

TOWN OF BETHANY

SPECIAL TOWN BOARD MEETING

21 May 2018

Supervisor Hyde opened the May 21, 2018 Special Town Board Meeting at 7:00 p.m. with the Pledge of Allegiance followed by a prayer offered by Councilman Embt.

Town Officials in Attendance were:

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|----------------------------|----------------------------|
| Carl Hyde, Jr., Supervisor | Jeffrey Fluker, Councilman |
| Timothy Embt, Councilman | Daniel Street, Councilman |
| Diane Fowler, Councilwoman | Debbie Douglas, Town Clerk |
| Thomas Douglas, CEO | |

Attendees to the Meeting were:

- Padma Kasthurirangan, Buffalo Renewables, Inc.
- Tracy Schmidt, Buffalo Renewables, Inc.
- Gary DeVoe
- Johan Bakker

Supervisor Hyde opened the public hearing for the Special Use Permit application submitted by Buffalo Renewables, Inc. on behalf of Holland High Lift Rentals, Inc. for the installation of a small WEC on the property located at 10033 East Road (TMP# 6.-1-82) at 7:00 pm.

The Special Use Permit application is requesting to install a 25kw small WECS to produce electricity for onsite consumption. The height of the unit would be 104' at the tallest point.

Mr. DeVoe was concerned about the decommissioning of the WEC once it was no longer useful. He noted that there were currently two WECS in town that are not operable. Those units were leased by the landowner and the company that they were leasing from is having some financial difficulties. In the case of Holland High Lift Rentals, the unit is being purchased and will be tied to the property and the property owner making it the property owner's responsibility to remove the tower at the end of its usefulness per the town's Zoning Law -

Article VI Supplementary Regulations

Section 613 Small Wind Energy Conversion System ("Small WECS")

- H. Abandonment of Use – A Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be repaired or dismantled and removed from the property within twenty-four (24) additional months at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any special use permit shall constitute grounds for the revocation of the permit by the Town of Bethany Town Board.
 1. In the event the applicant fails to dismantle and remove the Small WECS and the Town commences legal action to enforce the above paragraph, the applicant shall reimburse the Town of its reasonable attorney's fees and court costs.

- 2. If all reasonable attorney’s fees and court costs are not paid by the applicant, the same may be added to the tax bill for property as special assessment jurisdiction.
- I. Maintenance and/or Performance Bond
 - 1. Prior to approval of any application, the Town Board, in its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk a maintenance and/or performance bond or other form of security acceptable to the Town Attorney, in an amount sufficient to cover the installation, maintenance and/or construction of said Small WECS during its lifetime and provide for its removal.
 - 2. The amount required shall be determined in the sole discretion of the Town Board, in consultation with the Town’s Engineer, based upon the unique characteristics of the Small WECS and site.
 - 3. In furtherance of the forgoing, the applicant and/or owner shall cooperate with the Town Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application to accomplish the foregoing.

Buffalo Renewables, Inc. will provide a signed letter and a copy of the contract with Holland High Lift Rentals, Inc. showing that Holland High Lift Rentals, Inc. is the owner of the WECS.

As there were no further comments, Supervisor Hyde closed the public hearing at 7:18 pm.

SEQR was performed by the Town Board.

RESOLUTION #37-2018 SA18004 – HOLLAND HIGH LIFT RENTALS, INC. SPECIAL USE – WEC – NEGATIVE DECLARATION

WHEREAS, the Bethany Town Board, as lead agency, is required to perform SEQR for any Special Use Permit, and

WHEREAS, the Bethany Town Board did perform SEQR and found no negative impacts were present, now

On **MOTION** of Councilman Fluker duly seconded by Councilwoman Fowler, be it

RESOLVED that the Town Board issues a Negative Declaration for SEQR for the Special Use Application (SA18004) submitted by Buffalo Renewables, Inc. on behalf of Holland High Lift Rentals, Inc. for the construction of a WEC on the property located at 10033 East Road, East Bethany, NY (TMP#6.-1-82).

Motion **PASSED** with the following Roll Call Vote:

- | | |
|---------------------------|-------------------------|
| Supervisor Hyde – Yes | Councilman Fluker – Yes |
| Councilman Embt – Yes | Councilman Street – Yes |
| Councilwoman Fowler - Yes | |

RESOLUTION #38-2018 – SUP – HOLLAND HIGH LIFT RENTALS, INC. – WEC – APPROVAL OF

WHEREAS, Buffalo Renewables, Inc., on behalf of Holland High Lift Rentals, Inc., has submitted a Special Use Application to the Town of Bethany for a WEC, and

WHEREAS, such application was submitted in its entirety to the Genesee County Planning Board and the Town of Bethany Planning Board, and

WHEREAS, the Genesee County Planning Board and the Town Planning Board have recommended approval of the Special Use Application, and

WHEREAS, in accordance with Town of Bethany Zoning Law Article 210, Section C the Bethany Town Board did hold a public hearing where any interested parties for or against were heard, and

WHEREAS, the Bethany Town Board did perform SEQR review issuing a Negative Declaration, now

On **MOTION** of Councilwoman Fowler, duly seconded by Councilman Fluker, the Special Use Permit Application (SA18004) submitted by Buffalo Renewables, on behalf of Holland High Lift Rentals, Inc., for the construction of a WEC on the property located at 10033 East Road (TMP #6.-1-82) is approved.

Motion **PASSED** with the following Roll Call Vote:

Supervisor Hyde – Yes	Councilman Fluker – Yes
Councilman Embt - Yes	Councilman Street – Yes
Councilwoman Fowler – Yes	

Adjournment

A **MOTION** was made by Councilman Embt, duly seconded by Councilman Fluker, to adjourn the meeting at 7:23 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE
BETHANY TOWN BOARD
DATED: May 23, 2018

Respectfully Submitted,

Debbie L. Douglas, RMC
Bethany Town Clerk