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; Don Young, Attorney; and Emilio Moran, Engineer for the Town (MRB Group).

Chairperson Landry made a motion to change tonight's agenda by switching the order of the two items. Patricia Marini made a motion, seconded by Lou Villanova, to switch the order of the two items on the agenda. All members were in favor.

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of May 12, 2025. Patricia Marini made a motion, seconded by Lou Villanova, to accept the May 12, 2025 minutes. All members were in favor.

Chairperson Landry read a statement clarifying that the Planning Board has not received an application for a housing development project concerning the Blue Heron Golf Club. The Board will refrain from commenting on the topic until an application is officially submitted.

Chairperson Landry addressed the second item on the agenda:

2. Modification of Approved Subdivision of Orchard View Estates-Section 6, Town of Walworth, and County of Wayne. Property is zoned R- Residential. (Public Hearing)

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

John Graziose of Gerber Homes came forward to speak before the Board. Mr. Graziose said he is here for modification approval of section 6A. Mr. Graziose said he is looking for approval to remove sidewalks around the cul-de-sac. Mr. Graziose said there are several reasons for this proposed change including the grade around the cul-de-sac from a manhole and driveway elevation.

Mr. Graziose said he has had conversations with five homeowners on the cul-de-sac in favor of eliminating the sidewalk on the cul-de-sac. Mr. Graziose said some of the homeowners felt it was important to keep sidewalks on the North side of road and the intention is to continue having those sidewalks.

Chairperson Landry asked if there were any questions from the Board. No questions were brought forward.
Chairperson Landry asked if there were any questions from the public.

Dave Grantham of 2112 Mykola Road came forward to speak before the Board. Mr. Grantham asked if the modification was why houses were marked with flags at the corner of Mykola and Theresa. Mr. Graziose said not that he is directly aware of. Mr. Grantham asked if there was any word on water lines. Mr. Graziose said they are in the final stage of signatures for preconstruction. Chairperson Landry said the Board would be signing the Mylars once they have been received.

Ed Raynor of 3290 Fairway 6 came forward to speak before the Board. Mr. Raynor asked if the absence or presence of sidewalks in those 5 lots matters for taxation. Chairperson Landry said he is not sure but will follow up with an answer.

Chairperson Landry asked if there were any more comments from the public. No more issues were brought forward.

Chris Paap made a motion, seconded by Doug Flye to adjourn this public comment. All members were in favor.
Chairperson Landry closed the public hearing at 6:36PM

Mr. Young asked if the modification is subject to the underlying conditions for subdivision approval. Chairperson Landry said all the other conditions carry forward on this and only the sidewalk is being modified. Chairperson Landry said that is correct.

Patricia Marini made a motion, seconded by Chris Paap, to approve the modification of the subdivision of Orchard View Estates-Section 6 subject to the underlying conditions carrying forward from the subdivision approval.

Roll Vote:	Chairperson Landry	Aye
	Lou Villanova	Aye
	Doug Flye	Aye

Patricia Marini	Aye
Doug Flye	Aye

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)**

Patricia Marini made a motion, seconded by Doug Flye, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 6:39PM.

Victor Ciaccia and Ashley Champion of Norbut Solar Farms, LLC and Mike Bogojevski of BME Associates came forward to speak before the Board. Ms. Champion explained that they have had several updated submissions since their last appearance before the Planning Board, including a submission on May 8th addressing comments from MRB group, the Planning Board and the Public. Ms. Champion said on June 3rd that they submitted a follow-up draft SEQR part 2 and 3 along with updated visualization studies. Ms. Champion said they also received the latest comment letter from MRB group that includes cleanup and nuances on the plan. Ms. Champion said they are open to proposed language and edits from the MRB group, so the application can continue processing, and they can appear before the town board this month instead of waiting until July.

Ms. Champion addressed concerns about whether there is both a solar project and a separate battery project or a single project. Ms. Champion clarified that it is a single integrated system using DC coupling wherein the batteries are charged by the solar system and no power is put onto the grid except as inverted within the battery component. Ms. Champion asked if there were any other concerns from the Board.

Chairperson Landry explained that they have not had a chance to look at MRB's comments in the letter dated June 9, 2025, as they were received on June 9, and he is not ready to approve SEQR until they can work with MRB further.

June 9, 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 revised 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 decommissioning plan and estimate dated May 9, 2025, the Operations and Maintenance Plan dated May 9, 2025, and associated supplementary application materials received by MRB Group on May 14, 2025.

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 property owner should sign the form with respect to Reimbursement of Professional Consulting Fees that was submitted with the site plan subdivision applications.
2. The following comments from the MRB letter dated February 4th, 2025, appears to be unaddressed in the supplemental response from Norbut Solar.
   a. The applicant should clarify if the two projects (SES & BESS) are dependent on each other and therefore must be decommissioned together. If there are truly two separate projects that are being proposed as suggested in the application, besides SEQR which should not be segmented, separate submissions should be provided for the two projects. This would

MRBGroup.com 2 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). Please clarify

SEQR COMMENTS

3. The revised Full EAF Part 1 is incomplete with several additional questions unanswered, and the form is unsigned. Also, the EAF Mapper receipt when completing this using the online NYSDEC EAF Mapper should be included with the EAF. Please submit a completed and signed revised Full EAF Part 1 for review.

SITE PLAN COMMENTS

4. Several of the comments from the MRB letter dated February 4th, 2025, appear to be unaddressed in the supplemental responses from Norbut Solar. MRB will complete a full revised application review upon receipt of a complete set of supplementary materials and responses addressing all MRB comments. Based on a review of the supplementary materials received to date, we offer the following additional comments regarding the site plan.
   a. The site plan should be updated with a revision date for reference.
   b. The applicant should provide a calculation on the number and percentage of solar panels that are included in the 250' setback area to non-participating residences shown on sheet No. 2 of the revised plan set.
   c. The access drive should be able to accommodate the turning radius of emergency vehicles. Vehicle movements along the access drive should be shown. The dimensions of the roadway should also be added to the utility and grading plan, sheet No. 5. Approval of the final access road design will need to be provided by the local fire chief and emergency services.
   d. The distance between the two proposed fire hydrants should be clearly shown on the utility and grading plan.
   e. The width of the construction entrance should be labeled on sheet No. 07.

DECOMISSIONING PLAN COMMENTS

5. Several of the Decommissioning Plan comments from the MRB letter dated February 4th, 2025, appear to be unaddressed, or reference documents not included in the supplemental materials provided by Norbut Solar on May 14th, 2025. MRB will complete a full revised application review upon receipt of a complete set of supplementary materials and responses addressing all MRB comments.
6. Based on a review of the supplementary materials received to date, we offer the following additional comments regarding the decommissioning plan.
   a. The Decommissioning Plan, once accepted and approved, shall not be updated or changed without first receiving an approval from the Town Board. A statement to that effect should be added to the first paragraph of the plan.
   b. The response from the applicant dated May 8th, 2025, regarding the following comment states that stakeholder information was added to page 3 of the revised decommissioning plans. We could not verify that this information was added. Please revise the decommissioning plan accordingly.
   a. 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 and accepted by the Town Board.
   b. Step 3 of the decommissioning procedure should be updated to include decompaction of soils.
   c. The decommissioning plan should add language outlining the procedure that is to be followed if components are upgraded throughout the life of the project. The decommissioning plan and estimate will be required to updated as well. A procedure for notifying the Town and making the updates should be described.
   d. The plan should be updated to outline a process and procedure for some components to remain upon request made to the Town by the land owner. (i.e. access road, landscaping).
   e. The decommissioning estimate should be updated showing the cost of decommissioning for each year of the life of the project. This should include the cost of the removal plus 20% contingency, as well as an inflationary escalator of not less than 3%.
   f. The decommissioning surety shall be in a form acceptable to the Town of Walworth; however, we recommend that it be a minimum of a two-year surety that is renewed annually on its anniversary date, reviewed and updated every five years for the life of the project. Language to this effect shall be added to the plan.

OPERATIONS AND MAINTENANCE PLAN COMMENTS

7. The Operations and Maintenance Plan comments from the MRB letter dated February 4th, 2025, appear to be unaddressed by the applicant, or reference documents not included in the supplemental materials provided by Norbut Solar on May 14th, 2025. MRB will complete a full review of the revised O&M plan upon receipt of a complete set of supplementary materials and responses addressing all MRB comments.

SUPPLEMENTAL PACKAGE RECEIVED JUNE 3, 2025

8. Please note that information was received, however, there was not enough time to complete a review. Comments will be forthcoming upon competing our review.

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
Donald Young, Esq – Town Attorney
Barbara Goulette, Building Clerk
Emilio Moran, P.E. – MRB Group
Victor Ciaccia - Norbut Solar Farms

Ms. Champion reviewed the updated visuals with the Board. Ms. Champion showed what the solar farm would look like under leaf-off and leaf-on conditions, with proposed landscaping and how views from the road would be affected. Ms. Champion showed the differences between a compliant layout within the setbacks compared to the proposed layout affected by the setback waivers. Ms. Champion explained that some of the photos are taken of weak spots in the hedge row to give a full understanding of the proposed view. Ms. Champion urged the Board to look at the minimal differences between the proposed and compliant views. Ms. Champion explained that the project is already a lot smaller than they would typically build and that they are limited by constraints of wetlands and transmission lines on the property. Ms. Champion explained that if the waivers are granted, they can construct additional landscaping to enhance the tree line and have a better outcome for everybody.

Mr. Moran and Mr. Young said that the Board needs more time to review before they can come to a decision as the latest package was submitted only six days ago.

Chairperson Landry asked if the Board had any further questions. No more issues were brought forward.
Chairperson Landry asked if there were any comments from the public.

Robert Anderson of 1157 Kuttruff Road came forward to speak before the Board. Mr. Anderson said he has lived there for 33 years and takes exception to some of the comments from Norbut. Mr. Anderson said that if the solar farm plan isn't viable without these variances, then this is the wrong location for it. Mr. Anderson asked if the Board needs to change the code to meet Norbut's requirements, and are they really looking out for the residents? Mr. Anderson says this is not an equivalent comparison between the visible electric poles and the solar farm which is more like a 300-car used parking lot. Mr. Anderson says it is only Norbut's opinion whether the compliant and non-compliant pictures are similar, and he cannot verify the accuracy of the pictures they have provided. Mr. Anderson asked the Board not to agree to Norbut's waivers as he and his neighbors will live with the results.

Rosemary Rainbow of 749 Rookery Way came forward to speak before the Board. Ms. Rainbow questioned the use of evergreen trees for screening due to their shallow root systems and vulnerability to storms. Ms. Champion explained that they are trying to use foliage that provides appropriate screening without shading the solar panels. Ms. Champion said that typically towns prefer evergreens because they provide year-round coverage, but if a different type of tree is preferred, Norbut can comply.

Dave Grantham asked how long this solar farm has been in process. Ms. Champion answered that January 6th was when the application was submitted.

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 7:16 PM.

Chris Paap made a motion, seconded by Patricia Marini, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 7:17PM.

Respectfully Submitted,

Heather Behrendt, Clerk