

**Planning Board Minutes
February 6, 2020**

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

Absent: Michael Woodruff

Others Present: Kimberly Rayburn (Secretary), James Kier (Building & Zoning)

Fink opened the meeting at 7:30 pm

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.

Fink stated that we need to find an appropriate balance of concern for residents while recognizing land-owner rights.

The Board will review the discussion guide for any additional topics of concerns and then create a time line for review. They will then send the list onto the Town Board for their review.

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.

II. Special Use Permits: Rayburn supplied the Board with a current list of Special Use Permits. The Board reviewed them and suggested that the Code Office send out letters annually to make sure they are still in compliance along with an added column to the list for a date of last review.

III. Discussion: Kier updated the Board per our ongoing conversations with an attorney at the Association of Towns. It was suggested we eliminate all code stating that a review by the Planning Board (PB) is necessary before the Zoning Board of Appeals (ZBA) reviews a variance. The rationale for this change is:

The attorney stated that the PB does not have advisory authority or jurisdiction over the ZBA. Our code to have the PB review applications before the ZBA is not statutory therefore we are limiting the ZBA's authority to afford the PB the option to comment if asked, this process hinders the ZBA with their required timelines, such as the code below allowing the PB 30 days before they have to give an advisory opinion to the Planning Board, this limits the ZBA from acting on an application until they receive that recommendation.

Our code already has wording to allow the ZBA to ask for the PB's opinion if they choose to.

As stated in in our code in **Article IV 135-14 (7) Variance and appeals procedure.**

In its review, the Board of Appeals may consult with any other town, county and state officials or boards.

Our suggestion for the modifications to the code is:

Remove Article IV section 135-14 (and any other code that pertains to this subject)

(4)

Any request for a use variance, area variance or variances to parking or sign provisions shall be referred to the Town Planning Board for its recommendations concurrent with the submission to the Zoning Board of Appeals. The Planning Board shall have 30 days from the receipt of said variance application to provide the Board of Appeals with an advisory opinion on the application. The Zoning Board of Appeals shall not act on an application until a recommendation has been received from the Planning Board.

The Board held a discussion and they would like to be aware of items going to the Zoning Board so they can keep track of any items that may need to be looked at for possible code changes. Rayburn stated that she can send the Planning Board the agenda for the ZBA and the monthly report that will show any items that went to the ZBA. Rayburn stated that the ZBA should ultimately be the Board that suggest a change to code to the PB as they would know if they were getting multiple variance request for the same thing that would trigger a possible need for a code change. Kier will send this onto the Town Board.

Compton asked if Kier had looked up to see if there is code on maximum occupancy per square foot for residential living space. Kier stated he would look up the code for occupancy in the residential code.

IV. Minutes:

Minutes of January 16, 2020

Rogers made a motion and Donohoe seconded the motion to approve the minutes 1/16/2020

Vote was carried unanimously.

V. Meeting Adjourned:

Pellett made a motion and Lester seconded the motion to close the meeting @ 8:45 pm.

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

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary