Chairperson Landry called the regular meeting of the Planning Board to order at 6:30PM. Members present were Chairperson Landry, Patricia Marini, Lou Villanova, Doug Flye, and Christopher Paap. Also present were Brett Malafeew, Code Enforcement Officer; Aron Thompson, Building Inspector; and Emilio Moran, Engineer for the Town (MRB Group).

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of February 10, 2025. Patricia Marini made a motion, seconded by Doug Flye, to accept the February 12, 2025 minutes. Christopher Paap abstained since he was not present at the February meeting. All other members were in favor. Motion carried.

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of April 14, 2025. Christopher Paap made a motion, seconded by Doug Flye, to accept the April 14, 2025 minutes. All members were in favor. Motion carried.

Chairperson Landry addressed the first item on the agenda:

1. **Application of Norbut Solar Farm, LLC for approval of a Subdivision, Site Plan, and a Special Use Permit at 1010 Atlantic Avenue, 1045 Kuttruff Road, and 4251 Canandaigua Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)**

Doug Flye made a motion, seconded by Christopher Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 6:32PM.

Nate Cobb and Ashley Champion of Norbut Solar Farms, LLC, and James Cretekos, P.E. of BME Associates, came forward to speak before the Board. Ms. Champion said Norbut submitted a comprehensive package with the updates made to the application, and the visualization package will be provided to the Planning Board before the next meeting. Ms. Champion said there is no requirement for invisibility of the project with respect to SEQR, so the visuals should not tip the scale on the SEQR negative declaration.

Mr. Cobb said the updates submitted address the MRB comments and the comments of the Board and Code Enforcement Officer. Mr. Cobb said the Full Environmental Assessment has been updated in the sections indicated by MRB in their February letter.

February 4, 2025
Mr. Dennis Landry, Planning Board Chairperson
Town of Walworth
3600 Lorrine Drive
Walworth, NY 14568

RE: NORBUT SOLAR FARM, LLC
1045 KUTRUFF RD, 4251 CANANDAIGUA RD, 1010 ATLANTIC AVE.
TAX MAP NO. 62115-00-152150, 62115-00-250140, 62115-00-090320
SEQR, CODE, AND GENERAL REVIEW OF APPLICATION SUBMISSION
MRB GROUP PROJECT NO. 2334.25000.000-003

Dear Mr. Landry and Planning Board members:
MRB has completed a review of the submitted Solar Energy System application for the proposed NSF Walworth Site 1, LLC and Kuttruff Rd, LLC solar project application prepared by BME Associates, dated January 6, 2025. The proposed project involves the development of three parcels totaling 106.43 acres of undeveloped agricultural land for the purpose of building a 5.0+/- MW AC Solar Energy System Facility and associated Battery Energy Storage System. The three lots will be subdivided and combined into a single 61.305 Acre contiguous parcel. This project will have a gravel access road located off Kuttruff Road. RG&E will require access to the interconnection point off Atlantic Avenue (CR-203). The proposed project is a permitted use subject to the requirements identified within local law No. 3-2024 and pursuant to all other requirements identified by the Planning Board through the issuance of a Special Use Permit and, Subdivision, and Site Plan Approvals. We offer the following comments for the Planning Boards consideration regarding the current application. A brief written response to each comment should be provided by the design engineer.

GENRAL COMMENTS

1. The application and associated materials appear to be complete per to Town of Walworth LocalLaw No. 3-2024.

2. The applicant is seeking three (3) waiver requests from the Town Board as per Local Law No. 3 of 2024 Section 4. F. 2. C:
   · Front setback of 71 feet where 100 feet is required.
   · Rear setback of 28 feet where 50 feet is required.
   · Setback distance from nonparticipating residences of 150 feet where 250 feet is required.
3. The property owner should sign the form with respect to Reimbursement of Professional Consulting Fees that was submitted with the site plan subdivision applications.
4. The applicant should clarify if the two projects (SES & BESS) are dependent on each other andtherefore must be decommissioned together. If there are truly two separate projects that are being proposed, besides SEQR which should not be segmented, separate submissions should be provided for the two projects. This would require a separate operation and maintenance plan, decommissioning plan, decommissioning estimate, and other relevant documents that have either already been submitted or have been identified in the comments below. The only other document that may be acceptable to be submitted for both projects as one, is the SWPPP; this will be dependent on the construction schedule of the proposed project(s).

SEQR COMMENTS

5. The proposed project is considered a Type I action under SEQR, which will require a coordinated review and a determination to be made by the Planning Board, assuming lead agency status, after the coordinated review is complete.
6. The following comments are regarding the Full Environmental Assessment Form (FEAF) Part 1:
   a. Question B. should have the following information added or corrected:
      i. The FEAF should list that the applicant is also seeking subdivision and SUP approval which is a planning board action.
      ii. The County Agricultural Board should be listed and coordinated with.
      iii. All correspondence coordinating for permitting/approval from all agencies reviewing the project should be forwarded to the Town and MRB Group.
   b. Question D.2.c.iii states that water services will be provided off of Atlantic Avenue, however, the site plan details water service extending off of Kuttruff Road. Please clarify.
   c. All federal and state wetland features delineated on the site plan will require coordination and a jurisdiction determination to be completed by the applicant. All coordination with the ACOE and/or NYSDEC should be forwarded to the Town and MRB in this regard.
   d. The FEAF indicated that portions of the project site are located within the 100-year floodplain. Construction in a flood-prone zone will require a floodplain development permit to ensure the project doesn't obstruct flood flow or exacerbate flood damage in accordance with Town Code Chapter 88 Flood Damage Prevention. The applicant should consult with the building inspector in this regard.
   e. As the project site may contain, or be substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, the applicant will be required to coordinate with NYSHPO and obtain a No Impact letter. All correspondence in this regard shall be provided to the Town.

SITE PLAN COMMENTS

7. The entire area inside the fence along with access roads should be considered within the limits of disturbance boundary. Please update the plans accordingly and also the total acreage of disturbance amount identified on all applicable documents.
8. A typical trench detail should be provided on the site plans.
9. The application submission indicated that there will be battery energy storage on site. Details should be added to the plans with information regarding the BESS enclosure. BESS materials proposed to be used and a layout of BESS components on the equipment pad should be shown.
10. The viewshed report should be updated with visual simulations from the roadway to ensure that the project will be adequately screened from these access points.
11. An additional vehicle turnaround should be included approximately halfway along the proposed access road. All dead ends should terminate at or near an approved fire apparatus turnaround. All fire apparatus access roads should be a stabilized surface and must be capable of supporting apparatus loads of at least 75,000 lbs. per NYS Fire Code. The design engineer shall coordinate with the Town Fire Code Official regarding fire apparatus access requirements for this site.
12. The access road associated with this project should meet the requirements of a fire apparatus access road of section 503.1.1 of the NYS Fire Code and should extend to within 150 feet of all portions of the facility and all portions of the exterior walls measured by an approved route around the exterior of the facility. Please note that, where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities. The applicant should consult with the Town CEO and the local fire department regarding the proposed site compliance with NYS Fire Code Section 503.1.1.
13. The applicant should coordinate with the Town highway department and the Wayne County Highway Department regarding the proposed access roads off Kuttruff Road and Atlantic Avenue (CR-203) as permits will be required from both departments.
14. Evidence which shows that the utility company operating the interconnecting electrical grid has authorized the

interconnected customer-owner generator, such as a Coordinated Electric System Interconnection Review (CESIR) Report is required as part of the review of this project. Please forward this to the Town and MRB.

15. Please confirm whether the electric wires running from the POI on Atlantic Avenue to the equipment pad will be overhead or underground. Per LL 3-2024 §IV (F) 2.b.1, all utility lines serving the Solar Energy System, including any BESS, shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way as needed.
16. If additional fence gate locations are proposed, they should identified on the plans. At a minimum, a man gate should be located on each side of the array for emergency access/ exiting the solar arrays. Please coordinate with the Town Code Enforcement Officer, and local fire department that services the area regarding emergency access for the site.
17. It should be identified if there will be any external lighting required for the site. If so, a lighting plan is to be provided which shows lighting locations and provides true photometrics for all proposed light fixtures. Full manufacturer cut sheets are to be provided for all proposed lighting.
18. The site notes on Drawing-02 indicate that variances are being requested from the ZBA, however as per Local Law No. 3 of 2024, any relief from the Special Use Permit and Site Plan requirements are to be in the form of Waivers and shall be requested from the Town Board. Please update these notes accordingly.
19. The Sequence of Construction should include installation of the BESS installation, permanent fencing, and landscaping.
20. The Erosion and Sediment Control Notes on Drawing-07 should include a note to reference the SWPPP for all updated information.
21. The location of the orange construction fence to be utilized to identify vegetative areas not to be disturbed should be added to the construction erosion control plans. A symbol for the orange construction fencing should also be added.
22. There should be some boundary identifying the proposed two LLC's areas. If these LLC's are independent from each other, then there will be implications for citing the projects if needed by the Town and even possible requirements for decommissioning. Please clarify.
23. A note should be added to the Construction Entrance detail to identify that the detail reflects the minimum dimensions and that the actual dimensions are identified on the site plans.
24. Details demonstrating the solar panels at full tilt and calling out the dimensions should be added to the detail sheets.
25. The applicant shall coordinate with WCW&SA regarding the watermain connection on Kuttruff Road. All correspondence in that regard should be forwarded to the Town and MRB.
26. Details for the proposed culverts should be included on the plans.
27. Please clarify how the contractor will not cause soil disturbance within the arrays during construction. Although the proposed pile driving of the solar racking modules may cause negligible soil disturbance, the equipment needed to pile drive will likely be tracked. Also, the contractors typically drive side by side machines to move around the site during construction. Since this project will occur during all four seasons, discuss how the equipment will not disturb the soil, especially during the wet seasons. Also, there is no soil disturbance called out for the construction of the various level spreaders on the site or the electrical trench that is proposed to connect from the battery storage pad to the Point of Interconnection at Atlantic Avenue. Consideration should be made to request a 5-acre waiver for the project to prevent being shut down if soil disturbance is over 5 acres at any one-time during construction.
28. An access easement over the proposed access road, stormwater management facility, and bioretention area should be provided to the Town of Walworth. This would be for emergency situations where access to the facility would be needed.
29. Signatures lines are to be added to the cover sheet of the plan set for the Town Planning board Chairman, Town Engineer, and Town Highway Superintendent.

DECOMISSIONING PLAN COMMENTS

30. In accordance with LL 3-2024 §IV (F) 2.a.6 signature lines for the owner and operator of the system should be added to the decommissioning plan.
31. It is recommended that a list of stakeholders, which should include the Town of Walworth, should be added to the Decommissioning Plan. Accompanying this list should be a statement that all stakeholders are to receive notice and a copy of the latest Decommissioning Plan when revisions are made.
32. It is recommended that the New York State Department of Agriculture and Markets (NYSDAM) Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands, latest edition should be referenced as a requirement for the Decommissioning Plan and that the costs per these requirements be taken into account for the estimate.
33. The decommissioning plan and estimate should be updated to include the removal and of the BESS equipment, temporary erosion and sediment control measures, stabilization of the site per NYSDEC and NYSDAM standards, preparation of a project SWPPP, permitting, and observation.
34. It is recommended that a detailed timeline of decommissioning of the site be included in the decommissioning plan.
35. It is recommended that the Town requires that the decommissioning surety extend 18 months beyond the expected life of the project in order to ensure that the surety remains valid during the permitting, coordination, and decommissioning process.

36. The estimate should be prepared by and signed by the licensed engineer. Any subsequent updates during the life of the project should also be prepared and signed by a licensed professional.
37. The decommissioning plan and estimate should be updated to include BESS removal and best practices for disposal. The decommissioning plan is not only to outline the practices that the owner of the project(s) will have to adhere to but also what the Town will need to do in the case that the site is not able to be, or the owner is not willing to, decommission the site.

OPERATIONS AND MAINTENANCE PLAN COMMENTS

38. The Operation and Maintenance states that it is only for NSF Walworth Site 1, LLC. Kuttruff Rd, LLC should be added to that plan, or a separate O&M plan for each LLC should be submitted for review and approval.
39. The process for replacing dead or dying landscaping trees should be outlined in the O&M Plan.
40. It is acknowledged that the O&M plan mentions snow removal in the property maintenance and housekeeping section, however this is insufficient and does not constitute a snow removal plan as required by local law No. 3-2024 §F.2(a)(4)(a).
41. It is recommended that a list of stakeholders, which should include the Town of Walworth, should be added to the beginning of the Operation and Maintenance Plan. Accompanying this list should be a statement that all stakeholders are to receive notice and a copy of the latest Operation and Maintenance Plan when revisions are made.
42. It is recommended that a timeline regarding the reaction to any vegetative screening issues should be included in the operation and maintenance plan.
43. A schedule of services specific to this site should be included in the document that outlines the frequency of each operation and maintenance task.
44. It should be identified that if there are any stormwater/drainage design issues that were not planned for that the applicant will be responsible for mitigating the stormwater/drainage issue per the NYSDEC General Permit GP-0-25-001.
45. Any and all pesticides, herbicides, and chemicals that the applicant plans to use on site should be clearly identified and all regulations regarding their use should be included in the document.
46. The local fire chief and emergency services as well as the Wayne County Department of Emergency Services will need to review the Emergency Response Plan and make any recommendations on improvements.
47. It should be clearly identified that all reports to the Town are to be sent to the Code Enforcement Officer and any other agency the Town identifies.
48. Given the presence of prime agricultural soils, a soil sampling program should be considered to establish a relevant benchmark of soil conditions over representative sections of the lot/parcel on which the solar energy system would be sited, and then provide for periodic sampling comparisons to monitor conditions of the soils beneath and around the solar arrays.

SWPPP COMMENTS

49. The SWPPP should reference the 2025 General Permit rather than the 2020 General Permit since the 2020 permit is no longer in effect.
50. The SWPPP's table of contents needs to be updated to only list the applicable sections within the report.
51. All forms associated with the Notice of Intent (NOI) will need to reference the updated 2025 General Permit and NOI. All the NOI forms will need to be signed, and the NOI will need to be filed prior to construction start as specified in the 2025 General Permit.
52. Within Appendix 01, the project site should be outlined on the NYSDEC Environmental Resource Mapper for clarity.
53. The SWPPP mentions the Town of Victor within Part C Construction Erosion and Sediment Control. Please revise.
54. The Hydraflow analysis does not include a 28 linear foot 10" PVC pipe into the pond's outlet structure. This needs to be included in the model.
55. Provide a breakdown within Table 4 to show the peak flows for both proposed drainage areas, A-1 and A-2.
56. The impervious access road off Atlantic Avenue is not modeled within the stormwater calculations for quality or quantity or analyzed within a drainage area. Please provide supporting calculations and mapping.
57. Verify that all maintenance practices that are proposed for the project are checked on the Maintenance and Inspection Schedule. From the plans and SWPPP, it appears that a temporary sediment basin will be constructed within the proposed stormwater pond and the site will make use of perimeter swales to divert flow around the proposed solar array.
58. On the Construction Erosion Control Plan, the ends of each section of silt fence should be aimed uphill to prevent stormwater runoff from hitting the silt fence, running perpendicularly along it to the lowest end, and then running into the NYSDEC wetland to the east of the project.
59. Please include the Construction Phasing Plan in the SWPPP and discuss how the contractor will verify that each construction phase has achieved the 50% final stabilization specified before beginning on the next phase. Furthermore, the SWPPP references a total of only 5.8 acres of soil disturbance total over the +/- 25-acre project area. Minimal amounts of the 5.8 acres of soil disturbance are noted to occur within the Phase 3A, 3B, or 3C zones. Therefore, according to the SWPPP, these areas should be fully stabilized throughout the course of construction.
60. The existing and proposed drainage areas need to be reviewed, and major contour labels added for clarity. The limits

of existing and proposed drainage area B appear to be too large for the project site and appear to be an unconservative design, considering the nearby culvert under Kuttruff Road. The large NYSDEC wetland should be considered an analysis point rather than a type of ground cover that shallow concentrated flow will pass through on its way to the existing culvert under Kuttruff Road. Considerations should be made to split drainage area B into two sub catchments, one with the wetland as an analysis point and the second with the culvert under Kuttruff Road as an analysis point. Also, some of the limits of the drainage areas do not run perpendicular to the contours, as they are supposed to. Furthermore, the section of drainage area B that crosses over Kuttruff Road should be reviewed as it does not appear to contribute to the project's drainage area. Lastly, the proposed drainage area A splits into two sub-catchments because of the proposed diversion swale. The same type of diversion swale is proposed within proposed drainage area B, but the drainage area is not split into a separate catchment, please explain why this is.

61. Level spreaders are not included on Table 3.3 "Stormwater Management Practices Acceptable for Water Quality" of the NYS Stormwater Management Design Manual. Please specify where the NYSDEC says this is an approved practice. Level spreaders are typically intended to work as an energy dissipator to prevent sheet flow from gaining the velocity to become concentrated flow.
62. A stormwater Maintenance Agreement will be required between the applicant and the Town of Walworth.

Please feel free to contact our office with any comments or questions you may have in this regard. Thank you.

Respectfully submitted,
Lance S. Brabant
National Director of Planning & Environmental Review Services
CC: Planning Board Members
Brett Malafeew, Code Enforcement Officer
Aron Thompson, Building Inspector
Barbara Goulette, Building Clerk
Emilio Moran, P.E. – MRB Group
Victor Ciaccia - Norbut Solar Farms

Mr. Cobb said 5 gates and 2 hydrants with a 30-foot turnoff have been added to the site plan. Mr. Cobb said the decommissioning plan and the SWPPP were done by an engineer, and the operation and maintenance plan comments made by MRB were addressed. Mr. Cobb said Norbut does not believe the road will be impacted. Mr. Cobb said the landscaping plan shows the screening on the south and west side, the east side is constrained up to the fence line, and the north side has dense forest and fields. Ms. Champion said Norbut needs SEQR approval from the Planning Board, so they plan to go before the Walworth Town Board on June 18th for the waiver requests after the June 9th Planning Board meeting.

Chairperson Landry asked if there were any comments from the public.

Thomas Ninestine of 1136 Kuttruff Road came forward to speak before the Board. Mr. Ninestine said he lives southeast of the property. Mr. Ninestine is concerned with the impact on wildlife since the geese use the property as a migratory piece of land, and he is concerned with the impact of the construction on the wetlands. Chairperson Landry said the project is not proposed to be built in the wetlands, and protecting the wetland will be taken into account before the Planning Board would approve this project. Mr. Moran said the applicant submitted a Storm Water Pollution Prevention Plan (SWPPP) which guides how stormwater is protected, and MRB will review the plan to ensure it meets the latest standards.

Chairperson Landry asked if there were any more comments from the public or the Board. No more issues were brought forward. Christopher Paap made a motion, seconded by Patricia Marini, to adjourn public hearing until next month. All members were in favor. Chairperson Landry adjourned the public hearing at 6:49PM.

Chairperson Landry asked if there was any other business to come before the Board.

Nick Graziose of Gerber Homes & Additions came forward to speak before the Board. Mr. Graziose said he is requesting an extension of the approval of the subdivision of Orchard View Trail off Walworth-Ontario Road. Mr. Graziose said Gerber Homes & Additions received approval about 6 months ago from the Walworth Planning Board, and he is looking for an extension of that subdivision approval since Gerber is waiting for the Health Department review, feedback, and approval.

Christopher Paap made a motion, seconded by Patricia Marini, to approve the extension of the subdivision on the vacant land on Mykola Road with access to Walworth-Ontario Road for 90 days from the time that the 6-month deadline ends for the original approval.

Roll Vote:	Chairperson Landry	Aye
	Lou Villanova	Aye
	Doug Flye	Aye
	Patricia Marini	Aye
	Dog Flye	Aye

Motion carried.

Chairperson Landry asked if there was any other business to come before the Board. No more issues were brought forward.

Patricia Marini made a motion, seconded by Doug Flye, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 6:52PM.

Respectfully Submitted,

Barbara Goulette, Clerk