

Colden Planning Board Meeting

August 15, 2017

Planning Board Frank Hrycik, Walt Kammer (Chairman), Linda Kotlarsz,
Members Present: Peter Newsom, George Reinhardt, Rich Sheldon, and Bobby Walker

Excused: Jesse Hrycik (Councilman)

The August 15, 2017 Planning Board Meeting was called to order at 7:00 PM in the courtroom at the Colden Town Hall.

I. Old Business

July Minutes

The Board Members reviewed the July minutes and Peter requested a change to be made to the following: Page 2, under Solar Energy and will read as follows:

After the motion and vote passage, for informational purposes only, Walt inquired to each negative vote what the specific issue was which didn't allow them to vote in the affirmative. Bobby's concern was related to the aesthetics of the installations in all zoning, but especially residential zoning. Peter's concern hinged upon wanting greater setback and offset distances than those in the negotiated position (in the Planning Board's recommendation) of placing significant "footage" values into the recommended code versus the practice common in other local jurisdictions of using existing setback/offsets for accessory structures; some jurisdictions use a multiplier of one, and a couple use twice the normal setbacks (the latter setback topic was previously discussed in prior board meetings).

Peter motioned to approve the revised minutes and Linda seconded, all were in favor.

Town Board Workshop

Walt summarized his presentation by reviewing graphs and data with the Board Members that was supplied to the Town Board prior to the Workshop meeting. Walt expressed his gratitude to the Town Supervisor for allowing the Planning Board to review and implement the changes and concerns of the Town Board, instead of the Town Board making the changes without the Planning Board's input. During the workshop, Walt explained the concerns of the two Planning Board Members that voted against the Solar Panel code, and that their input was appreciated. Walt explained his concern for Article 10 and explained the impact that it would have on the Town of Colden; Walt also addressed many other impacting factors with the Town Board during

the workshop and they are documented in the presentation slides which the Town Clerk has on file and which have been supplied in softcopy PDF to the Town Board and Planning Board members. Finally, during the workshop the attending Planning Board members, as well as the Code Enforcement Officer, gave valuable feedback to the Town Board about the SECS Chapter 107 Version #26.

Resolve Questions/Concerns from the Town Board Regarding the Colden Solar Energy Conversion System Chapter 107 (Version #26):

A handout was supplied to all in attendance. Walt asked the Planning Board to review the following changes for the three action items listed below in response to question by the Town Board and enhancements identified subsequently:

1. Delete highlighted segment from Ver#26, Page 3: "...and which consist of an overall footprint of a maximum of twenty (20) acres".
2. Improve the wording to Ver#26, Page 6: "... (and all ground mounted solar energy systems over 25kW)..."
3. Adding the following wording to Ver#26, Page 7: "...M. The Town of Colden reserves the right, by local laws, to provide that no exemption pursuant to the provisions on New York State Real Property Tax Law (RPTL) 487 shall be applicable within its jurisdiction."

Walt asked if all the Board Members concur with these three items. Peter motioned to approve the changes and Rich seconded. All were in favor without any discussion.

The Board Members reviewed and discussed the possible change to Ver#26, Page 7. The setback distance of non-utility ground mounted solar energy systems needed to be defined in a better manner, so as to fairly treat non-conforming lot landowners, as well as smaller acreage landowners who wish to have the benefits of a ground mounted solar energy system on their land. This responds to concerns discussed by the Town Board at the workshop. Rich suggested: "2X" the regulated setbacks for accessory structures etc. in each Zoning District. After significant discussions, Bobby motioned and Linda seconded the suggestion made by Rich. Five out of seven Board Members approved the motion.

Ver#26, Page 7/8

The Planning Board decided that statements for (4) and (5) should remain without any changes.

Proposed Chapter 107 Solar – Vers.#26

The Board Members reviewed and discussed in great detail the concerns of the Town Board which dealt with what was viewed as an overly restrictive limit on acreage and percentage of land which could be used for development of a large solar project. Rich motioned to accept the approach of a two tier approach for such developments; moderate size parcels between 15 acres and 50 acres would have a higher percentage of coverage permitted than larger parcels. Peter seconded. Six out of seven Board Members approved the motion. The revised recommendation will include the two tier method of resolving the Town Board's concern on this issue.

Section 107-9 Special Use Permit Criteria:

The Board Members reviewed and discussed a Town Board concern about the maximum acreage coverage for utility-scale systems; it was felt that the original 20 acre limit would prohibit too many landowners which have ongoing discussions with SECS developers; most all have desires for utility-scale projects larger than 20 acres. After much discussion on this matter, Rich motioned to recommend to the Town Board the maximum area of 40 acres can used by utility-scale Solar Energy System and Frank seconded. Four out of seven Board Members approved the motion.

Ver#26 Page 10/11

The Board Members reviewed a possible concern by the Town Board regarding setbacks on utility-scale SECS, and after much discussion Peter motioned to leave as written since almost all concerns can be addressed as conditions/restrictions during the Special Use Permit procedure. Rich seconded the motion and four out of seven Board Members approved the motion.

The Board Members reviewed the Chairman's added recommendation for inactive railroad's rail bed right of way, as referenced as (5) under setbacks. Walt hoped that would be accepted as it was added for future possibilities and to address any potential uses of those rail beds for future generations.

Ver#26, Page 14

The Board Members reviewed a PB recommendation to improve administration of SECS projects. This would add the change to: "... (L) Any changes or alterations (post-construction) to a utility-scale or any solar energy system which was not processed via the Colden Unified Solar Permit method, shall be done only by amendment to the Special Use Permit and/or site plan (if required) subject to all requirements of this Code at the time of the change or alterations request by the Applicant..."

Walt asked for discussion or concerns of the last two above changes. Rich motioned to accept the recommended changes and Peter seconded. All were in favor.

Walt will meet with the Town Attorney, as necessary, to review any concerns.

Administrative Local Law for SECS Use Districts

A task for the Planning Board related to the adoption of Chapter 107 Solar Energy Conversion Systems (SECS) code remains. That task is to recommend a Local Law which establishes the Use Districts, in Chapter 108 Zoning Code, for permitted Solar Energy Conversion Systems. The Planning Board members were supplied with a draft of that Local Law's salient details. Walt asked the Board members to review the Planning Board Draft 1 Permitted Use Changes to Chapter 108 Zoning. After review, Rich motioned to approve the Permitted Use Changes and

Linda seconded. All were in favor. Walt will prepare a final recommendation, with legal preface, and supply that in complete form to the Town Board for action in conjunction with any adoption of the Chapter 107 SECS code.

Fines & Fees

Walt asked if the Members of the Subcommittee group would have a timely meeting regarding unified solar permit and non-unified solar permitting fees. Obviously the most recent recommendation was prepared prior to the Chapter 107 SECS recommendation(s). Walt also requested the group to review the Special Use Permit (SUP) fee as applied to larger scale SECS projects so that it properly captures the effort level which will be needed by Town Officials when processing such a project for an applicant. Walt asked to receive the updated copy by next month's meeting so that the Town Board may consider it in a timeframe consistent with any possible adoption of the recommended SECS Chapter 107 code.

CEC Benchmarking and Colden Unified Solar Permit (USP)

Walt reviewed with the Planning Board the Town Board's acceptance of the Resolution for CEC Benchmarking, and the approval by Resolution for adopting the Colden Unified Solar Permit (USP) after which the Planning Board can incorporate the USP into the Chapter 107 SECS code for consideration.

CEC Update on Code Enforcement Training High impact Area

Walt advised that a training seminar hasn't been scheduled due to lack of availability of the NYS trainer who is obligated to perform that training for Code Enforcement and three Town Officials. Walt will take a more aggressive role is attempting to move that milestone along.

Temporary Signs

Rich requested, due to the late hour, to defer the topic until next month.

Continued Accessory Structure/Use Discussions

Walt asked Bobby for any updates and if he had time to research tiny houses along with tree house codes. Bobby stated that the tiny house requirements will not meet the Town of Colden square footage requirements. Bobby tried researching tree house codes in the search engine that Walt provided and he didn't find anything for structures mounted in trees as of the meeting date tonight.

SUP Recommendation Status and Change of Use Recommendation

The Town Board, at the August meeting, approved a (SUP) for a Kennel Permit and a Change of Use for a Forestry project as recommended by the Planning Board. Some changes to the Planning Board's formal kennel recommendations/conditions were made after Town Board discussion.

NYSEG Distribution Power Line Thinning Activity

Walt gave an update that tree trimming was delayed for the Town of Colden.

Town of Colden Highway Department Solar Panel CEC Initiative Update

Walt is preparing a draft to send to the Town Board regarding alternatives for funding and moving forward, as this will be a long term action item for all parties, perhaps tied to CEC funding or funds from other sources. Walt will comment at the next Planning Board meeting if details are formalized for discussions.

Revisiting of the Existing Colden Kennel Code

Walt asked the Board Members to think about reviewing the existing Colden Kennel Code and reviewing the number of dogs allowed on a Citizen's property. The Board should be prepared to discuss this topic at the next Planning Board meeting.

Rich motioned to adjourn the meeting at 10:01 PM, and Bobby seconded. All were in favor.

Submitted by: Crystal Barrett