

**ARCADIA TOWN  
SPECIAL BOARD MEETING**

**June 29, 2022  
4:00 PM**

Supervisor VanLaeken welcomed those in attendance followed by the gathering in the pledge of allegiance.

**PRESENT:** Supervisor VanLaeken, Councilpersons: Diamond, Greco, Piscioti and Gerbig, and CEO DeWolf

The purpose of this special meeting is to authorize a Special Use Permit with Conditions for the Sleight Solar Farm LLC Project.

Moved by Councilperson Gerbig, seconded by Councilperson Piscioti to authorize the Special Use Permit with Conditions for the Sleight Solar Farm LLC Project. Completed permit and conditions attached.

Adjourned

4:30 PM Moved by Councilperson Diamond, seconded by Councilman Greco, to adjourn the special meeting.

Respectfully Submitted,  
Teresa Vastbinder  
Deputy Town Clerk

**RESOLUTION TO APPROVE A SPECIAL USE PERMIT FOR THE SLEIGHT  
ROAD NY SOLAR FARM, LLC COMMUNITY SOLAR ENERGY SYSTEM  
PROJECT**

At a special meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Municipal Building in Newark, New York, in said Town, on the 29th day of June, 2022 at 4:00 P.M., Prevailing Time.

**PRESENT:** Richard D. VanLaeken, Supervisor  
David Greco, Councilperson  
Dawn Piscioti, Councilperson  
Joseph Gerbig, Councilperson  
Michael Diamond, Councilperson

The following Resolution was offered by Councilperson Gerbig, who moved its adoption, seconded by Councilperson Piscioti, to wit:

**WHEREAS**, Sleight Road NY Solar Farm, LLC (the "Developer") has filed an Application for a Special Use Permit with the Arcadia Town Board for the construction and development of a proposed Community Solar Energy System Project (the "Project"), which Application was initially referred to the Arcadia Town Planning Board for its report and recommendations; and

**WHEREAS**, at the request of the Town Board, the Town Planning Board has reviewed the initial Site Plan submitted by the Developer and has duly considered all impacts which may be expected from the proposed Project, and has recommended that the Town Board grant a Special Use Permit to the Developer to construct and develop the Project in accordance with the plans submitted; and

**WHEREAS**, the Developer filed with the Town Planning Board an application for Site Plan Review of the proposed Project, as amended, and the Planning Board granted a conditional approval of the site plan at its May 24, 2022 meeting; and

**WHEREAS**, the Town Board previously completed the environmental review of the Project as a Type I Action and issued a negative declaration in accordance with the applicable SEQRA Regulations on May 10, 2022; and

**WHEREAS**, a Public Hearing was duly held by the Arcadia Town Board on April 12, 2022 and on May 10, 2022 after due publication and posting of notice in accordance with Town Law.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Arcadia, Wayne County, New York as follows:

**Section 1.** The Developer has satisfied the requirements for a Special Use Permit as set forth in Article 6, Section 6.14, and Article 7, Section 7.3 of the Town Zoning Code. Specifically:

1. That the Project is designed, located, and proposed to be operated in a manner that will protect the public health, safety, welfare, and convenience, in that the Project is proposed to be fenced and screened and the Developer will provide certain site improvements for the benefit of neighborhood residents;
2. That the Project will not cause substantial injury to the value of other property in the neighborhood.
3. That the Project is compatible with adjoining development and the character of the zoning district where it is located, in that the Project is permitted in the zoning district with a special use permit.
4. That adequate landscaping and screening will be provided by the Developer in the form of a fence and additional plantings to minimize impacts on visual aesthetics.
5. That the Project does not have significant parking needs and adequately provides for ingress and egress to cause minimum interference with traffic, and is adequately designed to provide for emergency vehicle access;
6. That the Project conforms with applicable zoning regulations, specifically, Article 6 of the Zoning Code;
7. That the Project adequately provides for utilities, storm drainage, and refuse.

**Section 2.** In light of the foregoing, a Special Use Permit is hereby granted to the Developer, to construct and develop the Project at 105 Sleight Road in the Town, all in accordance with the Special Use Permit Application documents, as amended, and **SUBJECT TO** the following conditions and restrictions:

1. The Developer shall obtain a Building Permit within twelve (12) months of obtaining all required approvals or this approval shall automatically terminate and be deemed null and void. Additionally, the Developer shall complete construction of an approved Solar Energy System within twenty-four (24) months of obtaining all required approvals or this approval shall automatically terminate and be deemed null and void and be of no further force and effect at law.
2. The Town Engineer review letters dated June 9, 2022 and June 23, 2022 are to be addressed prior to the site plans being signed by the Planning Board Chair.
3. Prior to the issuance of a building permit the Decommissioning Agreement is required to be signed by all parties and filed with the Town Clerk.
4. Prior to issuance of a building permit the Final Plat Map is to be filed with Wayne County and proof of the filing is to be submitted to the Town Clerk.

5. Prior to issuance of a building permit the Developer shall enter into a contract with the Town, County and Newark School District for payments in lieu of taxes (“PILOT Agreement”) pursuant to Real Property Tax Law §487(9)(a).
6. Prior to issuance of a building permit the Developer will need to receive approval from the Town Highway Superintendent for the access road off of Sleight Road.
7. Prior to issuance of a building permit all easements and subdivisions will need to be submitted to the Wayne County Clerk’s Office and proof of filing should be submitted to the Town Clerk.
8. No ground disturbance may begin until the NYSDEC Acknowledgement letter regarding the Notice of Intent has been received by the Town Code Enforcement Office and added to the Final SWPPP document.
9. Finalization of the written Decommissioning Plan in an acceptable form and content as determined by the Town Engineer and Attorney for the Town.
10. Prior to obtaining a building permit, the Developer must provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Arcadia at its discretion) for the removal of the Solar Energy System, with Arcadia as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer based on their review of the Decommissioning Cost Estimate submitted by Sleight NY Solar Farm, LLC or the owner of the Solar Energy System located at 105 Sleight Road, Newark, NY 14513.
11. Prior to signing of the plans, the Town of Arcadia Town Board will have to accept the decommissioning estimate value as the value of the bond/surety that the applicant will have to secure for the life of the Project.
12. A separate approval by Resolution from the Arcadia Town Board of Decommissioning Plan and Decommissioning bond or surety shall be secured for the entire value of the Decommissioning Estimate.
13. Except as otherwise agreed to by the Town Board and the Developer or then owner/operator, every five (5) years after the Project is approved, no later than ten (10) days prior to the anniversary date of the issuance of the building permit for the Project, the Developer or then owner/permit holder for the Project shall provide the Town of Arcadia Code Enforcement Officer and Town Clerk with written confirmation that the required financial security bond (or other form of surety) is still operable and valid, and adequately accounts for inflation or any other anticipated increase in costs of removal of the Project as provided for above.
14. After completion of the Project, the Developer shall provide to the Town of Arcadia Code Enforcement Officer a post-construction certificate from a Professional

Engineer registered in New York State that the Project complies with all applicable codes and industry practices and has been constructed and is operating according to the pre-approved design plans.

15. A Special Use Permit granted by the Town Board is required prior to signatures being affixed to the site plans.
16. All consultants' fees for review of the Application (including engineering and legal) are to be reimbursed to the Town by the Applicant prior to the issuance of permits.
17. The Developer or then-owner/operator of the Project is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the Project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season.
18. Any increase of stormwater drainage from the site to neighboring properties will trigger an automatic review of the Project. If there is evidence that the project is increasing the runoff of stormwater onto neighboring properties then the Developer or then-owner/operator will have 180 days to provide mitigation solutions that will need to be reviewed and approved by the Town Board and the Town Engineer.
19. Prior to issuance of a building permit a Letter of Credit for the construction phase of the project will need to be approved by the Town Engineer and provided to the Town as a surety for the Town Road Use, Erosion and Sediment Control placement and removal, vegetative buffer placement & survival for two consecutive seasons, and site stabilization.
20. If the Developer or then-owner/operator violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the Developer or then-owner/operator is notified in writing of the violations and the Town of Arcadia Town Board holds a hearing on same as provided for herein.
21. All contact information for the applicants, developers, and landowners are to be provided to the Town of Arcadia Code Enforcement Officer prior to issuance of a permit.
22. A preconstruction meeting must be held with the Town of Arcadia, once all conditions of approval have been met, and is required to be held prior to issuance of any permit.
23. Battery Storage and associated site improvements are NOT approved for this project will require separate approval from the Town if requested.

24. Developer shall comply with all Site Plan requirements and conditions imposed upon the Project by the Planning Board, including the construction and development of any improvements depicted on the final development plans on file with the Town.

**Section 3.** A copy of this Resolution shall be delivered by the Code Enforcement Officer to the Developer and to the Wayne County Planning Board.

The question of the adoption of the foregoing **Special Use Permit Resolution** was duly put to a vote on roll call, which resulted as follows:

Richard D. VanLaeken	<b>VOTING</b>	<u>Aye</u>
David Greco	<b>VOTING</b>	<u>Aye</u>
Dawn L. Piscioti	<b>VOTING</b>	<u>Aye</u>
Joseph Gerbig	<b>VOTING</b>	<u>Aye</u>
Michael J. Diamond	<b>VOTING</b>	<u>Aye</u>

The Resolution was thereupon declared duly adopted on June 29, 2022.

**CERTIFICATION**

STATE OF NEW YORK )  
COUNTY OF WAYNE )

I, the undersigned Clerk of the Town of Arcadia, Wayne County, New York, **DO**  
**HEREBY CERTIFY:**

That I have compared the foregoing copy of the minutes of the Regular meeting of the Town Board of said Town, including the **Special Use Permit Resolution** contained therein, held on the 28th day of June, 2022, with the original thereof on file in my Office, and that the same is a true and correct copy of said Original and the whole of said Original so far as the same relates to the subject matters referred to therein.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), that said meeting was open to the general public and that I duly caused a public notice of the time and place of said meeting to be given in the manner required by law, and that further notice of the time and place of such meeting was given to the public by timely posting said notice on the Bulletin Board maintained for such purpose at the Town Clerk's Office.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town this 29th day of June 2022.

  
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Diane Allerton Town Clerk

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