

TOWN OF HENDERSON PLANNING BOARD MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
Dec 15, 2020 AT 5:00 PM

Committee Members: Chairman, Ned Martelle, Robert Ashodian, John Treadwell, Michael Contino, Carol McGowan

CALL TO ORDER and PLEDGE OF ALLEGIANCE

ATTENDANCE:

NOTE:

Subdivision Requests do not have to be referred to the County.

Town Board Resolution adopted September 10, 1992: NOW, THEREFORE, BE IT RESOLVED, that the Town of Henderson hereby agrees that the following actions shall be considered to be of a local rather than of inter-community or county-wide concern and shall therefore be exempt from referral to the County Planning Board pursuant to General Municipal Law, Section 239m: Site Plans/Special Permits for new buildings or additions consisting of less than 500 sq. ft. where the principle use will occur within the new structure; unless the new building or addition will require a new or improved access point onto a State or County roadway; All Site Plans/Special Use Permits for the placement of individual single and two family houses, including mobile homes, or manufactured houses. No applications that fall within these guidelines will be referred to Jefferson County Planning.

Request of ME Wilson Development Corp. represented by Military Road Solar, LLC, Nexamp, Inc. and Crawford and Assoc. Engineering, PC

On Parcel # 105.00-1-7.53

In AR-40

Bordering Property Owned by Louis & Ginger Cook IV, Ernest & Debra Thrush, Lee Trust Richard s. and Mark Battista

For proposed installation of approximately 5.0 megawatts of solar energy equipment to be placed on approximately 23 acres of parcel.

Chairman, Ned Martelle, introduced Town Attorney Jim Burrows who briefed the Board and audience as to the history of case and explained that the Planning Board must take action one way or another. In AR-40 zoned district certain uses are permitted and a public utility is a permitted use with a special use permit. The Planning Board must take action one way or the other on the hearing or after 62 days from the closing of the Public Hearing, which was October 20, 2020, the applicant is approved for their project.

DECISION MOTION: Upon the information provided by the Town Attorney the Planning Board has come to the following decision motion:

**Resolution Issuing Approval for Special Use Permit and Site Plan
for Construction of Solar Energy Facility**

WHEREAS, Military Road Solar LLC (“Military Road Solar”) proposes to construct a 5 MW “Community Solar” array (the “Project”) at property located at 13018 Cedar Vale Rd., Henderson NY, Tax ID #105.00-1-7.53, which currently consists of approximately 46.19 acres of rural vacant land (the “Property”). Military Road Solar has applied to the Town of Henderson Planning Board (the “Planning Board”) for a Special Use Permit and Site Plan approval for the Project; and

WHEREAS, the Planning Board has conducted its public hearing, considered comments received, and completed its NY General Municipal Law §239-m review, and

WHEREAS, the Planning Board has performed a thorough review under SEQR resulting in the issuance of a Negative Declaration under SEQR; and

WHEREAS, the Planning Board has considered state law and Local Zoning and is prepared to proceed;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Henderson that:

1. Based upon a thorough review, and examination, of the application relating to the Project and after its careful review of the entire record and proceedings relating to the Project, the Planning Board finds that approval for a Special Use Permit and approval for Site Plan Review are granted subject to the following conditions:

- A. A complete Storm Water Drainage Study and Final Plans for the Project signed, and stamped, by a NYS Licensed P.E., L.S. or L.A. – consistent with the Project as presented to the Planning Board (including the decommissioning plan and screening plan as acceptable to the Town’s Engineer).
- B. Any required permits from NYS and County agencies (ex. Driveway permit) as acceptable to the Town’s Engineer.
- C. All bonding/decommissioning requirements must be addressed to the reasonable satisfaction of the Town Board and the Town Attorney.
- D. Applicant to provide a “snow plow agreement” pertaining to Cedar Vale Road as offered at the December 1, 2020 Planning Board meeting upon such terms, and amounts, as are acceptable to the Town Board and Town Attorney.
- E. A Host Community Agreement upon such terms, and amounts, as are acceptable to the Town Board and Town Attorney.
- F. No future battery storage on site absent review, and approval, from the Planning Board.
- G. Any and all Real Property taxation issues shall be resolved to the reasonable satisfaction of the Town Board.

2. The Planning Board Chairman and/or Town personnel and/or Town Attorney are hereby authorized and directed to take such steps necessary to issue permit(s) and give full force and effect to this Conditional Approval.

3. This resolution is effective immediately.

The foregoing Resolution was offered by Member, M. Contino, and seconded by Member,

R. Ashodian, and upon roll call vote of the Planning Board was duly adopted as follows:

Chairman, Ned Martelle Yes No

Robert Ashodian Yes No

Michael Contino Yes No

John Treadwell Yes No (Abstain)

Carol McGowan Yes No

ADJOURNMENT MOTION by Robert Ashodian second by Michael Contino adjourns the meeting.
Roll Call voting yes: Ned Martelle, Michael Contino, Robert Ashodian, Carol McGowan, John Treadwell

Respectfully Submitted
Wendy Flagg, Planning Board Clerk