

Town of Granby
Zoning Code Review Committee

Meeting Notes – March 10, 2020

A meeting was held on Tuesday March 10, 2020 at 5:00 pm with the following members and professionals present:

John Snow Jr.
David Crockford
Tina Sawyer
Loretta Waldron - absent
Lisa Somers
Lynn Lyons - absent
Christine Bassett
Jamie Lynn Sutphen - attorney
Howard Brodsky - planner
Doug Miller – engineer

Also Present: no one.

Committee Member Linda Parkhurst resigned from group.

UPDATES

In November 2019, the **first proposed amendment** of the Zoning Code Review Committee was **adopted by the Town Board**. The amendment removes the clause at the end of the Use Chart, and adds additional language meant to clarify the process for uses not listed.

Howard Brodsky explained an ongoing project, which he is finalizing, involving the development of a unified Zoning Ordinance which will be accurate and inclusive of all NYS filed amendments to date. Many of the amendments listed on the cover of the Zoning Ordinance are unidentifiable, therefore collection of all DOS filed amendments was completed and supplied to Mr. Brodsky, who is merging them with our Word formatted original copy of the Town's Zoning Ordinance. It will then need to undergo the review process of Granby Planning, County Planning, SEQR and Public Hearing before it can be adopted by the Town Board as a true and accurate version of the Granby Zoning Ordinance.

A Schedule was developed by the three professionals to illustrate the Planning Program Project List generated by discussion from the Committee. The projects are categorized into two tracks, either Policy or Non-policy, and can be worked on and completed independently or in concert. The topics tend to intertwine as targeted policy decisions and actions will require foundational support through the non-policy projects. The chart also has space for numerical prioritizing, as well as a status area for updating as projects develop. The first prioritized project identified on the List is the Use Chart amendment, which may now be updated as completed. The next areas tentatively identified as priority status are two non-policy projects of: 1. updating the Zoning Code and establishing an Official Copy, and 2. having Oswego County Planning perform Town Wide Mapping of elements such as land use, wetlands and slopes for research purposes moving forward. A policy project identified on the Schedule as the next priority is to develop regulations for solar and wind energy facilities. The Committee members are in agreement to pursue drafting solar and wind energy regulations as the next proposed amendment.

PROJECTS

SOLAR-WIND ENERGY FACILITIES:

Doug Miller commented on discussions he's had recently with the Town regarding new applications and general interest for the development of community solar farms, which is a land use not covered within the Zoning Ordinance. The professionals have all individually

worked on amendments for energy facilities in the various Towns they've represented, and speculated that the Committee could accomplish the task in three months. John Snow relayed information that he had received from the recent Association of Towns Meeting and Training School regarding the Governor's green initiative and its possible effects across the state. The goal for renewable energy in NYS is 70% by 2030. The creation of a State Siting Board for facilities >25 MW, via Article 10 of the Public Service law, would allow for quick approvals statewide by replacing local permits, environmental review and siting regulations. Currently the Town lacks regulations to manage facilities <25MW for residential and commercial purposes, that should be the focus of the Committee's work should the State prevail with the siting board. John Snow further stated that the initial impact to Granby should be small because of the limited capacity currently available, two or three projects could access current substations located within two separate areas of the Town. He is currently generating a hosting capacity map which can be distributed to the members when finished. Discussion of building infrastructure to enable additional capacity was broached as an alternative a developer could pursue if they proposed to locate a facility in the Town – a developer providing build out to infrastructure is always a positive for the Town. The Town adopted the Unified Solar Permit a few years ago which has been adequate for residential and small-scale installations on buildings and self-standing units thus far. In order to efficiently discuss the creation of a new section to the Ordinance the members were tasked with obtaining general education of the science and technology pertaining to solar and wind energy.

Howard Brodsky explained that zoning deals with the physical features of land use. The knowledge of the positive and negative aspects of a use, coupled with the Town's vision, will determine the regulation parameters needed to permit the activity.

Some impacts to consider that were discussed:

1. Visual – Are they aesthetically pleasing to a neighborhood, or not? Do they cause glare and pose a safety risk for automobile drivers? Think of mitigation techniques like setback from streets or residences.
2. Sound – humming from the inverters can be loud and pervasive – Is it? Research to verify what it is and any possible mitigation.
3. Wildlife – possibility of birds burning if too close to panel, or fencing interfering with migration and travelling routes of local deer. True or false? Determine what the impacts are, if any, for Granby specifically.
4. Safety – battery storage units have been known to burst into flame – do they? Find out specifics like size, quantity and damage radius to assist decisions like setback distances.

Directional questions to focus review:

- Consider all the impacts from the solar/wind land use, and determine if it differs among sections of the Town.
- Consider what factors should trigger the need for a regulation such as minimum acreage, coverage percentage or facility size by MW.
- Consider characteristics of the existing land in Granby like wetlands, steep slopes and prime farmland.

Mr. Brodsky commented that reviewing a combination of existing variables such as lot size/arrangement and locations of 3 phase capacity power lines, for example, could present trends or patterns otherwise not readily apparent. Research in empirical data format is an important part of the Committee's work. The professionals referred to the Schedule - Track 2, non-policy project of Town-wide mapping. Howard Brodsky plans to develop a list of characteristics that involves environmental, historical-cultural, public infrastructure and land use themes that he will present to Oswego County Planning to implement into a map format. The resultant will be an atlas of Town characteristics that will serve as a research tool for the Committee to support upcoming work. Members of the Committee stated that the County has assisted the Town in the past with this task when creating the Comprehensive Plan (which is

outdated by 20 years). Clerk will provide the contact information for County Planner Karen Noyes.

John Snow commented that he had been looking at the lots surrounding the 3 phase wires and found that the residential development along main roadways have left large open expanses of undeveloped property behind them. With a simple access driveway, the property in the rear could be developed and not necessarily be seen from the roadway – a panhandle shaped parcel. A large setback requirement between residences and the project site would mitigate any impact to the houses while allowing solar development in those unused areas. The professionals urged the members to review the regulations discussed for Volney and Skaneateles but to also look at others, sometimes Towns enact a regulation specific to their Town that can translate to others. David Crockford added that the Town of Conquest has been in the news lately for a huge solar farm recently built and maybe their regulations would be helpful. Howard Brodsky described a creative solution employed recently for mitigation between farmland and a solar farm where multiple uses were permitted - sheep and goats allowed to graze on the land beneath the solar panels.

The Clerk will email and provide hard copies of the following:

- Town of Volney Proposed Regulations for Solar Energy
- Town of Skaneateles Regulations for Solar Energy.
- Town of Conquest Regulations for Solar, if available.
- 2020 Association of Towns power point by Zoglin Group: Article 10 Power Plant Siting: Considerations when Drafting Wind and Solar Zoning Laws.
- 2020 Association of Towns power point by Zoglin Group: Article 10: Environmental Review, PILOTS and Host Community Benefit Agreements
- Map of Hosting Capacity for 3 Phase in the Town of Granby.

Some discussion ensued regarding an important and useful provision to ensure the proposed facility will be operational once built. Requiring applicants supply documentation of having received approval from a utility company prior to the commencement of any Town approval process should be included in our draft.

SOIL & GRAVEL MINING:

Christine Bassett provided an update of the local mining operations identified by the assessor's property coding that totals fifteen. She has been working with County Planning as well, and will be receiving a map illustrating those property locations.

HOME OCCUPATIONS:

This project needs development of additional facts and research to determine patterns or trends to either change or enhance. A list was generated of approvals for special use permits and site plan reviews spanning the past seven years, which has been transposed to a spreadsheet of primary and secondary usage. A history of conflicts with the Codes office could be helpful, Lisa Somers (Codes & Assessor Clerk) will gather reports of past actions and violations. Jamie Sutphen stated that the Committee's work has to be enforceable and a review of the past actions can show where pushback has occurred, which can be assessed and possibly alleviated by our changes to the text. Explanation of the cases and their outcome should be gathered for this purpose.

PACKAGE OF TASKS generated from tonight's discussion:

1. Professionals continue updating Zoning Ordinance to establish Official Copy.
2. Professionals to approach Oswego County Planning to provide Town Wide Mapping
3. Lisa Somers to email and hard copy research materials discussed for solar work.
4. John Snow to complete Host Capacity 3 Phase Map of Granby.

5. *Committee members research the science of solar, review similar Towns regulations, consider aspects of Granby and develop some physical parameters for controlling/regulating solar development.*
6. *Christine Bassett to receive mining map from County Planning.*
7. *Lisa Somers to gather Codes data for history of activity.*

TOWN MORATORIUM

Discussion of the amount of work the Committee would like to accomplish, and the period of time left in the moratorium in order to complete high priority projects needs adjustment. The Moratorium was adopted by the Town Board on June 12, 2019 with an established timeframe of one year. The Committee was in agreement that an extension of the moratorium with an additional six-month timeframe would enable several necessary projects to be completed and offer adequate protection to the residents for new applications and land uses. The professionals stated that the extension would require a demonstration that the Committee is working and making progress and should be handled by the Town Attorney, Matt Ward. The clerk, Lisa Somers, will notify the attorney of the Committee's request and supply documentation of the Schedule of projects, the first amendment adopted into Local Law and the minutes from five meetings.

The next meeting is scheduled for **Wednesday, April 15, 2020** between **5:00 & 7:00 pm.**

Next Meetings Homework for Members:

- Continue to clarify the tasks in the Planning Program.
- Review other Town codes for Solar – Volney and Skaneateles.
- Review power point training information (Zoghlin Group/Association of Towns 2020) regarding Solar.
- Determine what specific solar regulations would be good for Granby.

Meeting ended at 7:00 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk