

**Zoning Board of Appeals
Town of Randolph
Meeting Minutes**

Date:2/19/2026

Time Called to Order: 6:00

Purpose of meeting: Consider a special use permit for NED-New Energy Solar to construct a commercial Solar Project at unnamed address, parcel number 79.004-1-13, located south of property number 2533 Sarver Rd.

Tax parcel: Parcel Number: 79.004-1-13

Members present: (Cross out if absent or not part of the hearing)

Paul Steward, Chairman Alyssa Lundsten
Tim Nagle Jason Beaver Danny Senn

Others present: David Messinger, Tom Congdon, Rod Brown, Renee Posey, Judith Towers, Christine Lippencott, Gloria Yochum, John Hale, Kevin Finch, Loni Nagle, Patrick Lienhart, Stan Horton, Jim Bodecker, Corinne Brath, Drew Reilly, Joel Seachrist

Action Taken:

_____ Referred to County Planning Board

_____ Approved, subject to meeting all applicable regulations, as determined by Zoning Code Enforcement Officer.

_____ Article 13 Section 13.5 Criteria for Granting Special Use Permits has been considered and the Board finds that applicable standards set forth therein have been met.

_____ Article 14 Section 14.1 Variances has been considered and the Board finds that applicable standards set forth therein have been met.

_____ Denied.

_____ Other Action.

Notes on hearing:

It was moved by Tim and seconded by Dan that we approve minutes of previous meeting as emailed. Carried unanimously.

Jim Bodecker, Drew Reilly, Corinne Brath and Joel Seachrist were introduced and the entities that they represent and role in project. It was explained no action would be taken by board at this time as SEQRA process is still continuing and further documentation is required by applicant.

Meeting was turned over to Jim Bodecker who first presented five images including the site plan, an aerial view and three computer generated images with two views from the Towers property and one from the Corner of the intersection of Hotchkiss and Sarver Road. The Towers family commented that the view from second story window and backyard looked nothing like what it actually looks like. Jim Bodecker was unable at the time to provide a view from Rod Browns residence to the south of the project and will work to provide that at next meeting.

Jim Bodecker then went over questions that were asked at previous meeting and summarized the responses provided below. (copied and pasted from document provided to town on 2/18/26)

Sarver A – Public Meeting Comments & Responses (2/18/26)

1. Project Address

(i) The address in the notice and application has been corrected to remove the address of a another nearby parcel.

(ii) The Applicant will apply for a E-911 address prior to construction to have a physical street address assigned. This is standard protocol for every project to ensure an accurate address is set up for the access road location.

2. Visual Renderings

(i) The “A” project visuals have been updated and provided to the Town by email on 1/20/26.

(ii) Additional visualizations from adjoining and affected property owners have been provided to the Town by email on 1/20/26.

These documents should be included in the project record and made available for public review. Applicant will bring visuals to the next public meeting.

4. Road Use / Impacts - Construction

Prior to construction, the Applicant will coordinate with the Town (and County as needed), in coordination with their construction contractor. They will determine the necessary truck traffic routing, and enter into a Road Use Agreement, which includes a mutually agreed upon performance bond. The Applicant would maintain responsibility to repair roads as necessary, with a bond in place for security / reassurance to the Town . This is a standard process that occurs after review and approval by the Town Engineer and before construction begins.

5. Water Quality Impacts. Based on the comments, the public was concerned about stormwater run-off (quantity and quality) and the leeching of contaminants from the project.

The project design includes swales and detention features to control and manage water flow from all impervious surfaces. Stormwater quantity and quality have been addressed through a full Stormwater Pollution Prevention Plan (SWPPP), prepared by a NE professional engineer from a third party firm, CarminaWood and has been provided a part of the project record. Before it is finalized, the Applicant incorporates comments from the Town Engineer. Prior to construction, The SWPPP is used to apply for a SPDES General Permit for compliance with state environmental standards.

Regarding “leaching”, this is a common concern that is unfounded with the technology type. The proposed solar panels (Hanwha Qcells Q.TRON XL-G2 Series) are sealed units made primarily of glass and aluminum, similar to windows or skylights. They do not dissolve, break down, or release chemicals into soil or water during normal use. These types of panels are widely installed across New York State and are not known to cause groundwater or surface water contamination.

6. Tree Removal. Why should they be allowed to clear-cut the site? How will they do this?

Tree clearing and site protections are addressed through the SWPPP, civil plans, and SEQR review. The Applicant completes third-party environmental studies and consults with the U.S. Fish and Wildlife Service and the NYS Department of Environmental Conservation to ensure there are no

impacts to regulated species.

Tree removal will be conducted using standard mechanical equipment and chainsaws. Stream banks will be avoided and protected except where regulatory permits are obtained (one permitted crossing is planned).

The landowner has indicated that timber harvesting is an existing and permitted land use and would occur regardless of the solar project. Denial of the project would not prevent clearing of the land.

7. Constructability. The “hill” is very rocky, and they will have a tough time placing the panel supports. Will create construction impacts. Is the applicant aware of the rocky conditions?

Yes. The Applicant is aware of the rocky conditions. Detailed geotechnical studies are performed to determine the appropriate construction method. Rocky soils are common in solar development. If traditional post-driven foundations are not feasible, alternative systems such as ground screws will be used.

8. Hunting, habitat and future land use

Regarding Hunting, The Applicant is leasing a small portion of the land; The project fencing will only enclose approximately 11.4 acres of a 152-acre parcel. That means more than 140 acres of the property remain completely unfenced and available for continued use, including hunting. The fencing does not create a barrier across the parcel—it only surrounds the immediate project area and represents a very small portion of the overall open space.

This scale of fencing is typical for community-sized solar projects and is very different from large industrial facilities where entire parcels may be fenced. The majority of the land remains accessible to wildlife and available for traditional uses..

9. Wildlife and Protected Species

We are aware of the concerns regarding wildlife in and around the project site. The plan involves clearing approximately 27.74 acres of trees, which will be voluntarily scheduled during the winter dormancy period of the Northern Long-Eared Bat to avoid potential impacts on the species.

Initial consultant reviews have found no indication of bald eagle nests or other protected habitat within the project area. Our standard due-diligence process includes third-party desktop reviews, on-site field surveys, and consultation with relevant agencies, such as the U.S. Fish & Wildlife Service and NYSDEC, as necessary.

Town approval does not “approve” impacts to protected species. The State Environmental Quality Review Act (SEQR) process, which is led by the Town during the local permit process mandates that all local, regional, and state government agencies equally examine the environmental impacts alongside social and economic considerations during their discretionary review. If any regulated habitat is identified at any point before, during or after town approval, the project will be required to comply with state and federal permitting requirements. This comprehensive multi step review is why the Town and the Applicant utilize third-party professional consultants to ensure an independent analysis. Agencies must follow the [multi-step SEQR Decision Process](#), which requires an assessment of the environmental significance of all actions they can approve, fund, or directly undertake.

For full transparency, all supporting materials—including DEC rare species maps, habitat responses, and federal species lists—are being provided.

10. Town benefits/money?

The Town will receive annual payments under a Host Community Benefit Agreement for 15 years,

with scheduled escalation. The project will also enter into a 15-year PILOT agreement, as provided under state law. After year 15, the project will continue to pay solar taxes pursuant to state-codified requirements for the life of the project.

The underlying land will continue to be taxed as it otherwise would. In addition, the project will provide electric bill discounts to eligible National Grid customers enrolled in the utility's low-income program.

11. Impacts to Town Residents

The project is located on private property under a voluntary lease agreement with the landowner and will comply with all Town, County, State, and federal requirements. The site is in a rural area with very few nearby homes, and limited lines of site because of existing natural topography, existing powerlines, and vegetation. The fence layout exceeds the Town's setback requirements by a wide margin. These setbacks and the rural setting help ensure that the project has as minimal an impact as possible—significantly less than many typical solar projects in upstate New York. Construction for the project is short term, and once operational, there is no noticeable or steady traffic, audible or light sources. This is why solar fits in a rural character so well, compared to other developments such as housing, quarries, industrial and retail.

12. Concerned because they already have the quarry in the neighborhood – this will just cause more problems.

There will be a temporary construction phase. Once construction is complete, the site will be accessed periodically by light duty traffic routine maintenance. During those visits, the most noticeable activity is lawn mowing and visual inspections.

13. Concerns about how the meeting advertised.

This concern relates to Town notice procedures and should be addressed by the Town.

14. Property Values Also received comments about the “value” of solar panels and that they are not efficient and will not help the grid.

A third-party study has been submitted to the project public record demonstrating that property values are not negatively affected by proximity to solar facilities.

With respect to efficiency and value, solar energy is a meaningful and growing part of New York's electric supply. Solar currently provides approximately 6–7% of all electricity generated in New York State, and production is strongest during daylight hours when electric demand is often highest. While output is lower during some winter months, the power generated over the rest of the year is substantial and is why projects like this are built, interconnected, and relied upon as part of the State's energy system. The state energy plan factors current and future solar build out, and relies upon private development such as this project to meet the state energy law mandates.

15.a. Decommissioning & Agricultural Viability

The solar panels are primarily located outside active farmland, and New York State Agriculture and Markets has strict standards for how solar projects are built and removed. These rules ensure soils are protected, all equipment is taken out at the end of the project, and the land is fully restored.

There are no expected restrictions on returning the property to farming after decommissioning, and no waste or materials are left behind. The land remains fully viable for agricultural use once the project's life is complete.

15.b. Decommissioning Bond:

The project includes a full decommissioning bond based on a detailed cost formula prepared by a New York–licensed Professional Engineer. The formula uses real-world cost data, includes 25 years of inflation, a safety factor, and all local requirements. The Town Attorney and Town Engineer review and approve this bond before the project can move forward. This same bond structure has been used successfully in communities across New York, including recently, the Town of Poland, which works with the same attorney and engineer.

15.c. Removal Process:

The decommissioning plan outlines exactly how all equipment will be removed at the end of the project. Nothing is left behind. The bond remains held by the Town until the removal work is completed and inspected by the Town’s Code Enforcement Officer—and by NY Ag & Markets when agricultural land is involved. This ensures the land is fully restored and ready for future use.

16. MSDS Sheets

The Material Safety Data Sheets for all equipment used in the project will be provided. These documents will be included in the project record and made available for public review.

17. Local Labor and Construction

For this project, we fully expect to involve regional and local labor, just as we have on our past projects in this part of the state. Our bid list includes regional construction firms who, in turn, when possible, subcontract with regional and local workers for many of the on-site activities—electrical work, civil construction, landscaping, fencing, and material handling. All work on the project must be paid at prevailing wage under Public Service Commission and NYSERDA requirements. Because of that, there is no financial advantage to bringing in out-of-state labor. While not every specialized task can be filled locally, we consistently draw from labor pools across the region and the state, which supports local economies even beyond the immediate project area

8. Alternative Sites – Gravel Pit

We did look broadly at alternative sites in the area, including properties like gravel pits. In past projects, we’ve found that active gravel pits are generally not compatible with solar because of ongoing operations right next to the mined areas, high lease rates for land that isn’t fully mined, and groundwater issues once mining is complete. While we didn’t specifically contact this gravel pit owner, we did engage with multiple landowners in the area who had suitable land, supportive zoning, and available utility capacity. Based on those factors, this site was the viable option.

19. Electromagnetic Interference

There are no electromagnetic interference impacts from distributed-generation solar projects. Solar panels and inverters do not affect cell service, TV reception, or household appliances. The project will not worsen existing service conditions in the area.

20. Cleanup After Severe Weather

If a severe weather event—such as a tornado or microburst—were ever to damage the facility, the project owner is fully responsible for all cleanup and restoration. That includes removing any panel debris and ensuring the site and surrounding properties are returned to safe conditions. Operations and maintenance responsibilities remain with the project owner for the life of the project.

21. Micro-Climate: Heat and Wind

There are no known concerns related to wind. Solar panels sit low to the ground and do not meaningfully change local airflow patterns. On heat, solar panels do absorb more sunlight than some natural surfaces, which can create a small, localized warming effect. However, this effect is minor and highly localized, and it is significantly reduced by maintaining deep-rooted vegetation under and between the rows. Studies show that any temperature increase around solar arrays is far lower than what you see from common surfaces like asphalt or concrete, and the overall impact is negligible compared to the climate benefits of replacing fossil-fuel energy.

22. Response to Rod Browns Daughter:

Thank you for sharing your concerns about the proposed solar project on Sarver Road. I want to briefly address each of the major points raised and reassure the community that the project is being developed with care, transparency, and full compliance with the Town of Randolph's requirements.

Visual Impact:

The project includes substantial setbacks and vegetative screening to reduce visibility from neighboring homes.

- A visual assessment required by the Town has been provided for confirmation of minimal visual impact, available apart of the application for public review.

- The required consultation with the State Office of Parks, Recreation and Historic Preservation has been completed and no additional permits or studies required. A copy of the clearance letter is included in the project application SWPPP, available apart of the application for public review.

Noise:

Solar facilities produce very low sound levels, limited to daytime inverter operation. Modeling shows that noise at nearby homes remains well below the Town's limits and is comparable to typical rural background noise.

Wildlife & Environment:

Environmental reviews have been completed to avoid impacts on wetlands, streams, and sensitive species. The project maintains natural vegetation and uses native groundcover to support soil health and habitat. The application's SEQR process will outline this in detail, available apart of the application for public review. The town engineer will furnish their findings apart of the process called "SEQR Part 2".

Battery Storage Safety:

This project does not include any battery systems and is not applicable.

Property Values:

A third-party study has been submitted showing that property values are not negatively affected by proximity to solar facilities, available apart of the application for public review.

Setbacks:

The layout meets and exceeds the Town's 300-foot setback requirement from property lines. Site plans depicting this are available apart of the application for public review.

Land Use:

While rooftop and brownfield solar are important, they cannot meet state and local renewable-energy goals alone. This site was selected based on compliance with private landowner interest, local law (avoiding prime farmland), grid access, and environmental suitability. Solar is a reversible land use, and the land can return to agriculture in the future.

I understand that change can raise concerns, and we are committed to continued communication, transparency, and ensuring this project meets all safety, environmental, and local law standards. Thank you for your engagement and for the opportunity to address these points

Discussion:

During and following Jim Bodecker's presentation there were questions that arose.

* Drew Reilly requested a geotech report for the site be included for the environmental assessment as soon as possible as a decision cannot be made without it. The possibility of large rocks could have a great impact on the construction process.

* Joel Seachrist stated that contrary to Mr. Bodecker's presentation that stated a 15-year host benefit agreement, the town will be seeking a 25-year host benefit plan. A proposed Host Benefit Agreement has been given to Mr. Bodecker's attorneys for review.

* Several residents are adamant that there is an eagles nest in proximity to the site. If anyone can show Chairman Steward the nest or provide coordinates, it would be greatly appreciated.

* If anyone wants to view a similar existing project there is one located behind the Great Valley Town Hall. 4808 Rt 219 Great Valley, NY 14741

* Town of Randolph will try to post documents for public view on its website. It will be at least a week for documents and images to show up

* Neighbors would like visuals of the site without foliage from both Towers residence and Brown residence.

* An agricultural concern is that the livestock fences on the Towers property were previously accessed from a roadway on the Adams property. There needs to be a written agreement between the property owners that the back fences can be accessed through use of that roadway, or if that is removed or blocked, through the roadway for the solar field.

* There needs to be a meeting with the fire district to meet the fire company's needs. Access, training, district fees and equipment.

* The next meeting will be held Wednesday, March 18 at 6:00 in the court room.

Special considerations:

Notes on meeting additional to hearing:

Time hearing was adjourned: 7:28

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Recorded By: Paul Steward