

**Planning Board Minutes  
September 6, 2018**

**Planning Board Members Present:** Fred Fink, Julie Pellett, Daniel Compton, Fran Overmoyer, Matt Rogers, Michael Donohoe Steve Lester, Mike Woodruff (Alternate member)

**Absent:** Kimberly Rayburn (Secretary, minutes typed from tape recording)

**Others Present:** Jim Kier (Code Enforcement Officer), Bob Steehler (Agent from Labella Associates for Abundant Solar), Abundant Solar Representatives Richard Lu & Andrew Van Dour, Thomas & Susan (Real Estate Agents)

**Fink opened the meeting at 7:30 pm.**

**I. TSP4-17 Review of new materials, Preliminary/Final, Special Use Permit Large Scale Solar Project**

Lands located at 1940 Bennett Rd, tax map # 52.00-3-11.111 Owner Rory Bennett, Agent Labella for Abundant solar (land purchase)

Fink asked Steehler to explain what the new materials are, Steehler explained that since the last time they were here they have done a full design of the electrical components of the project and have selected a different panel than what was originally proposed. The new panel is a tracker system which means it moves with the sun, as opposed to the fixed design that was previously proposed. The system is a higher efficiency system that will create the same output and has been changed from an east west layout to a north south layout. Fink asked if it would change anything for the connection to the power grid, Steehler stated it would not, they are still at the maximum output they can produce. Rogers asked about the new layout and how they face the houses, Steehler stated it would not make a lot of difference. The panel spacing has changed slightly and they were able to reduce the number of panels. The panels are approximately eight inches lower than the fixed panels at the maximum tilt and approximately three feet lower at the minimum tilt. They feel these changes are positive. All other aspects of the project will remain the same, including the storm water, entire fence line and access roads. Compton asked if the post would remain the same, Steehler stated they would remain driven post. A discussion was held on axis of rotation of the panels, it was determined that they would rotate on an axis that is parallel to the ground. In the morning the panels would be facing east in the evening they would be facing west. The Board again reviewed the requested updated operations and maintenance (O&M) agreement, the changes have been made that were requested. A Special Use Permit is being requested at this time.

Fink stated that in the minutes from August 2, 2018 there were outstanding items that need to be supplied to the Board or Code Officer before a Special Use Permit could be approved or before a Building permit can be obtained. Those items were as follows:

**Items needed before a decision on SUP:**

1. Three (3) more paper copies and 1 mylar for the subdivision
2. The operations and maintenance plan provided needs to have some updates that were requested from the Planning Board:
  - Pg 2/4 Change the first sentence in # 13 to read: ***All maintenance including landscaping will be completed during normal business hours (8:00 am to 5:00 pm) eastern stand time***
  - # 14 the last bullet adds another sentence that will read as:
    - ***Remove and replace dead trees of like kind and height to the adjacent trees or as otherwise required to maintain a complete and continuous visual screening***
  - #15 add verbiage to read as:
    - Provide preventative maintenance site visit reports ***to the Code Officer of the Town of East Bloomfield***

The items above have been addressed, and the Board has been satisfied.

**At the time of decision, the contingent / whereas will be similar to the statements below.**

Before a building permit can be obtained all of the following will need to be turned into the Code Office and some will need to be submitted before a certificate of compliance is given.

- Copy of any permits required by the DEC or NYS DOT
- An accepted taxation agreement with the Town Board
- A decommissioning plan needs to be accepted by the Town Attorney and the Town Board
- Submit the decision letter and permit if required from the Army Corp of Engineers
- An as-built map of the installation will be provided after installation is complete
- Abundant must comply with all Large-Scale Solar regulations from Town Code section 135-83.2 Solar Energy Law
- For care and upkeep of the project herbicides and fertilizer will be consistent with residential products used according to published product directions

The Board reviewed the list of items, Steehler stated that the Army Corps of Engineers has responded with their decision letter, they have been passed to move forward with their project and he will get that letter to Kier as soon as he gets back to the office.

Fink stated that an additional item is that the final SWPPP report any further requested documentation from the Town Engineer must be submitted and accepted.

**Donohoe made a motion and Compton seconded the motion to approve TSP4-17 Preliminary/Final, Special Use Permit Large Scale Solar Project** Lands located at 1940 Bennett Rd, tax map # 52.00-3-11.111 Owner Rory Bennett, Agent Labella for Abundant solar (land purchase from Bennett following approval).

**Whereas:**

1. Copy of any permits required by the DEC or NYS DOT
2. An accepted taxation agreement with the Town Board
3. A decommissioning amount needs to be accepted by the Town Attorney and the Town Board
4. Submit the decision letter and permit if required from the Army Corp of Engineers
5. An as-built map of the installation will be provided after installation is complete
6. Abundant must comply with all Large-Scale Solar regulations from Town Code section 135-83.2 Solar Energy Law
7. For care and upkeep of the project herbicides and fertilizer will be consistent with residential products used according to published product directions
8. Final SWPPP report, any further requested documentation from the Town Engineer must be submitted and accepted
9. Per all matters discussed in prior meeting minutes
10. Any changes to the approved application and documents must come back in front of the Planning Board for approval

**Record of Vote:**

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

Fink discussed the subdivision, Fink suggested they wait until all the outstanding items needed to get a building permit have been taken care of.

## **II. TSP4-18 Special Use Permit Large Scale Solar Project, Lands located at Co Rd 30 tax map # 68.00-1-19.111 Owner, W. B. Creekside. LLC (Gary Pooler, Leasing land to Greenspark)**

The Board reviewed the packet they received, Fink stated that a few things stood out to him, the cesir report from the utility is missing, and the decommissioning plan has a statement regarding returning the property to similar condition instead of pre-project condition, he feels this will need more detail. The proposed project is close to a 7 MW system, a cesir will be required before the Board will table the review until a completed packet is supplied. Compton suggested that they request any changes made to maps provided be clouded so the Board can see the changes as the project progresses. Fink asked the Board to look through the materials and have a list of any questions or concerns for them.

### **III. Discussion:**

A discussion was held on the Comprehensive plan, and the newly formed committee, Woodruff stated he will be on the committee, as well as Kier. It will consist of a few of the Village Board members, Kathy Conradt and some Town or Village residents and farmers. Fink stated that there is an issue with the School District, the number of students is dropping with no available homes for future families do to the Town being mostly an agricultural area and located in an ag district. The current Comp plan states that the primary industry of the Town is agricultural. Woodruff stated that one issue with the Town is that a large portion of the Town does not perc and is not conducive to a regular septic system. The other issue is public water, the Town has previously conducted a study on how to supply the Town with public water and they have just finished up a second study as well. The major issue is the cost, and the public desire to have it. Compton stated that the school may had made an error in increasing the size of the school without having the students to utilize it. Family size and young families leaving the area is and will continue to be an issue, however this is a farming /ag community and we want to keep that without hurting the community. Overmoyer stated that Cornell has done studies that show farming communities have less tax problems than other non-ag communities, Pellett agreed as the more people in a community the more services are required that cost money to maintain. Woodruff stated that we need to try to get some more industry and try to maintain a balance and it is not easy to do. Fink stated that some plan for moderate growth without becoming Victor or Canandaigua is what he would like to see. The plan is to build up the Village and the Town around the Village, but leave the rest of the Town rural and agricultural. Fink brought up a question on public water in an ag district. Woodruff stated that if you are in an Ag district and you put in public water, the only people that can hook up to it would be the houses and buildings that are already there because low interest funding was used. He also stated that the State code says if you are within 1,000 feet of public water you can hook up to it.

A discussion held on a possible concern regarding property that has a Special Use Permit to sell used vehicles. The discussion in the meeting minutes at the time of review for the hard-packed surface the vehicles were to be parked on was compacted millings (pervious) the landowner has since paved this area making it impervious. The drainage plan may have changed as well as the percentage of lot coverage. Further discussions below.

Kier stated that he had measurements taken, Woodruff stated that the Town originally approved 25,915 square feet(sf), it was measured and including the driveways there is 22,965 sf of blacktop which is over the allowed 35 percent of lot coverage as it is currently at 42 percent. Compton stated that a variance would now be required as the lot coverage for impervious surface has been exceeded. If he left the driveway gravel and pervious it would have been ok and not exceeded the lot coverage percentage. Overmoyer stated that the water run off needs to be looked at again to make sure the drainage is adequate to handle the current property condition. Compton stated that we unfortunately have to have the property owner jump through some hoops but it may be as easy as having an Engineer visit the site an do some sizing and measurement's and write us a letter stating it is ok to go along with his variance application. The Town doesn't want to ignore a change in the property without making sure it is now safe and the storm water runoff will not be a concern.

**IV. Minutes from August 16, 2018**

**Overmoyer made a motion and Lester seconded the motion to approve the minutes of August 16, 2018**

**All Board members present voted Aye, Fink Abstained as he was not present at the August 16, 2018 meeting.  
Vote was carried.**

**V. Meeting Adjourned**

**Pellett made a motion and Lester seconded the motion to close the meeting.**

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

Respectfully submitted,

Kimberly Rayburn  
Planning & Zoning Board Secretary