Agency, issued a Negative Declaration of Environmental Significance for the Application on April 10, 2024; and

WHEREAS, the Planning Board has reviewed the Application in connection with the Special Use Permit standards applicable to Utility Scale Installations proposed to be sited in the Town, as provided in Section 10.04 of the Town of Mentz Zoning Code (“Zoning Ordinance”); and

NOW, THEREFORE, BE IT RESOLVED by the Town of Mentz Planning Board as follows:

1. The Planning Board hereby makes the following findings:
 - a. The proposed Project is a Utility Scale Installation and Utility Scale Solar Energy System as defined in Sections 2.02 and 10.02(A)(2) of the Zoning Ordinance.
 - b. The Project is proposed to be sited on one parcel of land approximately 138.6 acres in size, located in the Town’s Agricultural (“A”) zoning district, where the Project is authorized pursuant to the issuance of a special use permit and site plan approval. The location size, and character of the Project will be in harmony with the appropriate and orderly development of the zoning district in which it is

situated and will not be detrimental to the orderly development of adjacent districts and uses.

- c. The proposed special use will only temporarily remove the Property from agricultural use for the life of the Project, and the Project will not significantly impact agricultural soils present on the Property. After decommissioning of the Project, the Property will be returned to its original, pre-construction state, as detailed in the Project Decommissioning Plan (“Decommissioning Plan”).
- d. The development of the Project will not have a significant adverse impact on fish, wildlife, or plant species or their habitat or other significant habitats identified by local, state, or federal agencies. The location and size of the Project, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it are such that traffic to and from the Project will not be hazardous or inconvenient to the neighborhood. The Project will not be publicly accessible, nor will it generate any traffic impacts. There are therefore no concerns regarding pedestrian or vehicle access for the public to the site. The Project will be locally monitored and controlled as well as monitored remotely.
- e. Development of the Project is compatible with natural features of the site and with surrounding land uses. The Project will not create a traffic hazard by limiting site distance; the Project will not be located in a poorly drained area; the Project will not be located on soils unsuitable for the proposed use; the Project will not substantially obstruct an existing view of a river, stream, lake, historic structure, or other identified scenic vista; and the Project will not be located on steep slopes.
- f. The proposed special use is consistent with the general intent of the Joint Town of Mentz and Village of Port Byron Comprehensive Plan and the Zoning Ordinance.
- g. Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- h. The Project satisfies each and every standard and condition specified for Utility Scale Installations as provided in the relevant provisions of the Zoning Ordinance. As such, the Planning Board specifically makes the following findings:
 - i. The Project meets all setbacks and other design requirements for ground mounted Utility Scale Solar Energy Systems pursuant to Section 10.04(A)(2)(a)(i-vi) of the Zoning Ordinance.

- ii. The solar panels to be installed for the Project will not exceed fifteen (15) feet in height above the ground.
 - iii. The Applicant has provided sufficient documentation from New York State Electric & Gas acknowledging that the Project will be connected to the electrical grid, pursuant to Section 10.04(A)(2)(b)(i) of the Zoning Ordinance.
 - iv. The Project will include a sign, not exceeding an area of eight square feet, which shall be displayed on or near the main access point and shall list the facility name, owner, and twenty-four-hour emergency contact phone number.
 - v. The Project (including all mechanical equipment) will be enclosed by a seven-foot fence, which shall not consist of barbed wire, and will include a self-locking gate to prevent unauthorized access.
 - vi. The Project will be accessible to all emergency service vehicles as required by the New York State Uniform Fire Prevention and Building Code ("Uniform Code"). Furthermore, the Applicant has provided sufficient evidence that a copy of the site plan application has been submitted to, and approved by, the appropriate Fire Chief.
 - vii. The Project complies with the current guidelines as established by the New York State Department of Agriculture and Markets relating to Agricultural Mitigation for Solar Energy Projects.
 - viii. The Applicant has obtained all necessary regulatory approvals and permits from all federal, state, county, and local agencies having jurisdiction and approval powers related to the Project, if any.
- i. The Planning Board has considered the general requirements and standards applicable to the issuance of special use permits as detailed in Section 11.04 of the Zoning Ordinance. As such, the Planning Board specifically makes the following findings:
- i. The Project is in the best interest of the Town, the convenience of the community, the public welfare, and will be a substantial improvement to property in the immediate vicinity, as the Project will provide a clean source of renewable energy, and residents and local businesses can use the electricity generated from the Project at a lower cost.

- ii. As more fully detailed in the SEQRA Negative Declaration and Parts 2 and 3 of the FEAFF adopted by the Planning Board, the Project will not have an undue adverse effect upon adjacent property, the character of the neighborhood and surrounding areas, traffic conditions, parking, utility facilities, or other matters affecting the public health, safety, welfare, or convenience of the public.
 - iii. As more fully detailed in the SEQRA Negative Declaration and Parts 2 and 3 of the FEAFF adopted by the Planning Board, the Project will not create operations or uses that will be considered objectionable to nearby properties by reason of noise, fumes, vibrations, illumination, or other outward effects on others in the area surrounding the Project.
 - iv. The Project will be adequately serviced by essential public facilities and services, including appropriate road access and sufficient parking space for the minimal maintenance visits that will occur each year at the Property. The Project will be accessible to fire protection services and emergency response vehicles, as confirmed on March 11, 2024 by the Fire Chief.
 - v. As more fully detailed in the SEQRA Negative Declaration and Parts 2 and 3 of the FEAFF adopted by the Planning Board, the Project will not have an adverse effect on the environment.
 - vi. The Project is in conformance with all applicable requirements of the Zoning Ordinance and the Project does not require any variances from requirements in the Zoning Ordinance.
- j. The Applicant's site plan application meets all requirements for site plan approval pursuant to Sections 16.03, 16.04(A) and 16.06 of the Zoning Ordinance.
2. The Special Use Permit is approved subject to the following conditions, in addition to any conditions for obtaining building or other permits:
- a. Prior to the issuance of a building permit, the Applicant shall enter into a Decommissioning Agreement with the Town. In addition, in accordance with Section 10.04(A)(2)(b)(iii) of the Zoning Ordinance, the Applicant shall provide cash, a bond, or some other form of financial security reasonable to the Town, for the removal of the Project, with the Town as the designated assignee/beneficiary, in the amount approved by the Town based upon the Decommissioning Plan. Such financial security shall be posted prior to the issuance of a building permit.

- b. The Applicant shall obtain a Building Permit within eighteen (18) months of receipt of both final Special Use Permit and Site Plan approval, or the approvals shall automatically terminate and be deemed null and void. Should construction of the Project not be completed within 18 months after approval, the Town, for good cause shown, may extend the time to complete construction for 180 days.
 - c. After construction is completed for the Project, the Applicant shall provide a post-construction certificate from a Professional Engineer registered in New York State, certifying that the Project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
 - d. Prior to the issuance of a building permit, the Applicant shall establish a contact person, including name, address, telephone number, and e-mail address, if possible, for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
 - e. If the Project is discontinued or abandoned pursuant to Section 10.04(A)(2)(b)(iii) of the Zoning Ordinance, the Project shall be removed by the Applicant—or a subsequent owner or operator—pursuant to the Decommissioning Plan.
 - f. Applicant shall be responsible for all costs associated with any training and supplies, materials, and/or equipment costs for local firefighters related to the Project.
 - g. Applicant shall be required to use only crystalline silica solar panels with the Project.
3. The Site Plan is approved subject to the following conditions, in addition to any conditions for obtaining building or other permits:
- a. Approval is based upon the information and documentation shown on the site plan prepared by Erdman Anthony & Associates, last revised on April 3, 2024, and is conditioned on full compliance with the site plans.
 - b. Approval is further based upon the applicable requirements and conditions contained in that portion of this Resolution, which approved the special use permit application for this Project and in accordance with all conditions for approval as set forth in the special use permit portion of this Resolution and is conditioned on full compliance with the site plan.

- c. That all application, escrow fees and other charges imposed on the Planning Board by this Application be paid prior to signing of the final site plan by the Planning Board Chairman.
4. This resolution is effective immediately.

PASSED AND ADOPTED this 10th day of April, 2024 by the Town of Mentz Planning Board.

Planning Board Clerk Bacon

Members of the public expressed complaints. Members of the Planning Board and Attorney Cox assured the public that factual determination and all criteria fit the zoning law.

Public present Lori Siracusa exited the Planning Board meeting at 8:10PM.
Public present Polly Lyn Davies exited the Planning Board meeting at 8:10PM.
Public present Polly Lyn Davies entered the Planning Board meeting at 8:12PM.

Chairman Whiting moved to old business.

Mr. Morgan was present and requested the Planning Board set a date for next month for a public hearing regarding his transfer station project.

Chairman Whiting stated that he hand delivered paperwork to the county.

Attorney Cox requested Mr. Morgan to talk to his attorney about creating a drop box type file so all this communication can continue smoother.

Attorney Cox questioned Mr. Morgan on the DEC 360 Permit, asking what he needed from the Planning Board to move forward on that. Mr. Morgan could not answer. It was requested that Mr. Morgan provide the name of the DEC agent he is working with to move forward.

Future timeline of the transfer station was discussed.

Chairman Whiting made the motion to hold a public hearing regarding the transfer station site plan application, submitted by Mr. Morgan, during the next regularly scheduled meeting on May 8th, 2024.

Motion was seconded by Member Torres.

All in favor: 4-0

Chairman Whiting: No

Chairman Whiting asked if there was any other business to discuss. No other business to discuss.

Next scheduled Board Meeting is May 8th, 2024.

Motion to adjourn the scheduled Planning Board Meeting on April 10th, 2024, made by Chairman Whiting.

Motion was seconded by Member Burke.

All in favor: 5-0.

Meeting Adjourned: 8:30PM

Planning Board Clerk Bacon