

TOWN OF
FARMINGTON



Solar Regulations Advisory Committee
May 31, 2017 Meeting Minutes
Town Parks Maintenance Building
5630 Collett Road

Members in attendance: Hal Adams, Town Agriculture Advisory Committee
Doug Viets, Town Planning Board
Patti Wirth, Town Conservation Board
Jamie Kinkaid, Town Code Enforcement Officer

Member excused: Nate Bowerman, Town Councilman
John Robortella, Clerk Solar Advisory Committee

Public in attendance: Eric Braken, Town of Hamlin resident and solar contractor

Mr. Brand opened the meeting at 6:35 p.m. and provided an overview of the charge to the Committee.

Mr. Brand noted that the normal Clerk of the Solar Advisory Committee, John Robortella, was excused from tonight's meeting due to medical reasons. It is hoped that Mr. Robortella will return to the Solar Advisory Committee at its next meeting.

Mr. Brand noted that due to current work load and many other priorities, he has been unable until now to prepare a preliminary draft for the committee's review. He did provide a brief overview of several municipal solar regulations that he had researched. Among those discussed were the regulations for the towns of Geneva, Canandaigua, Cambria and Bethlehem. Also discussed was the information submitted by Dennis Costner, entitled "Emergency Action Plan for Whitestone Solar Project, prepared by the Cypress Creek Renewables Group.

Mr. Brand noted that the committee is to present a draft local law to the Town Board prior to the end of June 2017, or the Town Board will need to extend the current moratorium for an additional period of time. If it is determined that additional time is needed to complete the review of a draft local law and to process its adoption then the Town Board will need to pass a new local law extending the moratorium period for an additional period of time. Said new local law will require a public hearing and a referral to the Ontario County Planning Board.

Mr. Brand provided an overview of the draft local law that was sent electronically to the members of the Committee and asked for comments.

Mr. Adams noted that the proposed section limiting the placement of Large Scale Solar Farms upon soils classified as being in Soil Groups 1 through 4 was a good idea, but questioned the legality of such restriction. Mr. Adams requested that Ag & Markets be contacted for an advisory report and recommendation on whether such regulation would adversely affect farming operations on lands located within an established State and County Agricultural District. Mr. Brand stated that he would contact staff in the Farmland Protection Unit at the State Department of Agriculture and Markets, in Albany.

Mr. Braken identified his experience with installing solar PV systems and noted that his company is working with a local farmer, on Sheldon Road, who is seeking to install a Small Scale Solar Panel Project to serve the energy needs of their farming operation. Mr. Braken then led discussion on how other municipalities have addressed the solar regulation issues and the need for a municipality to provide adequate controls that will protect a "worse case" scenario for solar farm operations. Among the recommendations made by Mr. Braken were to use NYSERDA's 110% rule for determining usage and classifying large and small scale solar operations. It was also recommended that the Town make NYSERDA a part of the Town's approval process, to include using their model forms. Mr. Braken noted that NYSERDA provides training classes for Code Enforcement Officers at the Erie County Community College campus in Orchard Park, New York.

Mr. Kinkaid noted that he has attended several of the New York State Department of State Training Courses for Code Enforcement Officers that have been held on this subject. He also noted that he was involved in writing the solar regulations in the Town of Hopewell and that he had just completed his review of the Town of Farmington's preliminary draft of the local law on solar power.

Mr. Braken noted that he would sent Mr. Kinkaid information on the NYSERDA Program. Copies of the documents received are attached to these draft meeting minutes and will be made a part hereof upon acceptance by the Committee.

Mr. Brand noted that based upon any additional comments received from the Committee members, input from Ag & Markets and input obtained from the review of the NYSERDA information packet, a revised draft would be prepared for sending to the Committee. In the meantime, Mr. Brand will work with the Town Board on extending the moratorium period on solar energy systems.

There being no other discussion on the preliminary draft of the local law, a motion was made to adjourn the meeting at 8:15 p.m.

Respectfully submitted.

Ronald L. Brand, Director of Planning & Development
Acting Clerk to the Solar Advisory Committee

RLB:btb
Attachments