

WAYNE COUNTY PLANNING BOARD

MINUTES

August 28, 2019

Chairman, Rob Burns called the August meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Wayne County Office Building in Lyons, New York.

Board Present: Ron Baker, Mert Bartels, Rob Burns, Joe Catalano, Steve Guthrie, Bob Hutteman, Bert Peters, Larry Ruth, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

JULY 2019 MINUTES

Action – Approve

Motion – Mr. Hutteman

Second – Mr. Wedman

Abstention – Mr. Bartels

Motion carried

ZONING AND SUBDIVISION REFERRALS

Car Dealership, 4 Montezuma Street, T. Lyons

Special Permit, Tax Map Ref. No. 71111-09-117632

Used car dealership. Ryan Phelps and Michael Victorious presented.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Hutteman

Opposed –

Abstention –

Motion carried

Comments:

Some of the comments are more closely associated with businesses that also provide repair services, but the Board still wanted to include them for reference as follows:

- 1) traffic generating characteristics of this proposal as well as adjacent/surrounding land uses should be considered, including, but not necessarily limited to traffic circulation (i.e. associated with Montezuma Street and the access driveway), building area(s) and associated parking area(s). They should all be designed/developed and function in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Montezuma Street,
- 2) total number of available parking/display spaces should be determined/delineated, possibly on a scaled survey map or sketch/site plan,
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and displayed vehicles should not impede available sight distance,
- 4) no development/display should take place in town right of way areas,
- 5) emergency service vehicle access should be provided for,
- 6) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located near the highly traveled NYS Rt. 14/Erie Canalway National Heritage Corridor,
- 7) outside storage should be limited (e.g. equipment/items in disrepair should not be permitted to accumulate),

- 8) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 9) any /all hazardous/toxic materials must be properly stored, handled and disposed of,
- 10) the associated building/garage must meet applicable NYS Uniform Fire Prevention and Building Codes given the existing/proposed use and
- 11) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation and NYS Department of Motor Vehicle - auto repair/service work related, NYS Uniform Fire Prevention and Building Codes).

Solar Law, T. Galen

Amend Text

Amend Galen zoning law to add Appendix E - "Solar Development and Battery Storage Systems".

This referral was reviewed and determined to be of no intermunicipal or countywide impact:

Action – Return this referral to the Town to be handled as a local matter

Motion – Mr. Catalano

Second – Mr. Baker

Opposed –

Abstention –

Motion carried

Comments:

- 1) the proposed zoning update should be undertaken “in accord with a well-considered plan” or “in accordance with a comprehensive plan”, as referenced in the James A. Coon Local Government Technical Series publication, “**Zoning and the Comprehensive Plan**” (available online @ http://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf) and
- 2) the Town attorney should review and approve the proposed amendments.

For reference, the Board often tries to provide “standard comments” for consideration when photovoltaic system applications are reviewed. They understand that many of the following items (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation” presentation) are addressed in the proposed local law but to be consistent, still felt they should be included in the letter:

Compatibility with neighborhood character:

1. Do not negatively impact adjacent uses
2. Visually compatible
 - a. For example, potential impact includes glare or reflection, which might be nuisance to other property owner or impair visibility of motor vehicle drivers
3. Use sensitivity especially in areas containing unique architectural styles or historic structures

Review elements:

1. Access to solar energy
2. Casting shadows
3. Blocking view sheds
4. Causing glare
5. Rain run-off

Decommissioning provisions:

- Some municipalities address abandonment, decommissioning or “cessation of activity” within their regulations

- For example, “Must ensure site will be restored to useful, nonhazardous condition, including completion time frame for complete removal of collectors, mounts and other associated equipment and facilities”
- Some require decommissioning plans, especially for commercial scale projects

The following documents may also contain useful information and are available from the NYS Department of State on their website as follows:

- **“Creating the Community You Want: Municipal Options for Land Use Control”** @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
- **“Questions for the Analysis and Evaluation of Existing Zoning Regulations”** @ https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf

As a note, the WCPB has reviewed approximately ten (10) similarly sized photovoltaic (PV) systems, 2 - 4 megawatt system capacity, from municipalities across the county since late 2016. In their review, the Board has noticed that several, but not all, of the proposals were for systems that would be sited on active farmland. They understand that some municipalities permit solar developments on farmland, but they are still interested in continuing to explore development options that would help minimize farmland impacts. The Board continues to seek additional information to help them assess/consider the relationship between items such as agricultural and farmland protection efforts (with particular consideration given to farmland that is classified as “prime” and/or of “statewide importance”), NYS clean energy goals, comprehensive plans/local zoning regulations and details regarding the proposed photovoltaic (PV) system development.

The Board, as well as our department, recently received information that seemed appropriate to share should you wish to research this subject further. The web links found below will lead to information that has been made available by the American Farmland Trust, NYSERDA and New York State Office of the Governor.

Some of the resources made available from the American Farmland Trust (AFT):

- Link to the “Farmland Protection and Solar Siting - June 17, 2019”, a webinar presentation pdf file regarding Smart Solar Siting (https://americanfarmlandtrust-my.sharepoint.com/personal/tholtby_farmland_org/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Ftholtby_farmland_org%2FDocuments%2FPresentations%2FSolar%20Webinar%20Presentation%202019%20CO%20MBINED%2Epdf&parent=%2Fpersonal%2Ftholtby_farmland_org%2FDocuments%2FPresentations).
- Link to New York State Department of Agriculture and Markets **“Guidelines for Agricultural Mitigation for Solar Energy Projects (Revision 4/19/2018)”** (https://www.agriculture.ny.gov/ap/agsservices/Solar_Energy_Guidelines.pdf) and **“Guidelines for Agricultural Mitigation for Wind Power Projects (Revision 4/19/2018)”** (https://www.agriculture.ny.gov/ap/agsservices/Wind_Farm_Guidelines.pdf) which include Best Practices and standards for construction, operation, and decommissioning projects on farmland
- Additional compendium of [Solar Siting Resources](https://www.farmlandinfo.org/special-collections/4718) (<https://www.farmlandinfo.org/special-collections/4718>) from the Farmland Information Center
- Link to the **Farmington, NY: Solar Photovoltaic Systems Siting Ordinance** (<https://www.farmlandinfo.org/farmington-ny-solar-photovoltaic-systems-siting-ordinance>) available from the Farmland Information Center
- Link to **Farms Under Threat** Report (<https://farmland.org/project/farms-under-threat/>) available from the American Farmland Trust
- Link to **Planning for Agriculture in New York Guide: A Toolkit for New York Towns and Counties** (<https://www.farmlandinfo.org/planning-agriculture-new-york-toolkit-towns-and-counties>).

Some of the resources made available from the New York State Energy Research and Development Authority (NYSERDA):

- **Clean Energy Siting for Local Governments:** <https://www.nysersda.ny.gov/All-Programs/Programs/Clean-Energy-Siting>
- **Clean Energy Standard:** <https://www.nysersda.ny.gov/All-Programs/Programs/Clean-Energy-Standard>
- **Guidebook for Local Governments:** <https://www.nysersda.ny.gov/All-Programs/Programs/NY-Sun/Communities-and-Local-Governments/Solar-Guidebook-for-Local-Governments>
- **New York State Energy Storage:** <https://www.nysersda.ny.gov/All-Programs/Programs/Energy-Storage>
- **Solarize Your Community:** <https://www.nysersda.ny.gov/All-Programs/Programs/NY-Sun/Communities-and-Local-Governments/Solarize>

Some of the news made available from the New York State Office of the Governor “Pressroom” webpage:

The Climate Leadership and Community Protection Act (CLCPA) was signed by Governor Cuomo on July 18, 2019. Information regarding New York State’s comprehensive climate and clean energy legislation can be found by accessing the following link that was listed on the Governor’s Pressroom webpage @ <https://www.governor.ny.gov/news/governor-cuomo-executes-nations-largest-offshore-wind-agreement-and-signs-historic-climate>. The following items were copied from a pressroom document:

Historic Climate Leadership and Community Protection Act

The CLCPA requires the State to achieve a carbon free electricity system by 2040 and reduce greenhouse gas emissions 85% below 1990 levels by 2050, setting a new standard for states and the nation to expedite the transition to a clean energy economy. The new law will drive investment in clean energy solutions such as wind, solar, energy efficiency and energy storage. Importantly, implementation of the CLCPA will target investments to benefit disadvantaged communities, create tens of thousands of new jobs, improve public health and quality of life and provide all New Yorkers with more robust clean energy choices.

Highlights of the new law include:

Putting New York on Road to Economy-Wide Carbon Neutrality: *The New York State Department of Environmental Conservation (DEC) will, through the adoption of regulations, drive an 85% reduction in greenhouse gas emissions by 2050, with an interim mandate of 40% reduction in emissions by 2030 (both relative to 1990 levels). The Climate Action Council will develop a plan to offset remaining emissions through carbon capture or other technologies, resulting in a carbon-neutral economy.*

70% Renewable Energy by 2030 and Zero-Carbon Emission Electric Sector by 2040: *The CLCPA codifies Governor Cuomo's nation-leading goals as called for under his Green New Deal, mandating that at least 70% of New York's electricity come from renewable energy sources such as wind and solar by 2030, and that the state's power system is 100% carbon neutral by 2040.*

Nation-Leading Clean Energy Investments: *The CLCPA also codifies Governor Cuomo's nation-leading commitments to install 9,000 megawatts of offshore wind by 2035; 6,000 megawatts of distributed solar by 2025; and 3,000 megawatts of energy storage by 2030.*

Climate Action Council and Policy Roadmap: *Expert heads of relevant state agencies and legislative appointees will craft the roadmap of policies needed to achieve the law's mandates. The Council, co-chaired by the New York State Energy Research and Development Agency (NYSERDA) and DEC will establish sector specific working groups to make sure experts and stakeholders inform all policies developed under the CLCPA. Planned working groups include a just transition working group, as well as working groups on transportation, agriculture, energy-intensive and trade-exposed industries, land use and energy efficiency.*

Landmark Investments in Environmental Justice and Just Transition: *Relevant state agencies will invest 35% of clean energy program resources to benefit disadvantaged communities, and will aim to invest 40%. Additionally, the just transition working group will work to ensure that individuals working in conventional energy industries are provided with training and opportunities in the growing clean energy economy.*

Rezone Lake Road, 7920, 7924, 7936, 7950 Lake Road, V. Sodus Point

Amend Map, Tax Map Ref. No. 70119-20-754060, 70119-19-739124, 70119-20-753126, 70119-20-769128

Rezone 4 parcels to LCR or Public.

Action – This referral was reviewed and determined to be of no intermunicipal or countywide impact, MOTION DID NOT CARRY

Motion – Mr. Ruth

Second – Mr. Hutteman

Opposed – Mr. Peters, Mr. Catalano, Mr. Baker, Mr. Guthrie, Mr. Bartels

Abstention –

Motion did not carry

Comments:

A motion was made to report that the proposed zoning amendment has no significant county-wide or inter-community impact, but the motion did not carry. No additional motion was made. Board members who did not support the motion were seeking additional details to help them assess/consider the relationship between the proposed zoning amendment and supporting local land use plans.

For reference, the Board routinely recommends the following comments (Nos. 1 and 2) and refers to other publications that are available from the New York State Department of State (Nos. 3 and 4) when reviewing proposed municipal zoning modifications:

- 1) the proposed zoning amendment should be undertaken “in accord with a well-considered plan” or “in accordance with a comprehensive plan” as referenced in the James A. Coon Local Government Technical Series, “**Zoning and the Comprehensive Plan**” (available online @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf),
- 2) the Village attorney should review and approve the proposed amendment,
- 3) “**Creating the Community You Want: Municipal Options for Land Use Control**”, available online @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
- 4) “**Questions for the Analysis and Evaluation of Existing Zoning Regulations**”, available online @ https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf

Springer Construction Group, 4522 Eddy Ridge Road, T. Marion

Final Subdivision Plan, Tax Map Ref. No. 65115-00-195617

4 lot subdivision. INFORMAL REVIEW ONLY. No action to be taken by the Board.

Comments:

- 1) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses,
- 3) the proposed sanitary sewer systems must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 4) the proposed lots/development must meet applicable local, federal and New York State (e.g. Department of Health, Uniform Fire Prevention and Building Codes, NYSDEC - Phase II stormwater management and erosion and sediment control plans) codes/regulations,
- 5) the proposed driveways should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and driveway design should include provision for emergency service vehicle access (if applicable),
- 6) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),

- 7) the applicant(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations,
- 8) future plans (if any) regarding the total acreage should be considered and
- 9) all necessary “cross-lot easements“ should be in place to ensure that existing and potential future developments can maintain their function and compatibility (e.g. access/driveway, parking, utility, etc.).

The Board appreciated having the chance to informally review the application and provide comments.

Callaghan Auto, 39.5 State Street, V. Sodus

Special Permit, Tax Map Ref. No. 69117-06-353955

Sell used cars online. INFORMAL REVIEW ONLY. No action to be taken by the Board.

Comments:

The Board felt that having additional site/sketch plan-related detail regarding existing/proposed vehicle display area(s) would be helpful to have. Some of the comments are more closely associated with businesses that also provide repair services, but the board still wanted to include them for reference as follows:

- 1) traffic generating characteristics of this proposal as well as adjacent/surrounding land uses should be considered, including, but not necessarily limited to traffic circulation (i.e. associated with Montezuma Street and the access driveway), building area(s) and associated parking area(s). They should all be designed/developed and function in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to State Street,
- 2) total number of available parking/display spaces should be determined/delineated, possibly on a scaled survey map or sketch/site plan,
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and displayed vehicles should not impede available sight distance,
- 4) there should be no development/display in village right of way area,
- 5) emergency service vehicle access should be provided for,
- 6) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located near the highly traveled State Street,
- 7) outside storage should be limited (e.g. equipment/items in disrepair should not be permitted to accumulate),
- 8) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 9) any /all hazardous/toxic materials must be properly stored, handled and disposed of,
- 10) the associated building/garage must meet applicable NYS Uniform Fire Prevention and Building Codes given the existing/proposed use and
- 11) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation and NYS Department of Motor Vehicle - auto repair/service work related, NYS Uniform Fire Prevention and Building Codes).

Other Business:

There being no further business, Mr. Ruth made a motion to adjourn, seconded by Mr.Hutteman. The meeting was adjourned at 8:05 PM.

Respectfully submitted,
Tracy Lambie, Secretary