

Town of Boston



Town Hall
Phone: (716) 941-6113

8500 Boston State Road
Boston, New York 14025

April 10, 2023

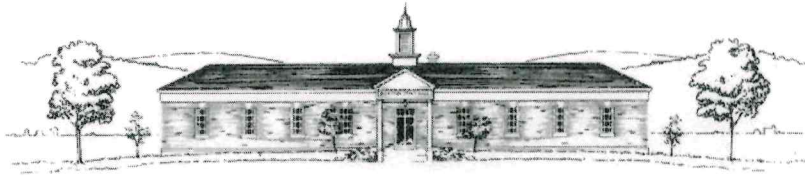
TO: Planning Board
Supervisor Keding
Town Clerk Quinlan
Town Board Members
Highway Superintendent Telaak
Town Attorney Costello
Code Enforcement Officer
Murphy Assessor Fitzner

FROM: Jennifer Cavarello, Board Clerk

RE: Planning Board – CANCELLED MEETING

The meeting scheduled for Tuesday, April 11, 2023 is now cancelled, by the applicants request.

Thank you.



TOWN OF BOSTON

JASON A. KEDING
Supervisor

MICHAEL A. CARTECHINE
JENNIFER L. LUCACHIK
KELLY L. MARTIN
KATHLEEN SELBY
Town Board

SANDRA L. QUINLAN
Town Clerk -Tax Collector

ROBERT J. TELAAK
Highway Supt.

DEBRA K. BENDER
KELLY A. VACCO
Town Justice

SEAN W. COSTELLO
Town Attorney

ANNA KOBIALKA
Prosecutor

SUE FITZNER
Assessor

Thomas Murphy
Code Enforcement Officer

TO: Planning Board
Town Clerk
Code Enforcement Officers

Town Supervisor
Highway Superintendent
Town Assessor

Town Board Members
Town Attorney
Planning Consultant

AGENDA

PLANNING BOARD MEETING

April 11, 2023

Town Hall – Court Room

- 1) Call meeting to Order
- 2) Approval of Minutes
- 3) Old Business
 - a. none
- 4) New Business
 - a. Delaware River Solar - Requesting concept review of a proposal to construct a large scale solar project at 7832 Feddick Rd, Boston, NY.
- 5) Reports
 - a. Planning Consultant
 - b. Town Attorney
 - c. Town Board Liaison
 - d. Board Clerk
- 6) Motion to adjourn.

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

TOWN SUPERVISOR
(716) 941-6518
Fax (716) 941-9264

TOWN COURT
(716) 941-6115
Fax (716) 941-5169

HIGHWAY GARAGE
(716) 941-5869
Fax (716) 941-3677

NUTRITION PROGRAM
(716) 941-5773

The Town of Boston is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call 1-866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or fax 202-690-7442 or e-mail at program.intake@usda.gov.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
700 Delaware Avenue, Buffalo, NY 14209
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

SENT VIA EMAIL

March 14, 2023

Sarah K. desJardins
Town of Boston Town Board
8500 Boston State Road
Boston, New York 14025

Dear Sarah desJardins:

**SEQR Lead Agency Designation
Delaware River Solar
7832 Feddick Road
Town of Boston, Erie County**

This is to acknowledge receipt of your notice, dated February 17, 2023, which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Boston should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However please be aware of the following:

1. The proposed project involves disturbance to the bed and/or banks of Hampton Brook (Class B, Standard B) and a Protection of Waters Permit (Article 15, Title 5 of the Environmental Conservation Law) will be required from NYSDEC.
2. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html.

Town of Boston – Delaware River Solar
SEQR Lead Agency Coordination

3. The project site was noted to be located in an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at <https://cris.parks.ny.gov/>. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).
4. The entire project site is located within Erie County Agricultural District #8. Impacts to the agricultural district should be considered during the review of this action.
5. A review of soils information indicates the potential for hydric soils on the project site. The project sponsor should consult with the U.S. Army Corps of Engineers to determine if that agency has regulatory jurisdiction or requires approval from that agency. If federal wetlands are involved, the Corps may require the project sponsor to obtain 401 Water Quality Certification (WQC) from NYSDEC. Please note that a request for a WQC now requires submission of a pre-filing meeting request form 30 days prior to submitting an application for WQC. More information related to this requirement and a pre-filing meeting request form can be found on NYSDEC's website at <https://www.dec.ny.gov/permits/6546.html>.
6. Please note that the US Fish and Wildlife Service ruling to federally reclassify Northern Long-eared Bats (NLEB) from threatened to endangered will become effective March 31, 2023. The change from threatened to endangered in New York State will take place at the same time as the federal listing. To protect Northern Long-eared Bats (NLEB) from unintentional harm, the NYSDEC encourages the voluntary implementation of all forest management activities during the hibernation period of November 1 through March 31 when bats are not expected to be present.

If you have any questions, please feel free to contact Kristine Carlson at 716/851-7165 or Kristine.Carlson@dec.ny.gov.

Sincerely,

David S. Denk

David S. Denk
Regional Permit Administrator

KMC

Ecc: Peter Dolgos, Delaware River Solar
Terrence Boyle, Nussbaumer & Clarke Inc



ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

DANIEL R. CASTLE, AICP
COMMISSIONER

THOMAS E. BAINES, ESQ
DEPUTY COMMISSIONER

March 1, 2023

Sarah K. desJardins
8500 Boston State Road
Boston, New York 14025

Re: **Lead Agency Request, Site Plan, Special Use Permit – 7832 Feddick Road**
SBL: **225.00-2-1.11**
Review No.: **M617-23-138**

Dear Ms. desJardins,

Pursuant to New York General Municipal Law (GML) Section 239-m, the County of Erie (the “County”) has reviewed the above-referenced Lead Agency request referred to the Department of Environment and Planning (DEP) by the Town of Boston (the “Town”) on February 16, 2023 and consents to the Town acting as Lead Agency and offers the following comments:

- According to the *Erie-Niagara Framework for Regional Growth*, the project is located within a Developing Area, which is defined as “controlled growth” that supports “a balance of conservation and quality development.” This also includes “the conservation of agricultural and rural lands.”
- The *Town of Boston Comprehensive Plan: A Vision for the Year 2020* identifies agriculture as a predominant land use and an important part of the Town’s economy. The Plan seeks to “support and preserve agriculture.” The project is zoned as Residential-Agricultural, with the purpose of protecting agricultural lands.
 - The project is located on prime agricultural soils. The *Erie County, New York Agricultural and Farmland Protection Plan* identifies the protection of prime agricultural land as a priority.
- The project contains federally-regulated wetlands. The Town and developer should closely analyze the impact of the proposed project on the wetlands and consider alternatives to minimize them. Best management practices should be used during construction.
- The project is located within 500 feet of the Town of Eden’s municipal boundary. The Town should provide written notice to the neighboring municipality in accordance with General Municipal Law 239-nn.

This review pertains to the above-referenced Action submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any County approvals. The Town and developer must still obtain any other permits and regulatory approvals applicable to this Action.

Sincerely,

Emily Moll

Emily Moll
Planner



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: M617-23-138

Postmark/Delivery Date: 2/16/23

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Boston

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date TBD Time Location

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment

Site Plan Variance Special Use Permit Other: _____

5. Location of Property: Entire Municipality Address: 7832 Feddick Road

5a. S.B.L. of Property: _____

6. Referral required as site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District

Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: The installation of a large scale solar energy array on vacant land
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Sarah K. desJardins, Planner Email: bostonplanning@gmail.com

10. Return Address: 8500 Boston State Road, Boston, NY 14025

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 2/16/23. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Comment on proposed action is attached hereto.
3. The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: Emily Moll Date: 3/1/23



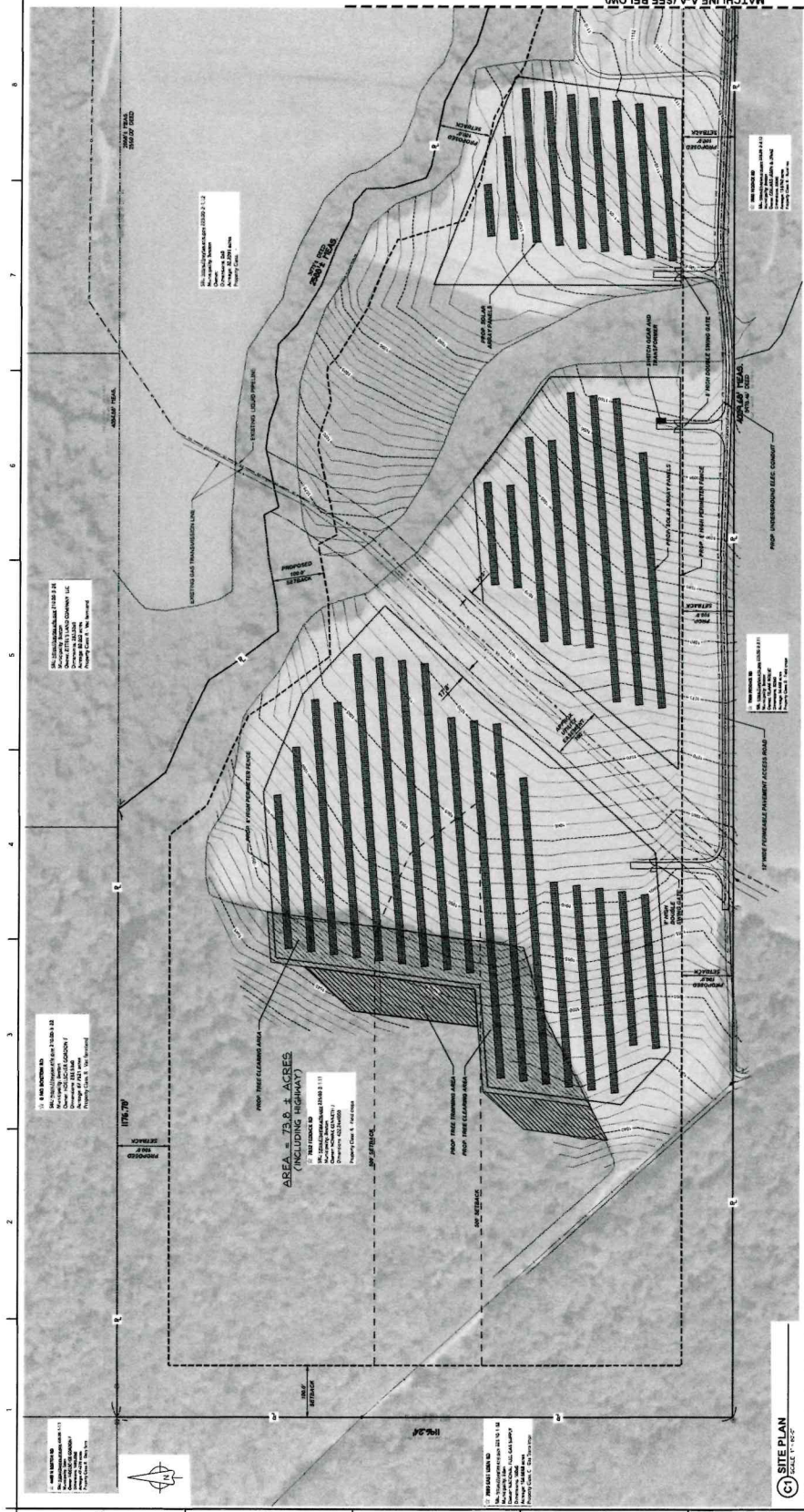
DRS
DESIGN & REVISIONS
1000 WASHINGTON STREET, SUITE 200
BOSTON, MA 02111
TEL: 617-552-1234
WWW.DRS-INC.COM

SOLAR PROJECT 3.6 MVA AC
7822 FEDDICK ROAD, BOSTON NY 14075
CONCEPTUAL SITE PLAN

NO.	REVISION	DATE
1	ISSUED FOR PERMITTING	08/15/2011
2	REVISED PER COMMENTS	08/22/2011
3	REVISED PER COMMENTS	09/01/2011
4	REVISED PER COMMENTS	09/15/2011
5	REVISED PER COMMENTS	09/22/2011
6	REVISED PER COMMENTS	10/01/2011
7	REVISED PER COMMENTS	10/15/2011
8	REVISED PER COMMENTS	10/22/2011
9	REVISED PER COMMENTS	11/01/2011
10	REVISED PER COMMENTS	11/15/2011
11	REVISED PER COMMENTS	11/22/2011
12	REVISED PER COMMENTS	12/01/2011
13	REVISED PER COMMENTS	12/15/2011
14	REVISED PER COMMENTS	12/22/2011
15	REVISED PER COMMENTS	01/01/2012
16	REVISED PER COMMENTS	01/15/2012
17	REVISED PER COMMENTS	01/22/2012
18	REVISED PER COMMENTS	02/01/2012
19	REVISED PER COMMENTS	02/15/2012
20	REVISED PER COMMENTS	02/22/2012

REGULATORY REVIEW
NOT FOR CONSTRUCTION

PROJECT NUMBER	07770001
DATE	08/15/2011
DESIGNED BY	J.P.
CHECKED BY	J.P.
SCALE	AS NOTED
SHEET No.	1 OF 2



GENERAL NOTES:

- ALL UTILITIES TO BE VERIFIED PRIOR TO THE START OF CONSTRUCTION.
- ALL ESTABLISHED AREAS TO BE TOP SOILED AND SEEDING IN A DUSTING TIME FRAME AS TO PREVENT EROSION PRIOR TO THE START OF CONSTRUCTION. THE SEEDING SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS, RULES AND REGULATIONS FOR THE SITE LOCATION OF THIS PROPERTY.
- THE PLANTING OF APPROXIMATELY 100 TREES SHALL BE INSTALLED WITHIN TWO YEARS. SEED TREES TO BE PLANTED SHALL BE INSTALLED WITHIN THE SAME YEAR AS TO BE DETERMINED ON THE FIELD.
- MANUAL LIGHT SWITCHES TO BE INSTALLED AT EACH PANEL LOCATION TO BE DETERMINED ON THE FIELD.
- PROVIDE 12" MINIMUM CLEARANCE FROM ALL STRUCTURES AND UTILITIES TO BE DETERMINED ON THE FIELD.

SITE DATA

APPLICANT: [REDACTED]
 PROJECT: [REDACTED]
 LOCATION: [REDACTED]
 CALCULATED:

APPROXIMATE TOTAL AREA: 73.8 ACRES
 APPROXIMATE TOTAL PANEL AREA: 1.5 ACRES
 APPROXIMATE TOTAL WALKWAY AREA: 1.5 ACRES
 APPROXIMATE TOTAL ACCESS ROAD AREA: 1.5 ACRES
 APPROXIMATE TOTAL UTILITY AREA: 1.5 ACRES
 APPROXIMATE TOTAL BUFFER AREA: 1.5 ACRES
 APPROXIMATE TOTAL EXISTING AREA: 1.5 ACRES

