

Planning Board - July 20, 2020

Meeting held in the Highway Garage at 56 Geneva St. Dresden New York due to Covid 19 and state restrictions, was called to order at 7:00PM by Chairman Dave Granzin

Present: Dave Granzin, George Dowse, Ellen Campbell

Excused: Floyd Hoover, Daniel Hoover

Others Present- Dennis & Midge Fryer, Grant & Linda Downs, Larry Martin, Robert Miller, Carolyn McCallister, Abi Buddington, Eileen Moreland, John Cooley & Son, Dale Irwin-VP Greenidge, Bob Johnson, Kevin McAuliffe- Greenidge Atty, Jake Welch- SLPWA Dwight James Torrey Code Officer.

Motion by George 2nd Ellen to approve the June 2020 minutes carried.

Area Variance 20-02 Dennis & Midge Fryer property at 1301 Flint Rd an area variance application for a 3 foot area variance to side setbacks for a non conforming lot per Torrey Zoning Law §98.21. They would like to place a 12' x 14' Gazebo near the side property line.

Dave asked why the site of the gazebo could not be relocated.

Mr. Fryer stated lot is 64' wide. A covered porch in center of lot, a large walnut tree and the neighbors viewshed, all limit area for gazebo location. A shed has been removed and the Gazebo will go on this footprint.

George asked if the neighbors are aware of this application, they will be notified of the August ZBA public hearing on this application.

Mr. Fryer has spoken with his neighbors. The neighbor to the south, have a deck well in front of the proposed Gazebo site so their view will not be blocked.

Motion by Dave 2nd George to recommend approval on this application to the Town Zoning Board of Appeal, carried by all.

Greenidge Site Plan Review: Kevin McAuliffe, Atty for Greenidge appeared to present this modification application. Four new structures are proposed on concrete slabs. These structures will have walls with noise modifiers, louvers to draw air flow in, will house data storage units. Electric equipment along with 16 transformers, will be installed overhead and underground connected to Greenidge. The project site is at the west side of plant in an existing fenced area.

Site improvements will be grading, roads, downcast lights, a storm water discharge plan.

Dave asked if Yates County Soil & Water has reviewed this project.

Dwight James received an email letter from Rick Ayers-YCSWCD dated 7/15/20. This email read;

Re: Greenidge Site Plan "I have completed the review of the Data Center expansion. This is the redevelopment project per DEC standards so the plan requirements are less stringent due to the existing site is already impervious. The Plan as submitted meets the requirements. I do not have any further comments."

Mr. McAuliffe stated that the Dresden Fire Department has been contacted and reviewed the site access plan. The site plan is compliant with DFD firefighting needs.

George asked about the distance of buildings to Kings Hill Rd. Dale Irwin replied over 200'

George asked why the different noise levels between the four buildings. Asked if the study was tested with different models.

Mr. James stated the location of each containers may be the reason.

Dale Irwin stated he is not a sound expert; he will get answers to Georges question and report back to the board.

Acoustical study dated June 30, 2020 from Daniel Prusinowski of Aurora Acoustical Consultants regarding ambient sound at Greenidge northern Data centers was presented. This was modeled in Db and dba measurement. In this report, in his conclusion he writes *"Based on the summary measured levels table and graphs. The current measured overall sound levels with power plant production and northern data center operation are the same as, or lower than, the previously measured ambient sound levels and the previously measured power plant sound levels prior to data center installation. At the boundary lines and village locations, in the absence of traffic the power plant operations are faintly perceptible but do not appear to be obtrusive. At survey locations 4 and 5. The ambient sounds are prominently due to equipment at the Ferro Corporation, and the sounds of the power plant operations are not distinguishable.*

It is concluded that the operations of the power plant with the northern data centers do not unreasonably change the ambient community noise compared to the ambient environment prior to the installation of the data center components.

Ellen noted in Torrey Zoning Law, noise levels are to be measured in dB.

Kevin McAuliffe stated on page 15, the conclusion of the study, the measurement is listed in dB. Regarding the sound requirements, this is not a one-time measurement. For ongoing compliance to model, the code officer can measure the sound at any time with a decimal meter.

Ken Cambell inquired if a sound violation is determined what then would be consequences.

Dwight James stated as a code officer he must follow NYS Code regarding notification process on violations. If in violation, he would mail out notice of violation, after 30 days mail out second notice with order to remedy, after 30

days continued non-compliance he would then issue a code violation appearance ticket.

Discussion on Pages 13,14 and 15 of the study

Dale stated there is a back-up contingency has been drawn up on this site plan.

Dave inquired what SPL is abbreviation for.

Dale responded Sound Pressure Level

Abi Buddington asked what the plant total compacity is and will it go up to 600MW as she heard.

Dale Irwin replied the plant total capacity is 106mw, this new facility will use 32mw of the 106mw.

The board has questions on the completed SEQRA Part 1
Ellen noted that Page 2

B (i.) regarding coastal resources, should be checked yes, as Seneca Lake is an inland Federal waterway.

C 2 (a) Should be checked yes, the town has a comprehensive plan which includes land use adopted 2008.

C 2 (b) Should be checked yes, the town has watershed management plan

C 3 (a) Dwight James stated is correct, Light Industry District

D 1 (e) Multiple phases, Dale Irwin stated there are no future plans.

Ken Campbell would like to see SEQRA amended and corrected.

Dale Irwin will see to this and present at next meeting.

Eileen Moreland questioned if Greenidge met the DEC ordered compliance on fish screen installation. What is the time frame for compliance. In 2015 Dale told an audience that the fish screen would be installed soon.

Dale apologized that he misspoke in 2015, the SPEDES permit process was in-depth and not completed until 2017. The wire fish screen study began summer 2019 with it recently being submitted April 2020 to DEC for final approval. Once approved, an engineer will design the wire fish water screens. The construction of the detailed fish water screens and placement will be a labor intensive process. Tentative screens to be in place and completed by end of 2022.

Abi Buddington stated that this board, has more power and authority as a local government to control more aspects of this data center project, regarding increased amount of heated water discharged into the lake. She asks the board to be proper stewards of the lake representing their constituency and residents. She supports them as they follow environmentally friendly decisions.

Dave answered that the DEC has oversight of the wire fish water screens and discharging into the lake. The Town Planning Board has oversight of the site plan review only.

Jake Welch- Pres. Seneca Lake Pure Waters Assoc. spoke on his issues with getting permits to construct on his property on Seneca Lake and agencies involved. He urges the board to follow NYS DEC decisions.

Eileen Moreland stated she had heard of a process that water could be recycled, to avoid heated discharge into lake.

Dale Irwin responded that Greenidge follows the DEC analysis of best tech available for water discharge. Determined wedge wire fish screen and variable speed pumps.

Kevin McAuliffe stated many of these issues brought up are under DEC regulation and are already addressed by DEC.

Dwight James stated that the town's jurisdiction is to the high water mark, after that Army Corp of Engineers and DEC have jurisdiction.

Dale Irwin stated the data center does not change the fact that Greenidge is still a regulated power plant.

Kevin McAuliffe stated the Atlas LLC has invested a great amount of time and money to remedy inherited issues from former owners. A new collection basin was installed.

Dale Irwin replied the financial cost alone to meet new DEC mandates is high.

Jake Welch- SLPWA requested a meeting with Greenidge to discuss lake issues.

Dale Irwin agreed to a meeting with SLPWA, date TBD.

Ellen requests a copy of the April 20, 2020 report.

Abi Buddington questioned if the Lockwood Ash Site on Swarthout Rd is actively accepting fly ash from other plants.

Dale Irwin stated Greenidge Lockwood is presently permitted by DEC to accept coal ash from other plants, but there are no plants generating ash and fact is that no fly ash has been placed in Lockwood for over 10 years.

Kevin McAuliffe stated Lockwood is another site within itself. Route 14 separates property of Lockwood and the data center facility. Greenidge Lockwood property has no bearing on the site plan review application before the board.

Abi Buddington inquired about 13 collection points on Lockwood site. She has been informed that 8 of these sites are in violation.

Kevin McAuliffe replied that Lockwood site is in full compliance with DEC and requests the originator of that violation accusation.

Abi Buddington stated she will disclose the origin of the violation claim to Mr. McAuliffe. She is not against

Greenidge or the data center facility, but encourages them to be stewards of the earth.

Data Center Facility Site plan review tabled until more information submitted at next month's board meeting.

Kennel Law Discussion planning board letter sent to town board requesting time to draft kennel law. The town has agreed and will introduce a local law calling for a six month moratorium on kennels in August, and set for public hearing in September. Reviewed Benton Law, number of dogs, fencing, noise, and runs.

Regarding noise control: Dwight James has visited a local kennel with solid walls between kennels which help reduce the dogs interaction and barking.

Dave will make changes to draft and submit next month for review. George made a motion to adjourn 2nd Ellen carried at 8:45pm

Respectfully submitted

Betty M Daggett