

Planning Board Minutes
August 20, 2020

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

Absent:

Others Present: Kimberly Rayburn (Secretary), James Kier (Building & Zoning), Bob Condello (Owner) TR Dean (owner)

Fink opened the meeting at 7:30 pm. The Public hearing was opened.

I. SPL5-20 Site Plan, Carver Creek, Owner TR Dean 2524 property located at 2524 Cannan Rd., tax map # 66.00-3-25.100 addition onto existing commercial building.

Motion was made by Compton to waive the reading of the public hearing, seconded by Donohoe. Compton made a motion and Lester seconded the motion to close the public hearing as there was no public comment. Fink stated they are here for an addition to existing commercial building; the Board reviewed the site plan. TR Dean explained that he would like to expand his storage and his retail space. The space he currently utilizes is used for wood working, office and storage space. He would like to have shop space, storage and a showroom office in the front. A discussion was held on the front setback. The setback to the road needs to be a minimum of seventy-five (75) feet. The front setback is not shown on the maps. Dean will stakeout the addition and the setback will be verified by the Code Officer. Dean can adjust the placement a foot or two if required, Compton stated they can approve everything contingent on that.

Rogers made a motion and Compton seconded the motion to approve SPL5-20 Site Plan, Carver Creek, Owner TR Dean 2524 property located at 2524 Cannan Rd., tax map # 66.00-3-25.100 addition onto existing commercial building.

Whereas:

1. The front setback is verified by the CEO

Record of Vote:

Fink Aye Compton Aye Rogers Aye Lester Aye Donohoe Aye Woodruff Aye

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

Pellett arrived.

II. Discussion:

Lester asked if we have any further clarification on the Farm Bureau/Ag & Markets review that has the solar project for Bennett held up. Kier stated that he called Ag & Markets and talked with a Senior Attorney regarding the letter we received and some questions. She stated that whenever public money is involved, there is a process in place that allows then sixty (60) days to evaluate the land and consider whether its prime farm land. By them issuing the letter they bought another forty-five (45) days. He then asked her if the Department of Ag & Markets can actually stop a solar project from going forward? She answered with Ag & Markets probably has more teeth than they are exercising, but it is usually up to NYSERDA and the developer to try to come up with an alternate plan to satisfy the suggestion by Ag & Markets of replacing the prime ag land being taken out of production with more prime ag land elsewhere. Compton stated that all Ag & Markets will do is go after the farmer and penalize them, by making them rent more acres somewhere else to replace the acreage being taken out of production. He then stated that it must be this didn't get triggered by Abundant because they were not using public money. Kier stated that is the way he understands it. However, she did say that some projects in their early development may have slipped through the cracks. Compton & Pellett stated that we need to add this into our future reviews, and find out if the company plans on using public money. If they are, they will need to get approval from Ag & Markets as part of the application process. Kier stated that in further conversation with her, she stated that they would be an interested party in the review process.

Rayburn & Woodruff stated that Ag & Markets would need to be added to the list of agencies that are sent a packet when we declare ourselves lead agency for SEQR. Kier then went one step further and asked her what if a farmer sell to a developer that wants to put houses in? She stated that it would not apply, it primarily applies to solar. She then stated that occasionally there is some development that includes a jail that would need their review. Compton stated that in the letter they mentioned that they consider the panels and solar farms to be non-permanent structures because the land can be returned to its original state prior to the solar farm. But, then later they call them permanent structures so they are contradicting themselves. Kier stated that he feels she is a resource for Ag & Markets going forward if we need them. Rogers stated that most of the solar companies are getting public money, Compton stated they are getting State subsidies which may be different. Kier then stated that this was defiantly triggered by Delaware River Solar asking for public funds to start the project. Woodruff asked if that would affect the new law that Governor Cuomo put in place, Kier stated he honestly does not know. He then stated that law if for solar projects of twenty-five (25) mega watts (mw) or more. Fink was unaware of this new regulation. Kier went onto explain that the State will be taking over the application for these large projects. We can still put zoning in place for setbacks and buffering but it sounds like we won't have any control over the approval. Woodruff stated it sounds like its going down the same path as cell towers. Kier stated that putting a cap on mw in our code may not work now. Rogers stated that he does not agree with the Ag & Markets. He then stated what if you want to stop farming on that ten acres and you don't need it anymore? Compton stated the farmers should be aware of this as they may need to up the price of the leased land as they may be required to go out and lease additional acreage somewhere else. Compton stated the Ontario County Planning Board has applications for a five (5) mw project in Richmond and a twenty (20) mw proposed in Manchester. That will be huge. Kier stated ours is only a two (2) mw and its on fifteen (15) acres. Compton stated that the project in Manchester will be on one hundred and seventy-nine (179) acres. Rogers asked if we have the possibility to have a twenty-five (25) mw system as it will be over two hundred (200) acres. Kier stated that in Farmington they have a proposed project that spans across multiple parcels owned by individual property owners. Woodruff stated that in that proposal he believes the dairy farmers were going to allow the cattle to roam free through there to continue to eat the grass. More information should be gathered before going to far with regulations on those type of projects.

Fink discussed his thoughts on the current code. He has some questions that he would like to get the Boards thoughts on. He stated that one of the primary items that he is looking at is how the code breaks up the review process regulations for small scale vs large scale solar projects. He stated that we currently have code in place that states if your solar panels are under one thousand (1,000) sq ft. then it is considered a small-scale system. If your system is over that you are considered a large scale and your project falls under all the other different regulations. He then stated that the roof mounted system that is on top of Turnbull's business looks like it could be over the limit of small-scale system. He asked why it didn't trigger a need for a large-scale review? Kier then stated that in his mind the electricity generated is not being consumed by other people its being used on site. Fink then added that he also doesn't feel that Turnbull's onsite consumption should have to fall under the large scale and be subject to all the large-scale regulations. Woodruff agreed and thought that the Board decided that already. Fink stated it was discussed but that's not the way the current code is written. Fink wanted the code to be clearer for the applicants so they knew if they fell under the small- or large-scale system. In the code there are pieces that apply to small scale and then there are pieces that apply to large scale that are the same. Then there are pieces that are different. He then stated in order to make this easy we should put all of the things that apply to both systems at the top. Then provide the process for each. If you are small scale here's the additional regulations and process, and if you are large scale here are the additional regulations and process. The Board agreed they should craft the code around onsite and off-site consumption rather than square footage. A discussion was held regarding the NYSEDA regulations and the credits you receive. Lester stated that they will only give you credit on one hundred and ten (110) percent of your current usage. It does not do you any good to produce more than that. The system is designed around your usage. Fink and Woodruff stated that the definitions may need to be looked at and updated to onsite and offsite consumption.

IV. Meeting Adjourned:

Lester made a motion and Pellett seconded the motion to close the meeting at 9 pm.

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

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary