

Town of Pendleton Conservation Advisory Council

Meeting Minutes

Thursday, July 15, 2021 at 7:00 pm – Meeting Remotely during COVID Pause, via Zoom

I. Meeting was called to order at 7:09 pm

Members in attendance: Tobias Frommuller (TF), Jessica Glaser (JG), Trevor Krabbenhoft (TK) and Andrew Harrison (AH).

Guests in attendance: Wolfgang Buechler, Drew Reilly, Jim Shultz

III. Public Input –

None present

IV. Correspondence –

None

VI. Unfinished Business:

Proposed industrial solar projects in the area

VII. Current Business

Guest Speaker: Drew Reilly, environmental engineer for Wendel with 32 years experience, concentration in solar power.

Topics addressed:

Niagara County – seeking grant from state of NY to help municipalities with solar planning, Regional cooperation grants

94C large scale 100MW in Cambria & Pendleton, Oakfield – 400-500MW 5000 acres (94C was with Article 10 prior)

Lawsuits pending regarding 94C regulations

Minor and major solar projects – 4 scales of solar: Rooftop, Ground mounts, up to 5MW will be funded by NYSUN program - multiples of 5MW projects as a workaround. Usually works for projects scaled between 5-20MW. Solar City is aiming at setting up 2 projects in Niagara County WITHOUT the NYSUN funding.

Dunnigan Solar project was denied based on their request for variance to make 36% coverage rather than the 25% permitted by the town.

NYSERTA will help locate where the transmission line is located.

Taxation & Pilots – NY is going to set legislation where that cant be established by the municipalities. NY will set the parameters for what the taxes will be. \$12,500/MW in a pilot – may require a host community agreement to avoid pilots. Sardinia 3000acres, \$1Million per year for 20 years.

Can the town make their own municipal project? NYSERTA has a toolkit that they have put together to help guide the process. The county can also be considered exempt from their own local zoning regulations, just like local municipalities. They don't get a lot of those calls, so NYSERTA is eager to help.

Akron has their own public utility

Java has brownouts and blackouts for the last few years – power company would normally fix that system.

The new policies of NYS and Federal – low bid to remedy problem – ended-up being solar array with lithium and lead acid batteries. 1.5MW solar facility with storage.

Battery Energy storage laws need to be made. By 2030 NYS will need 6000MW of battery energy storage.

NYS does not allow you to contest projects based on property values. SEEKER law considers a lot of the

mitigations, Positive DEC project – request for additional info for environmental impact study
NYS wanted to make up to a certain acreage of brownfield lands would not require SEEKER
Rented acreage impacts multiple economic steps down the line. Agricultural studies are being required in certain locals to address this.

By rejecting multiple small projects, the county will unintentionally favor 94C projects that will be able to circumvent local zoning codes. Cambria will be addressing this in court soon. Consider putting additional requirements into law that would require 94C projects such that they would have to be considered, e.g., agricultural considerations

How much energy is imported, how many funds are being exported from Pendleton to acquire electricity supply? Something to research

Mr. Syracuse Niagara county chair of agricultural, likely supervisor or Newfane next year

Jim Shultz – question regarding Pilot legislation – typically communities need to opt into the program, now communities will have to opt out – Counties started establishing their own values for the pilots based on the price per MW. NYS passed new legislation that NYS will set value whether you opt out and tax the companies, or not opt out and accept the pilot, NYS will make the call. When will that go into effect?
Contact state legislator.

Does rezoning back to agriculture from light industrial if 94C comes through – cannot rezone for singular purpose. Reversionary zoning is not-proper, and it'll prove “spot zoning”. 30 years is considered a permanent impact, but bonds can be placed such that things can be removed and restored, but still not a “temporary” impact. Requires updated comprehensive plans.

Consider putting into law: Major solar project should require mandatory demolition bond to be updated every 2 years for new estimates, not of salvage value. Ag and markets has an article to have estimate evaluated by an independent 3rd party to be renewed every 2 years.

Intervener funds have to be made available by the companies to grant access to environmental experts

VIII. **Council Member Discussion**

Present information to town board in near-future to ensure best-positioning for Pendleton

X. **Adjournment**

Motion JG; Seconded ASH Opposed 0; Motion carried.