

Perrysburg Town Board

Minutes of the Regular Monthly Meeting of the Town Board, Town of Perrysburg, Cattaraugus County, NY, June 8, 2026 at the Town Hall

PRESENT: Dennis Parker, Town Supervisor • Randy LaChausse, Councilman • Michael Sternisha, Councilman • Mary J. Stuhr, Councilwoman • Christopher Trybus, Councilman

ALSO PRESENT: Tamara A Utley, Town Clerk
Jim Everetts, Planning/Zoning Board Chairman
Andrew C. Reilly, Wendel Engineers (Town Consultant)
Corrine Brath, Wendel Engineers (Town Consultant)
Diana Konik, Phillips Lytle
Chris Mavity (UGE)
Tim Mesch
Ryan Smith
Ron Brennan 6:23pm

Supervisor called the meeting to order at 6:00 p.m. with the Pledge of Allegiance

UGE SOLAR PROJECT:

Introduced by Councilwoman Stuhr, seconded by Councilman Sternisha

RESOLUTION #18 OF 2026 – SEQR NEGATIVE DECLARATION

WHEREAS the Town board of the Town of Perrysburg ("Town Board") received an application from Omni Perrysburg Solar LLC (the "Applicant") to construct a 4.36-megawatt solar energy facility located at 11065 W. Perrysburg Road, Perrysburg, NY 14129 (the "Proposed Action"); and

WHEREAS, the Town Board has determined that the Proposed Action is subject to the State Environmental Quality Review Act under the NYS Environmental Conservation Law, Article 8 ("SEQRA"), classified the Proposed Action as a Type 1 action under SEQRA, declared its intention to act as Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA and conducted a coordinated review; and

WHEREAS none of the other involved agencies or Applicant requested the New York State Commissioner of Environmental Conservation to designate a lead agency; and

WHEREAS, the Town Board has reviewed the application materials and project at several meetings and received additional information from the Applicant, and received input from the Cattaraugus County Planning Department (including completing the required Section 239 referral), other agencies and the Town Consultant; and

WHEREAS, the project was referred to the Planning Board, as required per the Perrysburg Town Code, and was reviewed over several meetings, with the Planning Board issuing a Recommendation Form on April 22, 2026, and also recommended that the proposed project Agrivoltaics satisfy the provision in the Town Solar Code Section 8 (C)(14)(a)(1),

WHEREAS the Town Board declared themselves as SEQRA Lead Agency, and received input from the public throughout the process and held a public hearing on April 13, 2026, and subsequently closed the hearing; and

WHEREAS, the Town Board in accordance with the New York State Environmental Quality Review Act (SEQRA), having conducted a coordinated SEQR process, reviewed Part 1 of the Full Environmental Assessment Form (the "FEAF") and completed Parts 2 and 3 of the FEAF and discussed them over several meetings, and has done a thorough review of the project and its potential impacts; and

WHEREAS, the Town Board, in accordance with SEQRA, has determined that the proposed approval and construction of a 4.36 MW solar energy system at this location will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Perrysburg, as SEQRA Lead Agency for the Omni Perrysburg Solar LLC Project, hereby determines that the proposed Action will not have a significant adverse impact on the environment and issues a Negative Declaration pursuant to SEQRA; and be it further

RESOLVED, that the Town Supervisor is authorized to sign the FEAF (including Part 3) and any accompanying Negative Declaration documentation, which shall be filed with the Town Clerk and circulated in accordance with 6 NYCRR Part 617; and be it further

RESOLVED, that this Negative Declaration supports the Board's further consideration of the Special Use Permit and site plan applications, which may include appropriate conditions to ensure ongoing compliance with the Town's Solar Law, the SWPPP, decommissioning requirements, screening, and all other applicable standards and mitigation measures.

**STUHR – AYE STERNISHA – AYE LACHAUSSE – AYE
PARKER – AYE TRYBUS – NAY**

HOST COMMUNITY AGREEMENT

Motion by Supervisor Parker, seconded by Councilwoman Stuhr to accept the terms of the Host Community Agreement between the Town of Perrysburg and Omni Perrysburg Solar, LLC and to work with Town Attorney Ritz in finalizing the agreement for the Supervisor's signature

**PARKER – AYE STUHR – AYE LACHAUSSE – AYE
STERNISHA – AYE TRYBUS – NAY**

Introduced by Councilman Sternisha, seconded by Supervisor Parker

RESOLUTION #19 OF 2026 – RESOLUTION TO ISSUE A SPECIAL USE PERMIT FOR "Omni Perrysburg Solar LLC"

WHEREAS the Town Board of the Town of Perrysburg received a Special Use Permit application from Omni Perrysburg Solar LLC (the "Applicant") for the construction of an approximately 4.36 +/- (AC) MW ground-mounted solar facility to be located at 11065 W. Perrysburg Road, Perrysburg New York and referred to as "Omni Perrysburg Solar LLC"; and

WHEREAS pursuant to and in accordance with the provisions of section 617.6 of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) the Town Board of the Town of Perrysburg declared its intent to seek Lead Agency status for SEQR purposes and conducted a coordinated review; and

WHEREAS pursuant to and in accordance with the provision of Section 239-MN of the General Municipal Law, the Town Board of the Town of Perrysburg referred the "Omni Perrysburg Solar LLC" solar project to the Cattaraugus County Planning Department for review and comments were received (Noting "of local concern"); and

WHEREAS in accordance with the Town solar law, the project was referred to the Town Planning Board, with the Planning Board issuing a Recommendation Form on April 22, 2026; and

WHEREAS a public hearing was held on April 13, 2026 and the public provided their comments on the project; and

WHEREAS the Perrysburg Town Board in accordance with the New York State Environmental Quality Review Act (SEQRA), having conducted a coordinated review, reviewed part 1 of the FEAF and completed parts 2 and 3 of the FEAF and discussed them over several meetings, and has done a thorough review of the project and its potential impacts; and made a SEQR determination of non-significance on June 8, 2026; and

WHEREAS the Town Board of the Town of Perrysburg has thoroughly reviewed the project in accordance with its laws, considered comments received, and based on input the project has been amended, and the Town of Perrysburg Town Board intends to authorize the issuance of a Special Use Permit to the Applicant for the "Omni Perrysburg Solar LLC" solar project subject to the conditions set forth in such Special Use Permit attached as "*Attachment A*" in accordance with the Town Code of the Town of Perrysburg

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Perrysburg, that the Special Use Permit application as further supplemented by the Applicant for "Omni Perrysburg Solar LLC" is hereby approved subject to the conditions set forth therein (Attachment A)

BE IT FURTHER RESOLVED that the Applicant, "Omni Perrysburg Solar LLC" in accordance with the Town Code of the Town of Perrysburg, can proceed to completing final site plans and construction plans allowing them to apply for a Building Permit after meeting the conditions of the SUP and the requirements of the Town's Laws

**STERNISHA – AYE PARKER – AYE LACHAUSSE – AYE
STUHR – AYE TRYBUS - NAY**

PUBLIC COMMENTS/QUESTIONS:

- Heard from Jim Everetts, Planning/Zoning Board Chairman who made a recommendation to place a one year moratorium with a six-month extension on battery projects for the purpose of updating the Town Battery Law.
- Heard from resident Ryan Smith who had questions about what is needed to start a business in the Town of Perrysburg; brought to the Town Board's attention a dog grooming business that opened at 12754 Route 39 and has been operating for approximately one year in the home of a deceased resident. Asked how a building permit can be approved for the property of a deceased homeowner. The Town Board will follow up with the Code Enforcement Officer following this formal complaint

MINUTES OF THE PREVIOUS MEETING: Motion by Councilman LaChausse, seconded by Councilwoman Stuhr to accept the meeting minutes of the May 11th Regular Town Board Meeting and the May 20th Special Board Meeting as presented

ALL AYE

MOTION CARRIED

REPORTS:

Building & Code Enforcement Officer: Completed nineteen inspections and \$660.01 in building permit fees

Assessor's Report: Tentative roll was created on May 1, it can be viewed at www.cattco.org/real-property-and-gis/assessment-rolls; one property transfer in April, however it cannot be added to our system until July 1st; more information about property sales can be found at www.cattco.org/real-property-and-gis/sales. There is a new Veteran Exemption for 2026 for veterans that are 100% "permanently and totally disabled" according to a letter obtained by the VA – this is different from a Veteran that may have a 100% disability rating; each taxing jurisdiction has the option to allow for the exemption by passing a new law allowing for the exemption; the Plan for Cyclical Reassessment expires in 2027, we would like to move forward with another full reassessment to maintain 100% equalization.

Introduced by Supervisor Parker, seconded by Councilman Sternisha
**RESOLUTION #20 OF 2026 – SUPPORTING THE CATTARAUGUS COUNTY
REAL PROPERTY TAX SERVICES IN UPDATING THE 2027 ASSESSMENT
ROLL**

WHEREAS the Perrysburg Town Board supports the efforts of Cattaraugus County's Real Property Tax Services in updating the 2027 assessment roll to full-market value and

WHEREAS the Town feels that it is necessary to conduct a reassessment project of all properties to maintain a uniform standard of assessment for the Town and;

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Perrysburg, New York that the Town of Perrysburg hereby requests State assistance, specifically from the New York State Office of Real Property Tax Services to do a reassessment project to maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law

**PARKER – AYE STERNISHA – AYE LACHAUSSE – AYE
STUHR – AYE TRYBUS – NAY**

Water Dept. Report: all is going good

Sewer Report: all is going good

Highway Supt. Report: keeping up with lawn mowing and roadside mowing; got a 48" cross pipe for Pudding Lane; plow equipment painted; equipment ready for skid paving

Justice Report: Justice Dankert closed the following cases for the month of May: twenty-four V/T, one penal law and eight animal control cases; total reported to the State Comptroller was \$3,100.00

Dog Control Officer's Report: nothing to report

Town Clerk Report: Collected \$1,675.51 for the month of May; \$1,020.47 was the town portion paid to the Town Supervisor; Annual Water Quality Reports were mailed to Central and Versailles customers in May; reports are posted on the Town's official sign board in the foyer of the Town Hall

Supervisor's Report: financial report prepared by Doeren-Mayhew is on file in the Town Clerk's office

CORRESPONDENCE

- Gowanda Area Chamber of Commerce Sponsorship of Music in the Park series; Motion by Councilman LaChausse, seconded by Councilwoman Stuhr to sponsor the Music in the Park Series in the amount of \$500.00 as budgeted for 2026
ALL AYE MOTION CARRIED

OLD BUSINESS

- Spectrum Cable franchise proposed renewal agreement – tabled
- Central water and sewer district rates – tabled

NEW BUSINESS

- Need for a Shared Services Agreement for the Prospect Street Water District – tabled

BOARD MEMBER COMMENTS

- Supervisor Parker reported that he received a letter of resignation from Rich Pecnik who has served on the Board of Assessment Review for 13 years
- Councilman LaChausse reported that he and Planning/Zoning Board Chairman Jim Everetts attended four classes at the Local Government Conference held at Houghton College
- Councilman Trybus reported that he has been working with the Gowanda Little League and there are a group of volunteers who are willing to help clean up the field; there are a few things that need to be repaired
- Councilwoman Stuhr reported that she has received a few complaints about the condition of the Versailles Playground and tennis court; she also received a suggestion of covering the tennis court to create a community garden of raised beds

ABSTRACT #6 of 2026, Vouchers #206-#240 – Audit of Claims

General Fund Townwide	A	\$ 8,476.72		
Highway Fund Townwide	DA	\$ (897.62)		
Gowanda Prospect St. Water	GW	\$ 30.00		
Central Water	PW	\$ 1,429.59		
Street Lighting	SL	\$ 352.14		
Special Residential	SR	\$ 400.61		
Special Sewer	SS	\$ 15,392.93		
Versailles Water	VW	\$ 745.52		
Total:		\$ 25,929.89		

Motion by Supervisor Parker, seconded by Councilwoman Stuhr to pay all audited vouchers

**PARKER - AYE STUHR – AYE LACHAUSSE - AYE
STERNISHA – AYE TRYBUS – AYE**

7:29pm Motion by Councilman Sternisha, seconded by Councilwoman Stuhr to adjourn
ALL AYE MOTION CARRIED

Respectfully Submitted,

Tamara A. Utley, Town Clerk

**Special Use Permit Conditions
Omni Perrysburg Solar LLC
Perrysburg, NY**

For solar projects that require a special use permit, Wendel has always recommended that the special use permit includes conditions (these are large, complicated projects, with numerous requirements). Your law states that the SUP can include conditions. Based on our review of the project, the meetings that we have attended, and our experiences, the following are some of the conditions we would recommend for approval of this project.

Once we receive any additional input from the Town Board (the Planning Board has included many of these in their recommendation to the Town Board), we can help to finalize these conditions and put them in an SUP Format. We can also put them in the following categories: pre-construction conditions, construction conditions, and post construction/ongoing conditions. The word "owner/ operator" refers to the entity in ownership and operating the Project LLC.

CONDITIONS OF THE SPECIAL USE PERMIT:

1. This Special Use Permit only entitles the owner to construct and operate an approximately 4.36 MW solar energy system at the approximate address of 11065 W. Perrysburg Road, Perrysburg NY 14129. Any change in the nameplate capacity of the system will necessitate a return to the Town Board for review of a new Special Use Permit application.
2. This Solar Special Use Permit can be assignable or transferable to a new owner or operator or if the owner of the property changes, and the Special Use Permit shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations and conditions of the Special Use Permit, site plan approval, and Decommissioning plan and bond. A new owner or operator shall notify the Code Enforcement Officer ("CEO") or Town Clerk of such change within 30 days of the ownership or operator change (in accordance with Town Law).
3. Any material (as determined by the Town Board in its reasonable discretion) post-construction changes or alterations to the solar energy systems shall be done by amendment to the Solar Special Use Permit by the Town Board and subject to the requirements of the Town law.

4. Prior to finalizing the issuance of this Special Use Permit (and/or any building permit) the owner shall finalize and enter into a Community Benefit Agreement and/or PILOT with the Town Board and make payments to the Town in accordance with that agreement.
5. The owner/operator, after one year of operation of the project, shall return to the Town Board for review of the Special Use Permit and its conditions. (The owner/operator shall also return to the Town Board to review any violations of the Special Use Permit (as determined by the CEO), and any mitigations needed for those violations. The owner/operator shall receive written notice of any violations and shall appear before the Town Board at a public hearing concerning any such violations. The owner/operator shall also return to the Town Board for review of any new application for a Special Use Permit attributable to any change in use and/or change in nameplate capacity.
6. The owner/operator shall provide annual reports to the Town Board summarizing the operation (including production values and whether the system is still operating) of the facility and any changes or repairs to facility components. With this report, the Town CEO will complete a yearly inspection of the facility, which will assist the Town in determining if it is operating in accordance with the Special Use Permit.
7. The owner/operator shall submit a final site plan and landscape plan to the Town and its consultants for review and to ensure conformance of the Special Use Permit and Site Plan approval prior to the issuance of the building permit.
8. The owner/operator's Decommissioning plan and estimate will need to be approved by the Town and its consultants. The current Draft Decommissioning Plan and estimate submitted has a first-year decommissioning cost of \$622,000 with escalators for 30 years. The Decommissioning Plan (and surety – see below) will then require final sign-off by the Town's Attorney prior to the start of construction.
9. A surety bond or its equivalent shall be required to be provided by the owner/operator prior to construction beginning. The amount of such surety will be set according to the estimate laid out in the approved decommissioning plan and estimate and approved by the Town's consultant and Attorney.
10. The owner/operator must provide the appropriate liability insurance policy, and this must be maintained throughout the life of the project. Proof of Insurance must be provided prior to the construction and operation of the solar energy facility, and the

Town shall be informed of any changes to insurance coverage. The Town must be added to the policies as an additional insured.

11. The owner/operator must receive the appropriate required regulatory approvals prior to a building permit being issued: including, but not limited to, determination of coverage under SPDES General Permit and highway permit for the site entrance.
12. The owner/operator will revise the plans and SWPPP to provide a dedicated water quality practice for the equipment pads consistent with GP-0-25-001 and current NYSDEC guidance, prior to the issuance of a building permit.
13. The owner/operator will provide an ALTA Survey stamped by a NYS Licensed Surveyor prior to the issuance of a building permit.
14. The fencing used should be a "close hole" fence of galvanized steel at least 7 feet high with no barbed wire. Sharp edges or protrusions that could harm animals shall be removed from the fence. Fencing must not prevent the maintenance of drainageways. Keys or an access code for access to the site must be provided to the Fire Department and others as dictated by the Town. Fencing should ensure that sheep grazing the site cannot escape the project area, and that other wildlife cannot enter the project area. Fencing shall be properly maintained throughout the life of the project. In the event of an emergency, the Fire Department is not responsible for the sheep on site if the fences are opened for emergency responders to enter the site.
15. Final access road and road turnarounds must be approved by the Fire Department prior to issuance of the Building Permit.
16. Prior to issuance of the Building Permit, the owner/operator shall provide documentation that the final selected equipment (including any after-market anti-glare materials) does not contain any hazardous materials.
17. A Final O&M Plan and Maintenance Plan/Agreement will be approved by the Town-designated engineer. The Town and its consultants reserve the right to review and approve the Final O&M Plan during the pre-construction process. A maintenance contract (for mowing, plowing, etc.) for project area shall be provided to the Town each year.
18. Final SWPPP with Phasing Plan to remain under 5-acres disturbance, NOI, and NYSDEC acceptance. Any changes to the phasing acreage disturbance exceeding 5 acres shall require Town approval (Town's Engineering consultant).

19. The owner/operator shall establish appropriate disturbance limits in the final site plan and marked in the field prior to construction. Site disturbance includes, but is not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with the installation of this solar energy system. Violation of these disturbance limits will require returning to the Town Board to get a mitigation plan approved (replanting disturbed areas to the satisfaction of the Town).
20. Prior to the facility's start-up and during construction, the Town (CEO and/or the Town's representatives) shall be provided reasonable access to the facility to inspect the drainage and stormwater provisions (SWPPP reports to be provided by the owner).
21. During construction, the owner/operator shall submit a construction schedule to the Town (updated on a monthly basis), that must include hours of construction, which shall be limited to Monday through Friday, 8 a.m. to 5 p.m.
22. Following construction of the solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust as shown in the approved erosion and sediment control plan.
23. Soil stored on site, soil safety etc. shall be in accordance with the approved plans and NYSDAM requirements.
24. No site preparation or construction shall commence nor shall existing structures be removed until final construction plan approval has been granted and permits have been issued by all governmental agencies involved.
25. The owner/operator shall not use pesticides and herbicides within or around the fenced project area.
26. The owner/operator shall not install products, equipment or materials that contain PFAS that can leach into the soil or groundwater within the project area.
27. The owner/operator shall use DEC-recommended pollinator-friendly and/or sheep friendly grass for planting under the panels, as illustrated on the approved landscape plan.

28. All barriers around the project area, including fencing and trees, shall be maintained throughout the life of the project. If, after construction, the existing vegetation or the vegetation planted by the owner does not provide the screening as indicated in the visual analysis or if vegetation dies, the owner/operator will return to the Town Board with a planting/screening mitigation plan to be approved by the Town Board. The intention is that this matter will be addressed one year after construction is completed (per condition 4). If any current natural or man-made visual screening is removed, either through intentional, natural, or accidental means, the owner/operator shall make every reasonable attempt to replace or mitigate the loss of screening, preferably outside the perimeter fencing, by the next following October 31. A copy of the owner's maintenance/mowing contract shall be provided to the Town on a yearly basis to ensure proper maintenance is occurring.
29. The owner/operator has proposed sheep grazing on the site to meet the requirements of the Town's law. If sheep grazing is discontinued at the site, for any reason, the owner/operator will need to reappear before the Town Board and have a new mitigation plan approved to satisfy the Town Code and mitigate agricultural impacts. A new maintenance/mitigation plan will be submitted to the Town Board for approval within 45 days of the failed agrivoltaics. Should the agrivoltaics fail to properly maintain the site, the owner/operator will maintain the site with other means after those means are approved by the Town Board.
30. Prior to start-up and operation of the facility, an O&M Manager shall provide training to the appropriate emergency personnel identified by the Town concerning the facility and its operation, at the owner/operator's expense. This will include a tour of the facility and an overview of shut-off procedures before final sign-off. Training shall also take place every year for the first two years and then will only take place every four years. Training shall be open to any potential responding company. Emergency plans submitted by the owner/operator shall be reviewed by the Town (emergency service providers) and potentially updated by the owner/operator on a regular basis as necessary (determined by the Town), based on material changes to the facility.
31. Immediately preceding start-up and operation of the facility, the Town (CEO and/or any other Town representatives) will complete a final inspection of the facility and provide a punch list of any outstanding issues.
32. Prior to the issuance of the "Certificate of Occupancy/Project completion", the owner/operator shall provide documentation to the Town that confirms that the conditions of the Special Use Permit listed above have been met.

33. After completion of construction of the solar energy system, the owner/operator shall provide a post-construction certification in the form of an "as built" plan set signed and stamped by the Engineer of Record that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The owner/operator shall further provide certification from the utility that the facility has been inspected and connected.
34. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its pre-existing condition, in accordance with the approved Decommissioning Plan, within six months of the removal of this large-scale solar energy system.
35. The amount of the decommissioning surety will be updated, as necessary, as determined in the approved Decommissioning Plan and agreement with the Town. It is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping consistent herewith and with the Decommissioning Plan and NYSDAM standards, if the owner/operator fails to comply with its decommissioning obligations. If at any point in the future, environmental issues arise or are noted by future studies for the system's components, the decommissioning costs shall be adjusted, and the surety will reflect those extra costs. The Decommissioning Plan will be reviewed by the owner/operator and Town Board every 3 to 5 years.
36. If this solar energy system has not been active and in continuous service for a period of one year, based on annual reports to be submitted to the Town by the owner/operator, it shall be removed at the owner's or operator's expense. Decommissioning shall include removal of all energy facilities, structures and equipment including fencing and any subsurface wires and footings from the parcel. Decommissioning will be in accordance with the owner/operator's approved decommissioning plan, prepared and submitted by a NY licensed engineer. This Decommissioning Plan and estimate will need final approval prior to construction beginning.
37. Any equipment, including panels which are damaged during the life of the project, shall be properly removed from the site within 90 days and a certification (and testing as illustrated in the emergency plan) provided that no hazardous conditions were caused to the site. There will be no storage of any unused panels on the site.
38. The owner shall cause a copy of this Special Use Permit to be recorded at the County Clerk's Office, with said recording to be indexed against the Property.