



MEMO

To: North Collins Town Board
CC: Richard Schaus
From: Andrew Reilly and Heike Jacob – Wendel
Date: June 12, 2023
RE: Anderson I/II Solar Project – Next Steps

SOLAR PROJECT SUMMARY AND PROCESS

This proposed solar project is two “5 MW” solar projects that will require two separate SUPs. Although, based on the NY Sun Program, this project needs to be treated as two solar projects, under SEQR it will be treated as one project (will not be segmented under SEQR).

1. The project was referred to the North Collins Planning Board per Section 215-5.
2. The Town Board, in March of 2023, authorized Wendel to conduct a coordinated review to establish the Town Board as SEQR Lead Agency. Wendel issued the Lead Agency mailings to interested and involved agencies on March 10, 2023. The coordinated review was completed on April 9, 2023.
3. No agencies objected to the Town Board acting as Lead Agency. One agency, the NYS Department of Environmental Conservation, did respond with comments (see attached letter).
4. The Planning Board met on this project on December 9, 2022, and March 17 and April 21, 2023. At their meeting on May 19, 2023, the Planning Board recommended that the Town Board approve both special use permit applications with conditions. Please see attached for the Planning Board’s report.
5. It has been determined, through the Planning Board site plan review process, that the project will require variances from the North Collins ZBA. Section 215-5 of the Town Solar law does allow the Planning Board to issue “variances” but only for ground mounted systems of less than 2 acres (this project does not qualify for this). See bullet “9.” below for more information on the variance process.
6. Now that the Town Board has received the findings/report and recommendations from the Planning Board, the Town Board needs to call for and hold a public hearing on the special use permit. Once a public hearing is set, the project also needs to be referred to Erie County (per NYS General Municipal Law §239-m). Within 60 days of the public hearing being closed, the Town Board must make a decision on the permit (time frame does not start to run until the SEQR process is completed).
7. After the public hearing is completed, the Town Board will need to consider the input received from the Planning Board, other Interested and Involved Agencies, the public, the applicant, and the Town’s consultants, and make a SEQR decision. The Town Board will complete and utilize Part 2 and 3 (and attachments) of the FEA to document their decision. If the decision is a Negative

Declaration, the project can proceed to other approvals. If it is a Positive Declaration, the EIS process would start.

8. Once the Town Board completes SEQR, they will then move on to considering approval or disapproval of the SUP. If approving the SUP, it will contain conditions: pre-construction, construction, and post construction conditions.
9. Once the SEQR decision is made, we would recommend that the ZBA start to consider the variance requests (could start sooner but can't make a decision until SEQR done by the Town Board as the "soils" variance is subject to SEQR). If just setback variances were needed, these are not subject to SEQR (Type II action).
10. If the SUP is approved and variances are granted, the Planning Board could then issue site plan approval. The site plan approval will be conditional, as the applicant will need to receive all other regulatory approvals and final engineering sign-off prior to the site plan being "signed." They would need to address any outstanding "engineering" issues at this time.
11. With site plan approval and with the applicant meeting all of the "pre-construction" conditions of the SUP, a building permit or site development permit can be applied for, and construction could begin.
12. The Town will need to monitor the construction to make sure it meets all of the construction conditions, and after completion to make sure it meets all post-construction conditions (a yearly permit fee would help with this).