

## **Planning Board – September 21, 2020**

Meeting held in the Highway Garage 56 Geneva Street  
Dresden, NY. due to Covid restrictions was called to order  
at 7:00PM by Chairman Dave Granzin

**Present:** Dave Granzin, George Dowse, Ellen Campbell  
Floyd Hoover, Robert Miller

Others Present- Applicants: Robert & Jean Constantine, Bill  
Groves Engineer, Dale Irwin, Kevin McAuliff, Dwight James  
Torrey Code Officer, @ 20 members of public.

Motion by Mr. Dowse 2nd Mr. Hoover to approve the August  
2020 minutes carried by all.

**Steep Slopes App #20-1** Bob & Jean Constantine of 2109 Perry  
Point have applied for a steep slope permit to replace a  
retaining wall between house and lake. Present wall is  
leaning and in need of a more permanent solution.

Bill Groves, Project Engineer, proposes a three-tier  
terrace. The tiering will allow more front yard and beach  
area. They will reuse old wall material. This wall will be  
independent from the neighbor's wall system.

Mr. Granzin inquired what steps will be in place for slide  
and storm water runoff.

Mr. Groves stated they will be using Geo grid, silt  
fencing, staked straw bales and stabilized with stone  
during construction. Completion projected for summer 2021.

Yates County Soil & Water, Rick Ayers approved this plan.  
The silt fence will be placed above high-water mark.

**Motion by Mr. Dowse, 2<sup>nd</sup> Mr. Miller to approve this steep  
slope application carried by all.**

**Sub Divison 20-2** Guy Christiansen property at 1007 & 1214  
Crowsnest Rd. has applied to sub divide .925 acres from  
parcel 29.01-1-11.1 and join with 29.01-1-11.2 of Terry &  
Kim Carlsen. Divide off 1.336 acres for a new parcel, for  
existing house & garage to be sold. Dwight presented this  
application in the owner's absence.

**Motion by Mr. Dowse 2<sup>nd</sup> Mr. Miller approving this minor sub division, carried by all.**

Mr. Granzin apologized for the logistics issue of last months meeting. He opened the floor to anyone desiring to speak on the Greenidge site plan application.

Jacob Welch, President of Seneca Lake Pure Waters Association (SLPWA) spoke on concern regarding municipal liabilities. At last months meeting there was a reference to lawsuits resulting from boards decision making. He referred to a thermal study required by NYSDEC of the Greenidge which has not been conducted to date. He has contacted people at DEC that stated the themal study has not been completed. To avoid issues he encourages the board to wait on their decision making until after the study has been completed. He spoke on insurance liability limits in regards to lawsuits regarding to land environmental issues. He referred to incinerator across the lake in Lodi. He read a law referring to raising the temperature into a Class C stream. There are thermometers presently in the Keuka Outlet being monitored by local residents. Data collected, the water temp raising over 25 degrees in a Class C trout stream. Wait for DEC approvals before decision making.

Mariann Kowalski- Preserve the Finger Lakes, spoke on the thermal discharge into the outlet. Her organization placed the thermometers in the Outlet and she shared the study results. The temperature swing in the summer was 60 degrees. Greenidge was granted by DEC to delay 2017 thermal study to Summer 2021

Leslie Danks Burke, candidate for 58<sup>th</sup> District Senatorial seat appeared on behalf of 5 counties, she is concerned with extra electricity is being used for the miners. She was concerned with the Public Safety Committee siding with larger corporations over local municipalities. These corporations are not even based in NY. Representatives at the State level are not looking out for their constituents,

Natural resources are in danger. The natural beauty, agriculture and fishing will all be affected if we do not stand up to a large corporation. She urges the board to stand proud with farmers and local businesses to hold your ground.

Kyle Barnhart- Lodi Town Supervisor, Primary concern is Seneca Lake and tourism. For the area to continue to grow forward we must protect the natural resources that attract the tourist. Ask board to keep in consideration the impact of Greenidge's actions on our lake and communities.

Abi Buddington- 76/81 Charles Street, concerned with the potential increase to Lockwood Ash Site which has a bearing with Greenidge data center as both sites will impact Keuka Outlet with water outfall. Urges board to use their power to protect the community and environment.

Beth Kane Arrowhead Beach, spoke on her experiences while kayaking along lake, in the cove and in the Outlet looking for wildlife. She is alarmed there is no wildlife of sorts, much less minnows. The water around the outlet is deteriorating. She implores the board to review the studies that protect the health of people who live in this area.

Caroline McAllister 78 Charles St inquired on the acoustical noise study results.

Mr. Granzin stated the new revised study requested last month, will be discussed tonight.

Mr. Granzin stressed that the planning board follows the Town code. DEC has control over Greenidge operating permits regarding thermal and outfall into the lake & outlet, not the planning board.

**Site Plan Review** Dale Irwin, Kevin McAuliff- Esq., Daniel Prusinowski- Aurora Acoustical Consultants, appeared on this site plan review. Board request that five test to be run around site until the board is satisfied with the

results. These test will have to be run several times with the processors operating and turned off.

Ms. Kane asked about issues with temperature, fisheries, the DEC issues with screens, and health of area.

Mr. Granzin reiterated that the planning board must follow the Town Code. The DEC controls Greenidge permits.

Mr. Barnhart asked who holds the DEC accountable??

Mr. Granzin answered "you people, not the planning board".

Mrs. Buddington referred to the code for site plan. She did not bring the pages with her. Secretary produced the code book for her.

Mr. Granzin stated DEC has control over discharge, he spoke with two attorneys and opinion was to advise planning board members, *they can only consider comments related to the proposed addition- not the entire operation and decision cannot be based on strong public opposition.*

Mrs. Buddington agreed, but board should wait for completed studies before making decision. Follow the zoning code site plan review purpose she referred to.

Mrs. Campbell discussed acoustical study. There were five locations used for study, out of 11 locations. Why did they only use 5.

Mr. McAuliff stated the study will be from closest locations to boundary for compliance to code.

Mrs. Campbell inquired "is'nt the lake a boundary to Greenidge. She read noise definition from code; How will the noise be monitored from lake. The lake is a public space.

Mr. Granzin pointed out two monitoring points are near the lake

Mr. Dowse asked about high frequency noise, if found along the lake. How will it be mitigated.

Mr. Prusinowski stated there may be two residence to the North that would hear noise they would investigate the sound to determine if it is equipment, if so, they can construct solid fencing around site to reduce noise.

Mrs. Campbell stated she feels an independent sound study is needed. No one on the planning board is a sound expert.

Mr. Granzin stated this will not be a model it will be actual testing. If Greenidge fails the sound test they cannot operate.

Mr. McAuliffe stated the pressure will always be on Greenidge to be in compliance with code at all time. Contrary to statement made at last month's meeting Greenidge will act in timely matter. They are not slow movers. Aurora Acoustical is an independent company, they are not going to fake results for Greenidge. Whatever results from the testing, will be accurate.

Ms. Buddington read page 40 98.100 Site Plan Review; Purpose of " *Mitigate potentially negative impacts resulting from development of sensitive areas including: Farmland, the shore of Seneca Lake and lake escarpment, floodplains, wetlands, the Outlet Trail, and other areas as may be designated;*"

She noted in site plan: ramping up water usage from lake for more electricity.

Discussion on intake and outfall of water, Mr. Granzin reminded attendees this is all under the DEC permitting process and DEC purview. Continued discussion on lake temperature fluctuating from water discharge.

Mr. Welch stated Greenidge is not following Town code as the discharge of water is in Town jurisdiction. A logical decision cannot be reached without a DEC study.

Mr. Granzin stated the study is not the job of the planning board.

Mrs. Buddington challenged that the Planning Board is not adhering to their own code.

Brief discussion on the thermal study and contacts at DEC

John Ghidiu asked what fuel is being burnt at plant,

Mr. Granzin stated that is outside the scope of this site plan review.

Mrs. Campbell requested the plan be tabled, then requested more test sites. Discussion on testing sites and the topography, buildings, time, weather variables that impact testing.

Mr. Granzin ask Mr. Prusinowski to review a chart he had made of the study test areas. He inquired to the variabilities that will be considered. During testing the planning board will be involved. Two areas of concern were noted for testing.

Mr. Dowse made a motion to approve verification Exhibit A 2<sup>nd</sup> Mr. Hoover, vote 4 ayes and 1 nay-Mrs. Campbell.  
Carried.

Town approval will be needed after project completion until Greenidge is in full compliance with noise regulation.

### **State Environmental Quality Review Part 2.**

Motion by Mr. Dowse 2<sup>nd</sup> Mr. Miller declaring the Planning Board as Lead Agency for the SEQRA and this Review as an "Unlisted Action"

Vote of 4 Ayes and 1 Nay - Ellen Campbell, carried

Mr. Granzin explained the Part 2 questions the members must review and determine if an impact is determined. He read each question aloud for decision.

A question on discharge into the waterbody, if Town Code can preempt DEC,

Mr. Granzin read the from email of Kathleen Bennett-  
Attorney for the Town, *NYSDEC is considered an expert in  
the field of wastewater discharges and its  
conclusions/determinations can be relied upon.*

Mr. Granzin continued reading questions.

After review board found minimal to small impacts to the  
environment. Mr. Granzin read the choices for findings  
declaration.

Motion by Mr. Miller 2<sup>nd</sup> Mr. Hoover Declaring its findings:

*B. Although this project could have a significant adverse  
impact on the environment, that impact will be avoided or  
substantially mitigated because of the following condition  
which will be required by the lead agency*

*1. SEQRA Part 2 Question 14C All power will be generated  
onsite. No impact to power grid*

*2. SEQRA Part 2 Question 15A Noise levels testing will  
verify conformance to Zoning Code.*

*Western Data Center Post construction noise compliance to  
Verification Plan*

*3. Applicant will fulfill all DEC requirements relative to  
plant operations.*

Vote:

*Granzin Aye, Hoover Aye, Dowse Aye, Miller Aye Campbell Nay*

*4 Ayes 1 Nay*

Mr. Welch inquired on answer to water increase.

Ms. Kane inquired why the site plan is not considered in a  
sensitive/critical area

Dwight James- Code Officer stated there is not a critical  
area in Yates County.

Ms. Buddington stated although Greenidge is practicing legally per DEC, it is the planning board that has the decision to protect the area. The power to wait for more information on studies.

Dale Irwin stated the DEC thermal testing is scheduled May 21 2021 to December 21 2021

There being no further discussion,

Mr. Dowse made the motion to approve Greenidge Data Center Site Plan carried

by vote **4 Ayes - 1 Nay**

**Granzin Aye, Hoover Aye, Dowse Aye, Miller Aye, Campbell Nay**

Other business

**Permit filing after the fact**, this concern of the planning board was sent to the Town Board. Town Board determined no action to be taken at this time, it will stay under the Code Officers discretion.

**Kennels-** Tabled to next month

Motion to adjourn Mr. Granzin 2<sup>nd</sup> Mr. Dowse carried by all 9:45pm

Respectfully submitted

Betty M Daggett