
**Planning Board Minutes
May 16, 2024**

Planning Board Members Present: Julie Pellett, Daniel Compton, , Daniel Morley, Kimberly Duvall, Michelle Rhoda, Kimberly Gebo

Absent: Michael Woodruff

Others Present: Kimberly Rayburn (Building & Zoning Officer), Christel Daggett (Secretary) Chad Halstead (Applicant) Jacob Arner(Applicant) Mark Potter, Andrew VanDoorn (Labella/Abundant Solar), Robin, Patti, Devon, & Sean Fitzgerald, Jim Powers, Delight Stacey, Adam Prizzi, John & George Mueller, Todd Robinson, Jim, Marsha, & Sonja Torpey, Ruby Birdsall, Taine Talbot (Residents within 500 ft. of Solar Project)

Pellett opened the meeting at 7:30 pm.

Pellett asked if there was anyone in the public that wanted to speak for or against the project?

I. TNC2-24 Expansion of nonconforming structure Owner Chad Halstead property located at 3121 State Route 64 S. Tax Map # 95.00-1-24.110 for a 20 x 20 addition on existing south side of home starting at +/- 17 ft from the front of the house continuing 20' back.

Halstead stated that he would like to build a 20 x 20 bedroom addition behind the front of the house extending 20' back. Halstead stated that his family is growing. He loves his land and Bloomfield and does not want to move.

Duvall motioned Rhoda seconded to a forward to the ZBA with no comments.

Record of Vote:

**Pellett Aye Compton Aye Morley Aye Duvall Aye Rhoda Aye Gebo Aye
All Board members present voted Aye, Vote was carried.**

Pellett opened the Public Hearing at 7:40 Pm.

II. Special Use Permit, TSP2-24 Owner Jacob Arner (Agent Mark Potter) Labella/Abundant Solar Energy System 135-83.3. Property located on Rice Road Tax Map # 54.00-1-74.210. Proposed 4.482 MWAC Large Scale Solar Energy System.

Pellett explained to the Public that this is a Special Use Permit which means that it is a permitted use in the area. The Planning Board is able to put contingencies onto it, but it is an allowable use for that area. which means the Planning Board does not really have the power to say no. The Town Board would need to hear from the public as to whether they are for or against solar. The meeting tonight is to hear comments directed towards this project only.

Robin Fitzgerald stated that he has lived in Bloomfield his whole life and lives across the street from the site. In 2015 he wanted to get solar panels and was told no that they were an eyesore, and it would never happen in Bloomfield. Now he has an eyesore in front of him and his son will have it behind his house. It doesn't matter how many trees you put there it is not going to block it. Fitzgerald stated that his main complaint is they didn't even know this was happening until recently. He would vote no because he does not want to look at it. If it were hidden somewhere like in a back field, he wouldn't have an issue. Fitzgerald asked if they would want it in their backyard or front yard? He does not think it's right. They should have asked people first. Sean Fitzgerald stated that he agrees with his father. He would like to know what does it do to his property value? What do they get out of it? He feels that it will be a big eyesore as it is right behind his house.

Taine Talbot stated that he lives on Rice Rd. He does not like solar Panels. He would like to know what benefit does having the solar panels do for the Town? Will it bring in revenue? He believes that it will cost the company a million dollars to put it in there. It will be like a building. Does that make the property value assessment go up to 1 point whatever million? Will the company have to pay tax on it? Will they get tax revenue from it? Or will it lower their electric bill? Will it do anything that will affect his taxes on his property more than they already are? Taxes keep going up.

Compton stated that they will have the opportunity as a homeowner in the area to sign up for the power that is produced there generally it is a 10% reduction in your electric bill.

Talbot stated he believes he knows where the existing solar places are but believes this will be the biggest eyesore. By the lay of the land, it will not be hidden for quite some time.

Adam Prizzi lives on the other side of the field from the Fitzgerald's. He stated that he has a few concerns. He gets a lot of litter from 444 that blows down one side of the road just out of his yard. If they put up a fence it is going to pick up a lot of that litter. He's not sure what the maintenance is going to look like on the property as far as picking it up. He stated that arborvitaes that may go up are good for deer but not screening. Compton stated they are not arborvitaes. Prizzi stated that there are a lot of deer in the area, and they are destructive.

Compton handed out some vision renderings of what the plantings will look like at the time of planting, five years, and at ten years that Abundant has proposed. That is what it is supposed to look like according to the developers.

Delight Stacey lives on the east side of what she called a "mess". From what she researched it will lower their property value, create heat in the area, a steady noise all day long and is concerned about the drainage. Her front yard is already swampy. Stacey stated she is opposed to it no matter how you look at it.

Ruby Birdsall stated the land is zoned AR-2 which is Agricultural. So, solar panels are acceptable as agricultural? Compton stated it is an allowable use in the Town Code. Birdsall asked does the Town have any control on what comes into it?

Compton stated not if it is an allowable use. Birdsall asked what does allowable use mean? Compton stated that it is allowed in the Town Code, and in the Zoning book it is an allowable use of that property. It has to have a Special Use Permit. A Special Use Permit is something the Planning Board can attach special conditions to such as a maintenance program, solar fields all have a decommissioning plan, at the end of their supposed life (25 years) there's a plan in place and usually a bond so that the ground can be returned to the state it was before.

Birdsall asked how many solar fields we can have in the Town? Compton stated as of right now this is the limit. The Planning Board and Town Board in years past put a 10 MW limit on the number of solar projects that can be in the Town boundaries. That's not an acreage limit, that's a Mega Watt limit so right now this particular solar farm on Rice Rd. will max that out. So, unless we change and up the limit there will not be another solar farm built under the current code. The Town Board is the one who adopts the Town Code. Sometimes, the Town Board will ask the Planning Board to look at things and they will make suggestions. They may go by their suggestion or not, but the final say is the Town Board. They are the ones that change Town law. The Planning Board elected years ago to go cautiously and put a MW limit on solar. They were concerned about the aesthetics of the solar farms. Pellett stated that the Comprehensive Plan is agriculturally based so, by having the 10 MW it was to help preserve farmland in our Town but allow for some solar farms as a compromise.

Compton stated the owner of the property Jacob Arner who is leasing to the solar development company intends to grow strawberries underneath the panels on the property. So, he's trying to continue the use of the land as agricultural in nature.

Birdsall asked if there had been any research done with the safety of solar panels. Do they give off radiation? Has anyone gotten sick? Compton stated research was provided at the time the solar code was adopted. Stacey stated they can disrupt your Wi-Fi.

John Mueller, owner of Willow Bend Farms is concerned about farmland. They used to rent this field and were supposed to rent it again this year. He was hoping to see Arner so he could ask him about the timing. He stated that he is glad to hear that this is the limit. He feels a bit nervous because Ed Strapp's field on 5 & 20 is being used for solar panels and Mark Mead talked about putting solar panels on his farm. He gets that fossil fuels are not a thing of the future but if this is the limit then he's happy about it. Compton told Mueller that the residents should reach out to the Town Board because the Town Board could elect to up the limit without the Planning Boards approval or review. Compton stated that he feels the Town Board needs to reach out to the residents to see how they feel about solar.

Marsha Torpey lives on the corner of Boughton and Str RT 444 and would be looking down on it. Torpey stated she is in favor of it. She feels there is a larger picture that has to be looked at too. Torpey stated that she wished the company were present and could answer questions that they have. Compton stated that they were present, but this is not a question and answer period. Torpey asked if they were going to share any information with them tonight? Compton stated they have with the Planning Board, and anyone is entitled to come to the Planning Board meetings any time you want they are open public meetings, but this here tonight is a public hearing which means we hear what you have to say but it is not a question-and-answer period. Torpey stated that it seems like there have been a lot of practical issues raised by people and maybe there are some things that they are not concerned about and there may be some things said that could alleviate some of their fears, but we don't have a chance to hear them. Torpey stated that when the windmills went up in Naples a lot of people were concerned about that. Torpey finds the solar panels less obtrusive, we need to move in these kinds of ways. She is concerned about what's happening to the planet. Torpey feels they are important for the world. People need to do what we can for our environment and for the future of our grandchildren and future generations.

Sonja Torpey asked about the benefits to the Town. Is there a pilot program? Compton stated he believed that the Town opted out of the pilot program and that would be a question for the Town Board. Torpey asked if the overall application was available to look at all the materials that have been submitted by Abundant? Rayburn stated yes, anyone could stop in and look at it. Torpey stated there should be multiple reports and studies that they have done to demonstrate that this is not an adverse environmental impact, landscaping and screening, ongoing maintenance. Rayburn stated that we have not gotten to the end of the review yet there are things that are being changed and still discussed. Torpey asked, so this is the hearing where they can ask questions or indicate that there are conditions that they would like to have imposed? Rayburn stated yes. Torpey asked if they had to state those conditions now or could they send in an email how does the dialogue continue and what is the timeline? Rayburn stated that we don't have a timeline yet as stated before we are not done with the review. Torpey asked if there were any approvals yet? Pellett stated no, we still have to wait for different agencies to review the project as well. We have to wait for feedback from them such as the Ontario County Planning Board, Ag & Markets, there are 7 different agencies that review this project and put their input in then we have to review their comments and we as a Board need to review before any decision is made.

Delight asked if after the Board does their research does this goes to the Town Board after here? Compton answered no, it is already an allowable use for that property so the only thing that the Planning Board is doing now is reviewing the plan that Abundant has put forth and attaching any conditions that they see fit to it without being prohibitive. You can't tell them to build a 12 ft high board fence that is prohibitive in nature, which would look terrible anyways. Once that takes place then the project will move forward.

Stacey stated that so, technically our comments whether they like them or not are null and void.

Compton stated that they are not null and void. They listen to them all. They can't stop it. Talbot stated so, what you're saying is you can add attachments of our concerns? Duvall stated yes, that if the public had suggestions that would make it better for them then the Board would try their best to help them. Sonja Torpey asked what was the best way to do that? Would we send it to an email box? She would like to send some suggestions. Duvall asked Torpey what would her suggestions be?

Torpey stated she would like to see a double staggered row of two different species of trees with bushes in front to fill in the gaps and to have them be 8 ft tall upon planting also, a decommissioning and operating maintenance plan. Duvall stated that Torpey should stop in the building & Zoning office and get a copy of the proposal because it sounds like a lot of what you are saying. They do have a lot of those things because they have come to a few meetings.

Rayburn stated that if Abundant would like to address the public at the end they could but would like to keep going with the comments. Compton stated that this would be a good form to make suggestions, so they are recorded in the minutes. Torpey stated she would rather send an email due to wanting to do her own research. Morley stated not to hesitate to put their comments in writing. Rayburn stated she could send an email to Daggett and the emails would put it in Abundant's file. Torpey stated for the record she is not opposed to it; she would like to see it done responsibly and with as much respect for the community and benefit to the community as possible.

Compton stated that Torpey should definitely come in and look at the plan because a lot of what was mentioned is on there. They can't plant 8 ft trees because if you plant 8 ft trees, they will all be dead in 6 months. They have experienced this before with the one on Bennett Rd. They planted 8 ft trees 75% of them died. It is too stressful for the trees. You have to plant them smaller to get them established. It's mother nature.

Jacob Arner owner, stated that he has been looking into the next generation farming is new with going agrivoltaics, Hydroponics, aquaponics, if you put them all together you can make everything sustain and the community can benefit from all the crops, if the right people are involved doing it. If you put crops under it will keep the solar panels cooler, it produces more energy, and it will help the farmer produce more food too because it will protect from the sun, so they don't use as much water. You can save up to 50% of water because it is not soaking into the ground. With the farmers, if they plant it, they will be in shade and will be less likely to get health issues with the sun. If you put animals on it, it can help benefit people's health. There are ways to use less land and produce more food.

Lester former Planning Board Chair and current Town Board member stated that he wanted to make a comment about the code that was put in place for the 10MW limit to try and control the development of solar panels and wanted to make a note that because of New York State's climate atmosphere politics, while we have a 10 MW limit there is still an avenue for more solar farms to go in because of Albany. When it comes to larger scale ones that is not something that a Town or Planning Board can stop. Lester stated that he just wanted to make that known so, if you see another one pop up it is not specifically because it is in our code allowing that, it is something that New York State has chosen to allow if it's larger than 25 MW's basically the application gets thrown down to Albany. Albany then does all the work, the only thing that the Town or planning Board can do is add any additional shading, barriers, or plants around the fence Lester stated he just wanted that to be known while they currently try to keep it at a 10 MW there are avenues to go around the 10 MW's. Compton stated that right now there is a solar farm on Bennett Rd, one going in on Rt. 64, one up on 5 & 20 by the water tower going in, and this one on Rice Rd. those 4 solar farms total out the 10 MW's. There talking about putting in without permission 25 MW solar farms. The acreage would be incredible and its basically an eminent domain and there's nothing anyone can do about it. The state controls that.

Talbot stated that he builds automation equipment. He has personally built windmills, machines that build windmills, and machines that have worked on solar panels. The only reason these solar panels are going in is because they are being funded by taxpayer dollars and grants. There is no way that you can build a solar panel yourself and put it up and it will pay for itself in 25 years. Talbot stated that if you knew what it cost to produce these and make them it would make you sick because they are using our taxpayer dollars to fund the projects and the only people that benefit is the landowner who makes the money.

Andrew VanDoorn from Abundant spoke to the public about the project. VanDoorn Stated that they develop and build solar farms in New York. They have been working with the Planning Board to minimize impact. They are open to suggestions and are trying to reduce visual impact on the site.

They have been working with Labella Mark Potter is the Engineer together they have been trying to create a roughly 12 ft screen wall to hide the side over time on the property. One of their goals is to make the community happy, a good neighbor. Vandoorn stated that this is the first solar farm that will have solar & agricultural activity at the same time. They have taken a lot of feedback from the Planning Board. VanDoorn feels that it is a good idea to set up a website so people can go to it and get information and look at all the documentation and an email where people can put their input and answer any questions that they may have. They do not remove topsoil. They maintain the land as is they do not grade or change water patterns. It is very important that they conform to certain guidelines to the SWPP. VanDoorn told Stacey that whatever water patterns she currently has they will remain. They will not affect her. They will revegetate the land and make sure there is no erosion or sediment on the property. In partnership with the landlord Jacob Arner, they will be renting the area and Arner will continue agricultural activities with the strawberries.

Pellett stated that there will be a maintenance plan in place. Whether it's agricultural or maintained in some way. Part of the condition of the Special Use Permit is that there will be a maintenance plan in place. What that is, is we haven't gotten into yet.

Talbot stated there will be a water shed that will change it. When the water hits the panels, the ground won't soak up the water when it comes off the panels. VanDoorn stated that the actual area of the panels are water resistant. Talbot asked if they were stationary panels ? VanDoorn stated yes. Compton stated that they have talked about this before on the Planning Board So, instead of the rain falling on the ground the rain will fall on the panel and drip to the edges of the panel, so it doesn't change drainage.

Pellett stated that the Public Hearing will remain open so that the public could get more information from the website that Abundant will be setting up where they can go onto the Towns website and follow a link for more information.

There were no further questions or comments from the public.

Topics for future review - The Board will begin review of existing code for a SUP (for each event) on 50 acres or more and bring suggestions for any possible changes or new SUP for event centers that could exist with less acreage

1. Continued review of the Comprehensive Plan's suggested updates for zoning districts changes
2. 5 G placement of antenna's
3. Battery Storage
4. More research and code considerations for cannabis in the future
5. Look into code for event centers vs current code that allows for a SUP for each event on 50 acres or more
6. Look at the schedules for any items that need to be updated or clarified.

III. Minutes of April 18, 2024

Gebo motioned Pellett seconded to approve the minutes of 4.18.2024 Duvall Abstained.
All board members present voted aye; vote was carried.

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Minutes of May 2, 2024

Rhoda motioned Compton seconded to approve the minutes of 5.2.2024 Duvall, Gebo Abstained.
All board members present voted aye; vote was carried.

IV. Meeting Adjourned

Gebo motioned Rhoda seconded to adjourn @ 8:40 pm.
All Board members present voted Aye; Vote was carried.

Respectfully submitted,

Christel Daggett
Planning & Zoning Board Secretary