

Resolution for Approval of Site Plan Application No. 24-010 by "BW Solar Holding, Inc." for lands at or about 175 Tobin Road – Tax Acct. No. 190.02-1-47.11

WHEREAS, BW Solar Holding, Inc. (the "Applicant") has submitted an application to the Town of Henrietta requesting site plan approval (the "Application") for a 4.4 megawatt large-scale solar energy system (the "Development") all at property located at or about 175 Tobin Road (Tax Map 19.02-1-47.11), and all as more fully detailed in application materials on file with the Town, inclusive of the proposed site plan map set drawn by Tetra Tech Engineering Corporation, entitled "NY CDG Monroe 3 LLC – BW Solar Holding, Inc. – 175 Tobin Rd., Henrieta, NY 14467," and last dated July 12, 2024 (the "Map"); and

WHEREAS, relative to the proposed Development: on or about September 11, 2024: by Resolution #18-262/2024, as Lead Agency, the Henrietta Town Board completed environmental review pursuant to the State Environmental Quality Review Act ("SEQR"), issuing a negative declaration; and by Resolution #18-263/2024, the Town Board approved a Special Use Permit application.

NOW, THEREFORE, BE IT, RESOLVED, that, in consideration of all criteria and information relevant to the Application, including but not limited to as discussed during the Planning Board meeting(s), as addressed herein, as addressed pursuant to SEQR, based upon the Application materials, and as otherwise set forth in the record, and subject to any conditions set forth herein, the Planning Board hereby approves the Application, issuing preliminary and[or] final approval of the same, including with the Map being finally approved, subject to satisfaction of the following conditions:

1. Address all outstanding comments issued by the Town of Henrietta, including but not limited to:
 - a. Comments of the Town Dir. of Engineering & Planning to his satisfaction, including those dated September 16, 2024; and
 - b. Comments of the Town Dir. of Building and Fire Prevention to his satisfaction, including those dated August 30, 2024; and
 - c. Comments of the Town Fire Marshall to his satisfaction, including those dated September 17, 2024; and
 - d. Comments of the Town Landscape Architect (Stantec) to the satisfaction of the Town Dir. of Engineering & Planning, including those dated August 30, 2024.
 - e. Comments of the Town's SWPPP consultant ("Vanguard") to the satisfaction of the Town Dir. of Engineering & Planning, including those dated August 29, 2024.
2. Compliance with the Town Code at Section 295-60[C], including but not limited to the provision of improvements/security in compliance therewith as required by Town Law Section 274-a.
3. Provide all necessary easements, including but not limited to as it relates to ingress/egress/access, all to the satisfaction of the Town Dir. of Engineering & Planning.
4. Obtain any necessary permits and approvals required from other governmental agencies and address relevant outstanding comments of the same all prior to beginning work requiring the same, prior to issuance of a Certificate of Compliance relevant to the same, all to the satisfaction of the Town Dir. of Engineering & Planning.
5. Compliance with all relevant and applicable Special Use Permit conditions, the same of which are incorporated herein and made a part hereof by this reference, all to the satisfaction of the Town Board or designee.
6. Unless otherwise required, comments or conditions required to be addressed herein shall be addressed as follows: those impacting mapping/drawing shall be addressed prior to signatures on the relevant plans, and any others shall be addressed no later than required by the reviewer, but in any event prior to issuance of the relevant Certificate of Occupancy/Compliance.