

Town of Granby
Zoning Code Review Committee

Meeting Notes – April 29, 2020

A meeting scheduled on April 15, 2020 was cancelled due to the Covid-19 pandemic closings. A new meeting was scheduled and held via “GoTo” remote meetings on Wednesday April 29, 2020 at 5:00 pm with the following members and professionals present:

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

Also Present: no one.

COVID-19

The current public health crisis closed the Town buildings to the public and reduced staffing to remote working from home in mid-March. To meet the requirements established through consecutive Executive Orders of the Governor of NYS, the Town of Granby has contracted the use of remote meeting software to allow business to proceed while conforming with the social distancing requirements. This meeting was facilitated by the “GoTo” app, which meets the requirements of the Open Meetings Law, allows real time discussion, and provides a secure site for municipalities.

NYS LAW

The consultants began the meeting with an agenda item to discuss newly passed legislation that impacts the development of solar energy facilities across the state. As part of a budget act adopted by NYS on 4/3/2020, the siting and environmental review of solar systems that produce more than 25 MW of power will have oversight provided by a state reviewing board. This action is known as Article 10, and is a revision of a previous solar law. A question arose of whether we were spinning our wheels at this point, to which Howard Brodsky responded, no the state has approval for projects larger than 25 MW only. He added that typically a one (1) MW facility plans for 5 acres of land, so a 25 MW facility would encompass 125 acres of land. Any legislation enacted by the Town would regulate all the projects smaller than the 25MW facility, which covers many different sized projects that could enter the Town. Jamie Sutphen and Howard Brodsky explained that making more stringent conditions to challenge a project where the state has pre-empting authority would involve more research if that is what the Committee determines is needed at the conclusion of the review.

SOLAR ENERGY SYSTEMS

The Committee consultants supplied a draft version of proposed solar energy regulations for the members to review and evaluate in terms of whether it addresses the needs and goals of the Town of Granby. Current regulations from Skaneateles and proposed regulations from Volney were used as beginning templates for new regulations in Granby because they are similar to Granby in size and land use. The Committee members supplied comments and thoughts via emails to the consultants for their consideration when drafting the proposal. The text provided is for illustrative and temporary draft status discussion only. The red text within the document identifies ideas or thoughts of committee members that were added to establish standards representative of Granby’s intentions. Howard Brodsky briefly explained the outline

of the sections contained in the document as follows - General Regulations covering security and issues impacting the environment such as habitat protection and noise. Other sections include Definitions, Table for dimensional requirements and review processes, Exemptions/Waivers, Nonconformities, Discontinuance/Decommission, Supplemental Submissions, and Supplemental Standards of review.

Initially, the discussion centered on the paragraph written for *Intent* – to describe the Town’s purpose for implementing standards for solar development. It is as follows:

Intent –The purpose of the following regulations is to promote and accommodate the provision of solar energy systems as an environmentally friendly alternative source of energy for town residents and businesses. The Town shares the general goal of encouraging solar energy generation with Federal and State programs. However, Federal and State programs focus on total energy production, the interface with public utilities, and operational characteristics of solar energy systems, while the Town is more concerned with the physical characteristics and impacts of solar energy systems. These regulations reflect the Town’s concerns.

Many of the members concurred that the text aptly covered the reasoning for the project with the following thoughts and comments:

Christine – wildlife and environment important; sound protection while facilitating solar development.

John – Solar is coming, we really have no choice. To discourage or over-regulate the use would only result in challenges wherein we’d probably be overruled.

Dave – sounds good. Embracing the technology with concern.

John – the view is important – not being able to see them from the road – probable development would be behind street lined residential

The consultants concluded that “environmentally friendly and aesthetically appropriate” verbiage could be added to the intent paragraph.

Sections discussed as follows:

2. a. iv. a) provisions for ownership change added since it is conceivable for facility to be sold.

2. b. protection of agricultural soils – important element of Granby’s identity.

2. c. habitat protection contains text to provide spaces for native plants and migratory birds with attention to migration corridors and seasonal nesting areas – in response to members comments.

2. d. noise is another concern of members that is addressed here with no system to operate above ambient noise levels.

2. e. i. and 2. e. ii screening and buffering are elements that members suggested in the emailed comments. Howard Brodsky stated that the two can often be confused as meaning the same thing when in reality they serve different purposes and occupy different sized spaces. Members should research these terms and provide input on how and/or whether they apply to Granby.

2. e. iii. Glare is a concern voiced by many – the statement requires non-reflective surfaces with position and location to minimize reflective glare onto public areas like roads.

2. e. iv. Viewsheds - to address visual impact for area directly observable within one (1) mile from points of public access and public ROW.

These sections evoked the most concern from the members and received additional explanation from the consultants. Christine Bassett commented that she doesn’t see how the regulations are implemented, for example noise – what are, and who determines the ambient noise levels. How does the Town deal with it? Howard and Jamie stated that the Planning Board discusses it during application reviews and the CEO inspects for conformance. Doug Miller further explained that the SEQR process, which accompanies all applications allows the discussion to take place with determinations of the level of significance for many specific environmental elements. The zoning text adds support to the importance of those environmental elements on a per case basis. He explained that readings would be conducted by a certified professional to determine what the ambient sounds and their levels are for the project area, which then provides a basis to determine whether the system exceeds the

established levels. Doug referred to the sections as supplying the 'rules of engagement' for processing the application. The Planning Board will need to undergo a comprehensive special use permit and site plan review that will implement the goals of the land use regulation. The purpose is to promote and accommodate alternative energy sources by residents and businesses while addressing and minimizing concerns of various impacts. David Crockford stated that he thought the regulation sounded well written, but that he would like to see a provision added to allow the planning board to hire consulting services to implement studies at the expense of the applicant. Jamie Sutphen thought that it was already within the Town's Ordinance. The consultants stated that they would rather add it to the Ordinance where it would apply to any application actions instead of just solar builds. They acknowledged that other construction problems exist within the Ordinance that they will try to address as well.

4. a. Table of Standards seemed to be liked by all members, and was a format borrowed from Skaneateles. Some values have been filled in specific to Granby and other areas are yet to be completed. Howard Brodsky needs the Committee to decide what each of the districts are going to allow, and what the dimensional requirements should be.

5. i. Exemption for farmers but not if solar is a separate principal use – in line with agricultural character of Granby.

5. ii. and iii. and iv. Waivers for situations of minimal dimensional overages due to modifications for technological changes and encroachments; also addresses conflict with state or federal programs. All meant to simplify minor deviations.

6. Nonconformities - includes registry for 12 months to establish status of pre-existing.

8. a. Utility connect, includes CESIR - engineering report for connection to National Grid System, response to member comment.

8. e. Decommissioning Plan – financial instruments need further investigation.

Lisa Somers commented that the regulation is comprehensive. It also references review processes of Special Use Permit and Site Plan which are nearly non-existent within the current Ordinance – will the consultants be addressing that non-policy task.

In conclusion, the consultants stated that we should be able to wrap up the draft and have a final version at the end of the next meeting in May. Jamie Sutphen stated that from tonight's discussion it seems that only minor modifications need to be made which will enable the group to move forward on other topics. She also stated that the Committee has to trust in their consultants and their professional expertise – an engineer, a planner and an attorney, all focused on developing efficient solutions to the issues voiced by the Committee members representing the welfare of the Town.

TOWN MORATORIUM

Supervisor John Snow updated the Committee that the Town Board is currently addressing a 6-month extension of the current Moratorium on all applications in the A-1, A/R and R-1 zoning districts.

The next meeting is scheduled via remote "GoTo" meetings for **Wednesday, May 20, 2020** between **5:00 & 7:00 pm.**

Homework for Members **WITHIN NEXT WEEK OR ASAP**** :**

- Send comments, thoughts, changes, additions... that you want included in the revision of the proposal – ASAP please.

Next Meeting's homework for Members

- Continue to clarify the tasks in the Planning Program.
- Considerations: Impermeable and Permeable Surface Coverages and Buffers.

Meeting ended at 6:35 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk