

**Planning Board Minutes
February 20, 2020**

Planning Board Members Present: Fred Fink, Daniel Compton, Matt Rogers, Steve Lester, Michael Donohoe.
Absent: Julie Pellett, Michael Woodruff

Others Present: Kimberly Rayburn (Secretary), James Kier (Building & Zoning) Sandy & Joe Jackson (Applicant)

Fink opened the meeting at 7:30 pm, Lester made a motion and Rogers seconded the motion to waive the reading of the public hearing, vote carried unanimously.

I. SPL1-20 Site Plan Review for a Miniature Golf Course land located 6570 St Rts 5&20 Shivers Shakes & Cones. Tax# 81.00-1-34.000 owned by Sandy & Joe Jackson.

Fink asked the Jacksons to give a brief description of the project, he stated that this project came before the Board in 2013 and was approved but never installed. Sandy Jackson stated the project is the same as before, it will be located on the eastern side of the property in the grassy area between the gravel parking area and the Outdoor Store. There will be eighteen (18) holes with a water feature that will not have a water supply, a perimeter fence around the course that will be gated and locked during non-hours of operation and four to six (4-6) lights on poles. Fink stated the map shows four (4) Jackson stated they have six (6) but four (4) may be all that is needed; however, they would like to be approved for a maximum of six (6) just in case they are needed. She stated that the mini golf is not a separate business the Ice Cream Shop and the mini golf will be one in the same. Compton asked if the lights would only be on during hours of operation, Jackson stated that they would and the shop starts closing earlier after Labor Day and usually closes for the season around Columbus Day. Fink asked about the lighting affecting 5&20, Jackson stated that Greg Trost from the NYS DOT stated he does not anticipate any issues, the lights are downward facing and can be angled away from the highway.

Lester wanted to discuss the vehicle travel path on the west side of the ice cream shop, Compton stated that there are two lanes of traffic at the light in front of the shop and since there are no turning lanes he feels that traffic should not be allowed to exit onto 5&20 from the front of the parking area on the west side, a sign stating entrance only could help with traffic safety Greg Trost from the NYS DOT agrees with that. Compton also added, if you had a sign on the inside for patrons that stated no exit it would then route the traffic to exit at the Whalen Rd exit. A discussion of a fence at the west front portion of the property was discussed but decided it could be stipulated that if its ever required in the future it could be erected.

The comments from the County were sent to the Board and Jackson responded. Rayburn read comments from Woodruff, he stated that this project has already been reviewed and approved in the past, he does not feel that the west entrance area is of real concern as there have not been any issues with it up this time. If it does by any chance become an issue a fence could be erected. Fink asked if the east side parking area was going to be paved, Jackson stated it would not, it will remain gravel. Lester asked about future fundraisers as the east paring area has been used for chicken BBQ's, Jackson stated they have been asked by local non-profits to host them twice a year. One in August and one is September, they are usually on a Sunday from 11-3 and she doesn't feel it will be a concern.

Compton wanted more information about the perimeter fence, Jackson stated it will be a 4-foot high black top rail chain link fence. Lester asked about signage on the fence so parking along side the road on 5&20 would be discouraged. Kier stated that fence signage is not allowed. Kier asked about the timing of the project, Jackson stated it would be finished by the June or July.

Compton made a motion and Donohoe seconded the motion to close the public hearing, All Board members in attendance voted aye.

Fink made a motion to declare SEQR an unlisted action with a negative declaration, Compton seconded the motion. All Board members in attendance voted aye.

Lester made a motion and Donohoe seconded the motion to approve SPL1-20 Site Plan to add a Miniature Golf Course to the existing Ice Cream Shop (Shivers Shakes & Cones) Land located at 6570 St Rts 5&20, Tax# 81.00-1-34.000 owned by Sandy & Joe Jackson.

Whereas:

1. Map shows 4 light poles up to 6 are approved
2. A no exit sign visible to interior customers will be erected as to direct traffic to exit onto Whalen Rd vs State Rts 5&20 on the west side of the shop.

Record of Vote:

Fink Aye Compton Aye Rogers Aye Lester Aye Donohoe Aye
All Board members present voted Aye, Vote was carried unanimously.

II. Discussion:

A. Speed reduction: Lester updated the Board on the speed study that was requested for a portion of State Rts 5&20. Between mud creek and the Village line. The sheriff's department had conducted radar in the area and the decision came back as the request is not warranted, therefore denied.

B. Aging in place/Accessory residential dwellings: Before the new regulations were sent to the Town Board for approval Rayburn was asked by Woodruff to have the Board review section A. one more time as the purpose for leaving in the text of: not more than two persons, is so that the Town does not allow more than 1 residence on a parcel. The code was meant to help the aging stay in their home, or in the accessory dwelling to be taken care of by family much like the family in-law apartment. Therefore, he would like the wording put back in the proposed regulations to follow the existing code for Family In-Law Apartments.

Existing code:

135-83.1 Family in-law apartments

G. Must be family by the following definition: not more than two persons, whether related or not by birth, blood, marriage or adoption, living together as a single housekeeping unit in the dwelling unit and related to at least one or more residents of the principal residence.

Proposed Code:

135-83.2 Accessory Residential Dwellings

- A. At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit and must be family by the following definition: not more than two persons, whether related by birth, blood, marriage or adoption living together as a single housekeeping unit in the dwelling unit and related to at least one or more residents of the primary or accessory dwelling.

The Board unanimously agreed to put the wording back in.

C. Solar: Rayburn gave a report on Woodruff's comments. Woodruff stated that the Board should not start a review of the project until they have received assurance that both the Applicant and the Utility have accepted their responsibilities of the project, and have agreed upon a plan of action. The final CESIR report list the responsibilities of both parties and the cost of upgrades to a substation or any other equipment. A letter from both the utility and the applicant should be required so that the Board has the assurance from both parties that this project is viable and will be started if approved.

He also stated that decommissioning wording may or may not need to be looked at, however the enforcement and monies involved belong to the Town Board and the Town Attorney. He commented on the Town of Seneca's code and stated he liked a lot of it. He suggests the Board review that code again as they have updated their code since we saw it last. They have put a maximum of sixteen (16) megawatts for large scale solar based on the percentage of farm land vs the total acreage of the Town. Kier will get this information from Don Collins the Town Assessor. Seneca will allow solar to be erected on land that has not been utilized for agricultural purposes within the last five (5) years, which

would answer the question what is considered prime farmland. Also, they added that farms that install a solar system for onsite use only would be exempt from the 16-mw max and decommissioning rules.

Kier gave an overview of his meeting with the Code Officer from the Town of Seneca. They consider a Large-Scale Solar to be anything over four thousand (4000) sq. ft. and our code states in excess of one thousand (1000) sq. ft. Their code also starts to cover battery storage. Kier stated that battery storage is currently not allowed in East Bloomfield and he learned that they will be more impactful than the solar panels and could be bad on the environment and a danger to humans. You will have applicants asking for use of property that will have retro fitted Verdi Storage containers that will house the batteries somewhere between the solar farm and the substations. He was told that some of the companies that start these projects either go bankrupt, or they flip the project and sell it as the project itself does not make much money, the money is in the credits they receive from the State subsidies and the Board wonders what will happen when they are gone. Kier then went over the CESIR, first they have a pre-application to the utility, then an application, then they receive then CESIR report that list the responsibilities of both parties and the cost of upgrades to a substation or any other equipment. He agrees with Woodruff that a proof of concept letter from both the utility and the applicant should be required so that the Board has the assurance from both parties that this project is viable and will be started if approved (as stated in the Design Standards 3 f of the Town of Seneca's code).

Rogers commented on the lot coverage maximum that we have in our current code. He feels that it is a waste of land to only allow fifty (50) percent lot coverage, especially if the Town limits the megawatts to sixteen (16). He feels the setback regulations should be efficient without limiting the lot coverage.

Compton wanted to review the Discussion Guide;

CESIR- he agrees that this requirement should be updated with a proof of concept letter from both the utility and the applicant along with the final CESIR

Decommissioning – he stated that the Board sets the conditions, and the Town Board takes care of the financial portion

Taxation – if the panels are classified as accessory structures and taxed that way then maybe the Town Board and the Town attorney can come up with something to ease the taxes, say 60% of what they would normally be taxed at for an accessory structure.

Limitations on land – We need to keep in mind that property owners should be allowed to be in charge of their property and also save prime agricultural land.

We need to add battery storage into the code, keeping decommissioning in mind and safety as the batteries can leak, overheat etc.

Rogers stated that the Town once applied to the County to do a study to designate the best farmland, and the least valuable farmland. It is called the Local Farmland Protection Plan and the state has grants you can apply for to fund the study.

The Board will revisit the Town of Seneca for any new additions to our code, Fink mentioned that the County put out its annual report and also some trends they see. Fink is interested in reading that report to find out why both the Town of Canandaigua and the Town of Victor are working on re defining their definitions of agriculture.

I. Solar: Fink created a discussion guide that included a collaboration of items he and Kier put together.

Some of the items on the list consist of the following:

- Use of/protection of Ag Land and impacts on crop production.
- What is the county view of solar? do they or other towns have verbiage we can use? Has the Town of Seneca updated their code, and if so why?
- Maximum limitations: How much more solar can Bloomfield support? Limits on number of farms or megawatts
- Oakmount substation limits including more knowledge of border substations that are in neighboring towns that can be used for solar in the Town of Bloomfield.
- Taxation, Don Collins
- More research on the cesir report, discuss if the cesir application is sufficient or do we need to wait until the application has been accepted by the utility before starting the review in order to make sure the project is viable
- Decommissioning cost/bond. Discussion with Town attorney by the Town Board
- Investigate environmental/toxic concerns of panels when being decommissioned and locations that would accept them.

A discussion was held on the possibility of getting the community involved with a survey, or social media so we can get a better understanding of how they feel regarding large scale solar.

The Board would like the discussion guide sent to the Town Board for their review at this time.

A brief discussion was held on battery back up projects, Kier stated that the Department of State has some code on this. There will be future discussion on this.

IV. Minutes:

Minutes of February 6, 2020

Tabled until the next meeting.

V. Meeting Adjourned:

Lester made a motion and Rogers seconded the motion to close the meeting @ 9:00 pm.

All Board members present voted Aye, Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary