

TOWN OF CONCORD PLANNING BOARD
Town Hall

May 7, 2024
7:00 p.m.

ITEM # 1:

The meeting was called to order by Planning Board Chairman Joseph Edbauer, at 7 p.m.

ITEM #2: Roll Call

Present:
Joseph Edbauer, Chairman
Julie Zybert
Ray Hilliker
Michael Cochran
David Dains

Also Present:
Darlene Schweikert
Clyde M. Drake, Town Council Liaison
Thomas Roberts, CEO

Not Present:
Bruce Luno
James Jozwiak

James Taravella, RIC Energy
Ed Abdo, Zoar Moto
Penny Kester & Briere Delaney
John Keem, III, Buffalo Flex Business
Eric Wiedemann, DRYM Management

Dale Griffey
Bonnie Abdo
Willa Carpenter
Michael Braun
George Donhauser

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Approval of Minutes

a) April 2, 2024– J. Zybert made the motion, seconded by M. Cochran, to approve the Minutes as presented. All in favor. Carried.

ITEM #5: Penney Kester – Home Occupation, 12544 Springville Boston Road

Penney Kester addressed the Board regarding her home bake shop at 12544 Springville Boston Road. Mrs. Kester and her daughter Briere would like to open a made to order bake shop. The applicant would also like to put up a sign by the road; the Code requires a two square sign in the R-Ag zone (Section 150-133 A). Their sign design is 36” x 48”. M. Cochran advised that the sign would be allowed as an identifying sign for a permitted use in the R-Ag zone (Section 150-133 D) if the Planning Board

approves their Home Occupation Permit. A diagram of the location was provided; it will be a hanging sign. Chairman Edbauer asked Mrs. Kester if there would be any employees at the Bake Shop; there will not be, just Mrs. Kester and her daughter Briere. There will be no storefront; no roadside stand. Customers would pre-order baked goods and just come to the property to pick up their order. They have two front doors and one door will be dedicated to customers only and there is ample parking on the premises. Chairman Edbauer asked if the members had any other questions; there were none. R. Hilliker made the motion, seconded by D. Dains, to approve the Home Occupation Permit as submitted which will allow for the sign permit to be approved by CEO Roberts. All in favor. Carried. Chairman Edbauer and CEO Roberts signed the Home Occupation Permit home; a copy will be mailed to Mrs. Kester for her file. Mrs. Kester will follow up with CEO Roberts for the sign permit. Mrs. Kester and her daughter thanked the Board and left the meeting.

ITEM #6: Buffalo Flex Business Park – Rezone Application, 14145 S. Cascade Drive R-Ag to C-2

John Keem III addressed the Board regarding his rezoning application. He is the owner of Buffalo Flex Business Park and his 2.06-acre property is currently zoned residential and he is wishing to have it rezoned to commercial, C-2. His intention is to build commercial storage space for rental. He would like the whole parcel rezoned. Secretary Schweikert advised that she had researched town records to see why this 2.06-acre parcel was not already zoned commercial when all surrounding parcels in that area on South Cascade are zoned commercial. Nothing was found in the records that there was an error on the zoning map so it was recommended that Mr. Keem apply to rezone the parcel. A rezoning to commercial would make that whole strip then zoned commercial. M. Cochran and Chairman Edbauer noted that this just made sense; to continue the zoning for the whole strip. Mr. Keem believes that this project would be beneficial to the area. Chairman Edbauer asked if the members had any other questions; there were none. D. Dains made the motion, seconded by R. Hilliker, to recommend to the Town Board the rezoning of the Keem property at 14145 South Cascade from R-Ag to C-2. All in favor. Carried. This matter will go to the Town Board who will set a Public Hearing date for the rezoning application. Secretary Schweikert will advise Mr. Keem of the Public Hearing date. Notice will also be published in the Springville Journal and mailed to neighboring property owners within 500 feet.

ITEM #7: Zoar Moto Special Use Permit – Abdo

Ed Abdo addressed the Board with regard to the Vintage Off-Road Motorcycle Event. The event was held last year and they would like to run it again this year. Last year's event was very successful; they raised \$37,000 for the Morton's Corners Fire Department. If the Special Use Permit is approved, the proceeds from this year's event would go to Morton's Corners Fire Department again. They would not be doing anything different this year except for clearing more brush out of the area to make it more delightful for the spectators at the event. The event would be held September 28th and September 29th. This year's event would be the same as last year except that there would

be an actual race on Sunday. Landowner Donna Wittmeyer was happy with the 50th Year Reunion Ride event last year; the place was remarkably clean with no mess on site. Mrs. Wittmeyer and Mr. Abdo would like to have the Special Use Permit granted to allow for future years; not just this one year. There would only be one event weekend in the calendar year. Chairman Edbauer noted that he had only heard good things about last year's event; nothing negative. Mr. Abdo noted that the Sheriff's Department came through as a presence at the event and there were no issues. Mr. Abdo noted that they do have spot for helicopter landing if something were to happen. Mortons Corners will be handling all the EMS duties; with multiple departments with UTV's on site. There were two attendees that left by ambulance; one of a suspected heart attack from the pit area and the second was injured when he fell on the first lap of the first run. Mr. Abdo had told all the riders at the rider's meeting that his first rule was that no one gets hurt. The injured rider called Mr. Abdo the next day and apologized for breaking the rule; and said he would be back this year. Mr. Abdo noted that this year they will have a controlled race on Sunday; he explained that even though there was not an actual race last year, the riders did pretty much race each other when they got out there; that just happens when you get two motorcycles out on a racetrack. All riders were showing great respect. Mr. Abdo noted that by having an actual race, it will be a controlled race and it will be a safer environment. M. Cochran questioned the property owner from last year with the run off issues and DEC requirements. Mr. Abdo explained that that David Whitney and his family own the land below and helped with the clearing of the land last year. The issue years ago in the past was that they just tore everything out and let it be; that is not how it was last year for the 50th Reunion Ride. Mr. Abdo noted that that event was done right. John Whitney had sent the Town a letter last year voicing concerns about runoff and questioning if an EPA Storm Water Pollution Prevention Plan (SWPPP) was in place to prevent silt laden runoff. Mr. Abdo noted that silt runs down those hills anytime it rains. M. Cochran wondered if the Town should reach out to Mr. Whitney for his approval. CEO Roberts reached out to the DEC to verify the amount of land clearing that was done, if a SWPPP was required. The DEC advised that this is a pre-existing location for the event and that they have no objections. The DEC is not requiring any permits. Mr. Abdo noted that they are clearing farmland and they are currently seeding the track. Secretary Schweikert already forwarded the Referral to Erie County Planning and received their response back stating "No recommendation; proposed action has been reviewed and determined to be of local concern." Chairman Edbauer noted that he has no issues with the event; that it is good for the community. D. Dains asked Mr. Abdo if he looked at this as ongoing for the future and Mr. Abdo said he would consider it, year by year. It really is up to the landowner. Mrs. Wittmeyer is just allowing the event for the people; she was thrilled with last year's event and came to Mr. Abdo to do it again this year. Mr. Abdo noted that there is no profit for him from this event; he is reimbursed for costs but all amounts over that were donated to the Mortons Corners Fire Department. R. Hilliker asked if there were any plan for more than one ride a year; Mr. Abdo noted he would never do that personally. If someone else were to jump in as the organizer, that person would have to come to the Town. R. Hilliker wants to be certain that the Special Use Permit will be for one event per year. Mr. Abdo would like the Special Use Permit to continue on an annual basis without having to come back each year to reapply. Last year the Special Use Permit was granted for the 2023 event only because Mr. Abdo said at that

time it was only going to be a one-time event; the 50th anniversary ride. If the Planning Board grants the Special Use Permit as it was submitted this year, it would be an annual permit which would continue until no event would be held in a calendar year. At that time the Special Use Permit would end. If approved, this Special Use Permit would be for one event per year and with no condition that it would just for one year. J. Zybert questioned since Mr. Abdo is not the landowner, what was done about insurance? Mr. Abdo noted that the insurance he obtained covered everyone as well as the Town of Concord. Mr. Abdo provided the Town with that insurance certificate before last year's event and will provide one again before the event this year. Chairman Edbauer asked if the members had any other questions; there were none. M. Cochran made the motion, seconded by J. Zybert, to recommend to the Town Board the Special Use Permit of Donna Wittmeyer for the Vintage Off-Road Motorcycle Event as an ongoing Special Use Permit with only one weekend event per year. All in favor. Carried. This matter will go to the Town Board who will set a Public Hearing date for the Special Use Permit application. Secretary Schweikert will advise Mr. Abdo of the Public Hearing date. Notice will also be published in the Springfield Journal and mailed to neighboring property owners within 500 feet. Mr. Abdo noted that the neighbors loved it. Chairman Edbauer noted that he had checked with a few neighbors and didn't have any negative comments. D. Dains and J. Zybert also heard positive comments. Mr. Abdo thanked the Board and left the meeting.

ITEM #8: RIC Energy Solar Project – Ferguson/Zittel

James Taravella noted that he has been before the Board previously to discuss the solar project on Springfield Boston Road. The last time Mr. Taravella was here the members had questions asking for a better explanation on how this site was chosen as well as asking him to meet with the neighbors and then follow up with the Board. Mr. Taravella provided the members with a pamphlet showing the local feeders around the Town of Concord with a voltage greater than 4.8 kV and explained the diagram provided. There is only one substation that has a line that could support this solar system. The first step is to identify feeder and substation. Then based on the Town Code, they look for big parcels because of the restrictions on lot coverage. They looked for parcels greater than 50 acres in the vicinity of that power line. There were 35 parcels; only 26 of the parcels have enough acreage remaining outside of mapped wetlands; factoring slopes further limits it because if the slope is not south facing or too steep solar can't go there without significant alterations to the land so that left about 15 parcels along Springfield Boston Road and a couple further south; even some of those have bodies of water in them so that further eliminated parcels. RIC Energy then reaches out to the property owners. A couple people responded to the outreach efforts and this property owner had reached out and then RIC Energy began to develop this project plan. The last couple meetings it was questioned, why this site? This is why. Mr. Taravella asked the members if they had any further questions as to why this site was chosen. M. Cochran noted that there were potential lots besides that lot, there are other lots there, but Mr. Taravella also had said that those same substations could not handle any more than one of these? Mr. Taravella responded "exactly;" this would be taking up the remaining capacity at that substation so those other parcels no longer become viable without

significant upgrades to substations and the feeder lines. D. Dains asked how many other people responded besides the proposed property owner; Mr. Taravella said they had one other. RIC Energy looked at it and the wetlands that didn't cut it off made it virtually impossible to develop with the federal and state regulations so the site wasn't viable.

Mr. Taravella also provided the members with an updated Visual Impact Assessment and reviewed this update with the members. This Assessment shows the layout where a static photo was taken and then there is the existing view and a projected view of what it would look like in a few years once everything is done and the plantings start to establish themselves. With the permission of the two neighbors, photos were taken from their backyards. Owner Hartman was present at the meeting; Owner Krzemien was not able to attend the meeting but gave her permission to take photos to have a better advantage point. One of the things they found is that where the hedge line is, there is a ridge on site that starts to go down, to the east. That is where shrubs are going. Not only are they quite far back, it is also starting to go down the field of view. Chairman Edbauer questioned if the natural tree line that exists on the property will be cleared? Mr. Taravella said no, it will not be touched. At their original meeting, there were more panels (he showed that location on the map) but through different racking and panel sizes, RIC was able to consolidate the project and limit how much land they would be using. RIC avoided clearing those trees and avoided the wetlands. J. Zybert questioned the distance between the proposed hedges and the two property owners (Hartman and Krzemien) is what distance? Mr. Taravella noted about 340 feet from the back of their houses. J. Zybert questioned the distance from Letter A to the intersection of the two hedge lines, how close is that to the edge of Springville Boston Road? Mr. Taravella noted 60 to 70 feet. Chairman Edbauer noted that the rendering that was provided shows the plantings as quite advanced; Mr. Taravella said that the plantings represented at 5 to 10 years old. View 4 shows the existing tree line, scrubby trees, that tree line will remain; the east side of the proposed project. Mr. Taravella met with owner Hartman who was pleased to know that there would be a pollinator seed mix because they have bees. Hartman will be selling soon and will be selling it as a homestead type of property. They had no problem with the project especially since it was so far back from their home. Chairman Edbauer stopped and spoke with the owner Hartman as well; he's not sure that they realize how close 340 feet will be; they might have a problem selling with this project in their backyard. Mr. Taravella noted that the owner was offered additional landscaping closer to their property. He hasn't spoken to Krzemien but, through the neighbor, he was advised that Krzemien was not able to make that onsite meeting. Chairman Edbauer tried to make contact with Krzemien as well but was not able to; he thinks that if this project does happen RIC should offer some semi berm or broken up berm; there are ways of doing that; that should be an option if the property owner wants that. Mr. Taravella then reviewed the view coming down Springville Boston Road. The line of site diagram indicates the views of the project site from the road are partially obscured by existing vegetation when trees are leafed out, and partially by changes in topography within the project site.

Mr. Taravella noted that he is sure the members have more questions but what he is looking for is to have the Board deem the application complete so that the

SEQR process can start with the Town as lead agency. R. Hilliker noted that it appears to him that their application is complete as far as he can see. He still thinks that putting a solar farm on prime farmland is wrong for the Town; probably will not ever change his mind on that. He believes that there are other properties in the Town; this owner owns property of non-prime farmland, that this project could have been put on. Again, R. Hilliker does not think it is right to take the best gravel farm ground in the Town and put a solar farm on it; use bad ground. Mr. Taravella noted that there is no guarantee that the property owner would continue to farm the parcel and it also goes back to, what is feasible from a project wide standpoint. R. Hilliker said that the truth of the matter is, that it is the most profitable for RIC to put the project on that gravel ground so that would be the first choice and this owner decided to go for it so the project is here before the Board. He is just saying that he disagrees with it. Chairman Edbauer agreed with R. Hilliker; it is not the best use of the land but RIC is meeting the requirements of the Town Code. D. Dains agreed. Mr. Taravella advised that the solar project is temporary and the Town does require a full decommissioning plan for how it would be removed and a bond would be in place. D. Dains questioned if 30 years was temporary? That's a long temporary. Mr. Taravella countered with that if someone were to make it a subdivision, it's permanent, permanent. R. Hilliker noted that the only other comment he has is that he has since went and looked at some of your competition's solar industrial spots and their locations are well signed, emergency contact, telephone numbers, names on the fencing, better fencing, cleaner sites than your Hanover site. Quite frankly, he'd rather be partnering with that company because just from a visual standpoint, they are taking care of their projects. In his opinion, the Hanover site is not taken care. Mr. Taravella responded that they have been on the operators about the condition of the Hanover site; trying to get that cleared up. Chairman Edbauer noted that he went by a couple of weeks ago and it still wasn't repaired. R. Hilliker feels that that is extremely unacceptable; and we, as a Town, would have to put some stop gates in on that because going months with no fence around it is completely unacceptable; R. Hilliker noted that in his opinion, that would be grounds to get your Special Use Permit revoked. Mr. Taravella noted that that is reasonable; he agrees. J. Zybert questioned Mr. Taravella about the partnering process. With this project, RIC would construct it but who actually runs it? If there were issues, like the fence were to fall, what happens in Hanover happens in Concord. Mr. Taravella noted that that would depend on the end relationship; if RIC were to end up being full operators, then it would come to RIC. J. Zybert asked for an explanation the arrangement RIC has with the operators of the Hanover site. Mr. Taravella noted that the arrangement would be established when they move forward to build. With regard to the Hanover site, the operators are independent of RIC and that is why RIC is having a hard time getting cooperation. Chairman Edbauer can't believe the Town of Hanover isn't upset about it. Chairman Edbauer noted that RIC built the project and now RIC is done with it. Mr. Taravella noted that essentially that site is not operated by RIC; they have an agreement with the company that expires after a certain amount of time; but they don't have control over the day-to-day repair. J. Zybert asked if the Town allows this to move forward and the Town Board deems that the project can continue to move forward, will RIC run the site in Concord? Mr. Taravella advised that that would depend on how all the permitting goes, what is the most profitable? Whether it is most profitable to be owner/operator, sell it, be partial owner/operator of it. Those financial details have not yet been hammered

out. Samantha Parker was on Zoom during the meeting and she explained that she is one Environmental Project Managers with RIC. Speaking to the handoff between operation and maintenance and the original development of the project, and renewable energy at large, it is such a nuance in specified industry where RIC would come in and try to design and set up a project to the Town's Code so that there are recourses if things don't happen as they should. As far as the Hanover project, she can't speak specifically to that project, but her understanding is that it is within the Town's scope to get the Code Enforcement Officer out there and enforce their Code. As far as the Town of Concord moves forward, and what the Town needs to feel comfortable for the appropriate permit, that is what RIC is here to discuss. That situations like Hanover have recourses. M. Cochran stated that he believes R. Hilliker laid it out; that there has to be maintenance and they have to respond. Chairman Edbauer noted that he would feel 60 days is reasonable; R. Hilliker thinks that 60 days is generous. Mr. Taravella questioned whether the 60 days would be 60 days until there was an agreed plan of action or movement or 60 days to repair? Chairman Edbauer thought 60 days to the start of the repair and then work the Town CEO. Mr. Taravella noted that they could put a plan of action in place but weather dependent, if there's six feet of snow, and they can't get out here. R. Hilliker questioned, the confusion that RIC is developing the project but the Town does not know who will be operating it. Who would the Town even call? Mr. Taravella advised that it would all be part of the operations and maintenance plan when it goes to construction. There is an example one in the package that was submitted which is subject to the Town's review and edit. This could even be something that the Town could require RIC to certify to annually, or update annually with any change of ownership. This is not a DEC project, but that is something that is required on a DEC project. An annual report has to be filed with the DEC stating who is the responsible party and any meaningful changes. D. Dain's concern is that when the Planning Board makes the recommendation to the Town Board, how long will it be before the Town Board knows who is running the show? Mr. Taravella noted that any change of ownership notification has to be made within 30 days, he believes that is what is in our Town Code. It would have to be relatively quickly between any project transaction. D. Dains noted that if he were one of the people approving this project, he would want to know who was running it before a shovel goes into the ground. Mr. Taravella noted that that will happen because building permits will have to be filed and those permits will be filed by whoever operates it whether it would be RIC or a third party. There is a whole other round of permitting that has to be done. M. Cochran's only comments would be that RIC was pretty accommodating with their records, their reasons, all that other stuff the members asked for; he is still a little skeptical on how the Town could word the accountability aspect that RIC does what they are saying they are going to do if you don't retain it. To him, everything has been met that is required by the Code except being comfortable with the accountability aspect. Mr. Taravella noted that that is something that can be worked on during the rest of the site plan approval process. The Town can get language together that they are comfortable with; disagreements can be worked out; there are a lot of other aspects of the project beyond just getting this initial hurdle cleared. Council Member Drake advised that the Town Attorney will need to review this too. Mr. Taravella asked who the Town Engineer is? Council Member Drake noted that the Town does not have an official engineer but the Town works with MDA Consulting Engineers. Mr. Taravella noted that the Town

Engineer will also have to review this project. Mr. Taravella noted that the is assuming that there would be some sort of escrow that RIC would put together for the Town; this is something that RIC is accustomed to doing; that is pretty standard. Chairman Edbauer noted that he thinks the consensus is that the members are not thrilled with the project but the requirements have been met. The members don't think it is the right use of the land, but RIC met the requirements on paper. Mr. Taravella noted that he understands the biggest hang up right now is the specific siting and he understands that; RIC is leaving quite a bit of the property untouched which could still be used. Chairman Edbauer said that that is debatable. Mr. Taravella said that also goes to the property owner whether they would want to continue to farm the remaining land; it's their choice. D. Dains noted that RIC has met the requirements of the Town. Council Member Drake asked Mr. Taravella for clarification on the escrow. Is that for the Town's Engineering costs? Mr. Taravella noted that whatever costs the Town thought were appropriate costs, RIC would issue a check for the escrow to bill our engineer against. Chairman Edbauer added that there was the cost of the Planning Board members' trip to the Hanover site. Mr. Taravella noted that if the funds in escrow run low, the Town would send RIC an accounting of it and RIC would reimburse as needed. R. Hilliker asked if this would also include the Town's attorney's fees for his review. Mr. Taravella noted that the Town should just set an escrow for review; he would assume that would be for engineering and attorney's fees. R. Hilliker advised that the Town definitely needs a serious plan of accountability, with teeth to it, that will make them perform because the Hanover site is unacceptable. R. Hilliker drove over to the Block Road site; he doesn't know what company did the project; but it is night and day nicer. Great signage, phone numbers, emergency contact. Mr. Taravella noted that that information is supposed to be on the fence; that it is required. J. Zybert, speaking only for herself, is a little more comfortable after seeing some additional views of the siting and she is less comfortable with the ownership; who may or may not own it vs. who runs it vs. who partners with who and what that arrangement exactly is. R. Hilliker noted that he is super uncomfortable with that; he doesn't even know how the Town would keep track of it. J. Zybert said that what she sees is that RIC builds it and passes it off to someone else and then there's this when there is a problem... oh that's not my responsibility, you have to talk to this person and you get the run around; and that is very concerning. Mr. Taravella compared this to if someone were to build a Wilson Farms on the corner and then sells it to whoever runs the Wilson Farms, the Wilson Farms operator is now responsible, not the developer. It would be that similar situation as far as responsibility. J. Zybert noted that she finds that aspect of it unsettling. Chairman Edbauer understands that but there is no contract yet and the Town has all these other stipulations that should be added in (whether the Town wants 60 or 30 days to get repaired/timframe). Mr. Taravella noted that until RIC runs all the financials after the requirements of the Town are added and then RIC will make the determination of what the ultimate ownership will be. M. Cochran noted that he is okay with this moving forward but RIC has to understand that part for the contract; Mr. Taravella agrees. Chairman Edbauer asked if there was a motion; that the Planning Board isn't exactly thrilled with it but the requirements have been met and if the members want to recommend to move it on to the Town Board. Chairman Edbauer asked if the members had anything else to add; he is sure that RIC will be coming back before the Town for all these other requirements for the project. R. Hilliker would make a

motion that the application is complete and should go on to the Town Board but he disagrees with it as currently submitted; Chairman Edbauer noted that he thinks the consensus of all the members is that. R. Hilliker continued, for a couple reasons: (1) the Town does not have any accountability set up right now and, basically, he would agree that the RIC application is complete but he is not recommending that the Town Board approve this project. He thinks the Town Board should vote it down as it sits right now. Chairman Edbauer thinks that the members would make a motion to the Town Board for the final decision; it meets the requirements. Mr. Taravella noted that the project has to go through the SEQR process still. M. Cochran said this is step one of many steps. R. Hilliker wants it on record that, without some accountability, the project should not happen; he thinks that the motion should be that the application is complete; not that he recommends the project. Chairman Edbauer tried to clarify that R. Hilliker is saying the application is complete but is not recommending it to the Town Board for approval; just that the application is complete. Chairman Edbauer asked D. Dains what he thinks? D. Dains said that that the matter should go on to the Town Board but he does have reservations. His reservation is that there are seven people sitting here in front of us tonight paying attention to what this Board is doing; then there's a public hearing. D. Dains is recommending that it goes on but with reservations. A lot of these reservations will play out as this proceeds; this is step one. This is not something that will happen in 6 to 8 months. This is a first case issue for the Town of Concord and the previous Boards have done their due diligence as far as the Code and at this point the application does meet the requirements to proceed. As a Town resident, he has reservations but as a member of the Planning Board, the application is complete. M. Cochran said that his motion would be to let it move forward and go through the process it is supposed to go through. He knows the members have reservations; but this is step one. These are things that would be resolved at step ten. RIC met the Code requirements; they have answered the members' questions and the Town will need to make sure that the accountability and ownership responsibility happens. The members worked on articulating the wording of a motion; the members want the Town Board to know that they have reservations. Council Member Drake noted that he will ask the Town Board to have Wendel Companies review this application. Mr. Taravella informed Council Member Drake that Wendel Companies is their engineer on this project; this is a separate division of Wendel but he wanted the Town to be fully aware of that. It would be up to the Town if they wanted to work with the other division of Wendel Companies but he wanted the Town to know that RIC is working with Wendel Companies. Mr. Taravella advised the members that those reservations will be poked at in the next step which is the SEQR process; that is where the reservations tend to come out. R. Hilliker does not want the Town Board to think that this Board rubber stamped this project and he thinks that the Town taxpayers should know that at least some of the Planning Board members have reservations. Chairman Edbauer said that that is duly noted. After much discussion, the wording of the motion was agreed upon by the members. The motion could be that, even though the Board has reservations and concerns about the project, the RIC Energy application is complete and meets the Town Code requirements and the project is passed along to the Town Board. J. Zybert questioned if the motion could be broken down into parts: the application complete and the project passing to the Town Board. Chairman Edbauer did not think this could be done. The Board would just be following the letter of the Code and they

The other verbiage could be in the motion and the Town Board will see that. Mr. Taravella noted that there will be a public hearing and the residents can then voice their concerns. There was discussion about the word reservation and concerns. Mr. Cochran likes concerns better than reservations because something is going to be answered or discussed later on; that's why he likes concerns. Chairman Edbauer is fine with either one. J. Zybert prefers reservations. R. Hilliker prefers both concerns and reservations. Chairman Edbauer made the motion, seconded by J. Zybert, that, even though the Board has concerns and reservations about the project, the RIC Energy application is complete and meets the Town Code requirements and the project is passed along to the Town Board. Voting as follows: Chairman Edbauer, J. Zybert, M. Cochran & D. Dains voting aye; R. Hilliker voting nay. Carried. Secretary Schweikert noted that this will be on the Town Board Agenda for May 9th to set the Public Hearing date and to do the SEQR Resolution. Chairman Edbauer asked Council Member Drake to convey the Planning Board's reservations/concerns regarding the project. Chairman Edbauer thanked Mr. Taravella for his time and effort during this process. Mr. Taravella thanked the Board.

ITEM #9: DRYM Management LLC, Abbott Hill Rd Subdivision

Eric Wiedemann advised the members that DRYM Management is working with Engineer John Schenme, Schenme & Associates, on this project. At this time DRYM Management does not have anything new to discuss with the Board. Secretary Schweikert noted that the Town Board, at last month's meeting, referred the matter to MDA Consulting Engineers. Chairman Edbauer advised that until the project packet is submitted, the Board is not in a position to review their project. Mr. Schenme will be working with DRYM Management doing the development engineering such as proper angles of roads, setbacks, fire requirements and anything else the Town would require about road layouts and public access.

Willia Carpenter had thought that zoning was going to be discussed tonight; whether or not this met zoning; whether or not it meant townhouses. Chairman Edbauer noted that the Board has nothing in front of them to review so there is nothing to discuss tonight.

ITEM #10: Code Update

Chairman Edbauer advised that since it is already late, the members will not work on the Code Update this evening. Secretary Schweikert advised that she did a basic comparison of the R zoning districts and will forward it to the members with the Minutes. Chairman Edbauer asked the Board if the members would like to meet another night to review the Code. A work session was scheduled for Wednesday, May 15th from 6 p.m. to 8 p.m. This is a work session only to further work on the Code update. Secretary Schweikert advised that she has been updating the eCode online with the updates. There has been no follow up with MDA Engineers regarding the Water and Sewer chapters; nor the Highway Superintendent on the Highway chapters. The hardest Chapters still to be reviewed include: Unsafe Buildings, and Zoning

Sewer chapters; nor the Highway Superintendent on the Highway chapters. The hardest Chapters still to be reviewed include: Unsafe Buildings, and Zoning

ITEM #11: Comments from Town Board Liaison

Council Member Drake thanked the Board for all their work on the RIC Energy Solar Project matter. He noted that the Town Board will now work hard on the matter; one Council Member will need to be recused from this project.

ITEM #12: Business from the Members

1) Chairman Edbauer advised that Assemblyman DiPietro will hold a Town Hall meeting at the Concord Senior on Saturday, May 18th at 10 a.m.; there will be general review and discussion on wind energy and solar energy.

2) Secretary Schweikert advised that Supervisor Drozd approved two training hour credits for the members who attended the Hanover Solar location meeting with RIC Energy. All members have fulfilled their training hours for Year 2024.

ITEM #13: Motion of Adjourn

M. Cochran made the motion, seconded by Chairman Edbauer, to adjourn the meeting at approximately 8:24 p.m. All in favor. Carried. The next regular meeting will be Tuesday, June 4, 2024. This meeting will be held in the Conference Room. Chairman Edbauer will be out of town for this meeting; Member Zybert will be acting Chair.



Darlene G. Schweikert
Planning Board Secretary

