

PLANNING BOARD

**Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – May 19, 2022**

Present: Baker, Burg, Conrad, Lattanzio, Lilly,

Absent: Waechter, Taczak

Presiding: William Burg, Chairman

Roll Call

Burg: We have one item on the agenda, the solar plan for Niagara University.

Niagara University, 5759 Lewiston Road, SBL# 115.00-1-12, to consider a Special Use Permit and Site Plan Approval for a 4MW Solar Generation facility on said premises. The property is presently zoned RR, rural residential.

Taczak: I have an announcement I would like to make. I've been working at Niagara for 28 years working for campus security for the basketball and hockey games and I'm paid directly by Niagara University. Since I'm not a contract employee I'm going to recuse myself in anything to do with Niagara University. I don't want any sense of impropriety. I don't want to ruin this panel; it's a great group and they work hard to do what we have to do here and I don't want to jeopardize any issues like that so I want to recuse myself. If you don't mind, I would like to excuse myself since this is the only item on the agenda.

Burg: I understand we are waiting for a couple of your colleagues? Is there anything you want to go over?

Conrad: Should we open the public hearing or should we wait on that as well?

Seaman: You could be a little informal about it. Is there anyone here other than the applicant that is here for the public hearing tonight? There is no one here to speak to the public hearing so I don't think you need to open it formally. You could take an adjournment at this time.

Jessica Fuchs, I feel okay to speak with the group we have here. Hopefully Katie makes it and can show you the visuals.

Conrad: Is there anything different than the package we have?

Fuchs: I think Katie shared the updated landscaping plan with you and that was the most important thing we wanted to talk to you about today. She was going to share a year versus

five-year comparison of what you see here, nothing otherwise has changed. What do you all think?

Burg: I don't see the five years?

Fuchs: That's what she has with her.

Lilly: It looks like the landscape architect broke it down with the scheduled plants.

Fuchs: What we wanted to make clear to you guys is at planting we do have to have some spacing obviously between particularly the junipers to allow them to fill in and grow. If you plant them too tightly, they will just knock each other out. From year zero you will have a little bit of a site line between the junipers. By year five you're obscured.

Burg: The junipers need to be maintained right?

Fuchs: Generally speaking, they do. They are fairly low maintenance, that's why they were selected. We did discuss with the University what they had capacity and interest in caring for. The plan was put together with their input for longevity.

Conrad: What was the decision on the fencing? We went back and forth with whether it was going to be all decorative or was it going to be a mix?

Fuchs: Where we left it is the northwest are still the chain link 7' black as we discussed and then then I forgot which of you suggested going to chain link where it's going to be obscured, so that was something that we were entertaining doing over here. The rest, anything you could see especially where you have the vistas is absolutely decorative for sure.

Lilly: The decorative fence you scaled back a little to a black chain link fence.

Fuchs: Yes exactly. We just turned the corner with it a little bit to help offset the cost of some of the landscaping.

Lilly: So, Niagara University is on board to maintain like it does the rest of the shrubbery throughout the rest of the complex?

Fuchs: That is what the conversation is.

Lilly: Mulching and maintaining it throughout the whole season?

Fuchs: Yes.

Conrad: Can you speak to the access issue with the roads?

Masters: I thought Pat was going to be here tonight. I know he and Katie were going back and forth the last couple days but I'm not sure where it landed. I saw a couple different options but I'm not sure where it landed unless you know better?

Fuchs: I think I may have been the last to have a conversation with Pat this afternoon. There are a couple of options being tossed around. Pat says he's okay to move forward today understanding that a building permit cannot be issued until Montante and the Building Dept. and the Fire Dept. arrive and mutually agree to a solution. There is just a lot of back and forth with several different parties. My suggestion to Pat today and I would love for you to participate. I really want to get our engineer at the table with Pat and your Building Dept. and he can speak most intelligently to the particular site challenges. You can say what you need from a Code standpoint and we can come up with something that works for everybody.

Masters: It's really Pat's call as the Fire Marshall. My whole role is if you're going to come in through somebody else's property we just need an access agreement. But if you can't do that then as long as you come up with a mutually acceptable way that Pat agrees and we can get an ambulance and fire truck in there, I have no issue with it.

Fuchs: I appreciate that. It was just realizing the easement potential and how long that could take. We were tossing around alternative access points. There are several options available to us. It's just trying to sort out exactly what's desired and making it with some of the landscape features.

Masters: I sent an email yesterday and I didn't know if coming from the north was an option or not. They have quite a bit of property but it is a distance.

Fuchs: That is one of the options we entertained. We were looking at....coming down from that parking lot for a couple of different reasons didn't seem like the best idea but building off of that, potentially coming in off the road here and turning in. Additionally, we were looking at giving a second means of ingress/egress on this side too. It's just the....of the road, the length of the road, those sort of details we're trying to iron out. We had another speech prepared too.

Conrad: What more can your partner offer as far as information?

Matt Fitzgerald, from Phillips Lytle, counsel for Montante Solar. I just wanted to jump in. Obviously, we have representatives from the University here as well to give you some back ground on the project. On the access road point the only other thing that I would add is if the Planning Board would like to make that some kind of condition of approval saying that you will go ahead and do the things that we've said we're going to do. That's absolutely fine with us and that's well within your power as the Planning Board to make that recommendation with that condition attached to it. If there is any discomfort with the uncertainty, certainly you can add it as a condition to make sure it gets satisfied and then we will work with the Town to take care of that concern.

Fuchs: I believe the University just wanted to re-iterate why the project is so important to them.

Bob Morreale, I'm the Chief Financial and Innovation Officer at Niagara. I graduated in 1987. My kids graduated from there. My brother graduated from there. My kids played hockey with Rob Morreale's kids. It's been a part of my life for over 35 years. Niagara University is really proud to be in the Lewiston Community and we know that if we're successful it helps Lewiston to be successful. I just wanted to give you a little bit of back ground. In 2019 I was hired for the CFIO and I went to Texas for a higher education retreat. There was a big convention center and all the suppliers want you to buy all their software and programs. There are 5 or 6 solar suppliers that were out there. It was very evident that solar at universities was a very prevalent thing. Students want it. Students look for green energy, they look for renewable energy. A lot of the Universities are doing it. I brought it back, I would like to say this was my idea but there are 4 other people that are claiming this is their idea which is fine. Right now, higher ed are in a struggle with enrollment. I don't know if anybody has ever heard about the demographic flip in 2025 with the students coming from high school to university going to college is decommissioning quickly. In order for Niagara to stay competitive we have to take advantage of everything out there and solar is one of them. This solar array is, there is some financial benefit, it's not anything to make us do it or not do it but there is some financial benefit. There's things we can do for our students. Primarily we want to make this a class room. We want to get on a list of there is probably 300-400 University's that are prevalent in the renewable energy world. We're trying to get to the top 30. UB, University of Maryland, there's a bunch of big names that are on that top 30. With New York Power Authority we get all our electric from them plus another equivalent of about 30% of our power or megawatts for the solar array will come from that. We think we can crack the top 30 and what better message to send on our website than this is who we are. It's obviously a very beautiful array that the Montantes put together. I guess the last thing, I'll tell you a little bit about we have 10 courses in the environmental sciences right now. I'm not a faculty person. I'm not really an academic but when it comes plans, I can talk to that. We're going to have another 5 classes and it's going to come where we've got 25 students right now. The goal is to get 50-75 to 100 students in this environmental science. It's going to be a class room. The students are going to be on the site doing whatever studies and measures. It will be integrated in to our academics. I just think it's something we really need to do and we're excited about doing it. I think it's a perfect place for it. It's off the Whitmer Road exit. It's really not visible from the outside. It's just on our campus. That's all I have.

Burg: Any questions from the Board? Any comments from the Board?

Seaman: Procedurally last meeting you guys were adjourned so you could call for the public hearing which we are in the mist of now with no comment from the public. You were also interested in looking at the screening which they have submitted to you. Those were the primary two topics that were left to be discussed and considered. Then the issue of the access for fire came up just recently in the last week or so. Procedurally the Board is in a position now if you were inclined you could close the public hearing. You could either make a determination

for a recommendation today or you can continue to think about it or if you had other things you need to request from the applicant you can certainly do that. I would agree that if you chose to approve the project and recommend an approval of the project that you could condition that on requiring a final submittal of where the access points will be for the fire access.

**A motion to close the public hearing was made by Conrad, seconded by Lilly and carried.
Public hearing closed**

Burg: Does anybody want to make a motion?

Lilly: There was a negative dec. from the Environmental Committee and the Town Board. The request from the Planning Board's last month's meeting was for the landscape screening which the applicant has done. I don't think there are any questions as to that. That will be maintained by Niagara University. There appears to be no concerns from any of the neighbors, being industrial as it is, I didn't expect much from the neighbors for that reason.

A motion to recommend approval of the site plan/special use permit for the solar array based on the condition that the plan of a fire access be finalized to the approval of the Building Inspector as well as the Fire Department was made by Lilly, seconded by Conrad and carried.

Masters: Just so you guys are aware and I'm sure you all know but just so everybody is on the same page, they did receive variances to the side yard setback, road setback, all those issues that we would normally have on a residential subdivision. They did receive that variance from the Zoning Board.

Lilly: That was done before last month's meeting correct.

Masters: Yes.

The next meeting will be June 16, 2022, at 6:30 P.M.

A motion to adjourn was made by Conrad, seconded by Lilly and carried.

Respectively submitted,



Sandra L. VanUden
Planning Secretary



William Burg
Planning Chairman

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Planning Board of the Town of Lewiston on May 19, 2022, at 6:30 P.M. in the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following application:

Niagara University, 5759 Lewiston Road, SBL# 115.00-1-12, to consider a Special Use Permit and Site Plan Approval for a 4MW Solar Generation Facility on said premises. The property is presently zoned RR, rural residential.

Information concerning this request is on file and available for inspection during normal business hours at the above-named office. All citizens and persons of interest will be given an opportunity to be heard.

William Burg
Planning Chairman
N#299522

5/12/2022