

# Town of Farmington

1000 County Road 8  
Farmington, New York 14425

## SOLAR REGULATIONS COMMITTEE Tuesday, August 15, 2017 • 6:30 p.m.

### MINUTES—FILED WITH TOWN CLERK

*The following minutes are written as a summary of the main points that were made and the actions taken at the Town of Farmington Solar Regulations Committee meeting.*

**Committee Members Present:**

- Ronald Brand, Town of Farmington Director of Planning and Development, *Chairperson*
- Hal Adams, Town of Farmington Agriculture Advisory Committee
- Nate Bowerman, Town of Farmington Town Board
- James Morse, Town of Farmington Code Enforcement Officer
- Nancy Purdy, Town of Farmington Zoning Board of Appeals
- Douglas Viets, Town of Farmington Planning Board

**Committee Members Excused:**

- Jamie Kincaid, Town of Farmington Fire Marshal
- Patti Wirth, Town of Farmington Conservation Board

**In Attendance:**

- Royal Purdy, Town of Farmington Agriculture Advisory Committee
- Daniel Compitello, Zoning and Outreach Manager—Development, Cypress Creek Renewables, 130 North Winton Road, #10526, Rochester, N.Y. 14610
- Paul Gillette, Highline Delivery and Storage, 6025 Denny Drive, Farmington, N.Y. 14425
- David Herman, MRB Group D.P.C., 145 Culver Road, Suite 160, Rochester, N.Y. 14620

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 TOWN CLERK  
 TOWN OF FARMINGTON

**1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION**

Mr. Brand called the meeting to order at 6:30 p.m.

The clerk notified the Canandaigua *Daily Messenger* newspaper of this meeting on August 9, 2017. Notice of the meeting was posted on the Town website, filed with the Town Clerk, posted on the Town Clerk’s bulletin board at the Town Hall and communicated via e-mail to committee members, Town staff and interested residents on August 9, 2017.

**2. REVIEW: TOWN OF FARMINGTON LOCAL LAW NO. \_\_\_ of 2017, “DRAFT, SOLAR PHOTOVOLTAIC (PV) SYSTEMS REGULATIONS,” revised 8/15/17**

Mr. Brand distributed the most recent draft of the Town of Farmington local law on Photovoltaic (PV) Systems Regulations, dated 8/15/2017.

He explained that this draft reflects the comments discussed at the previous committee meeting (May 31, 2017). It includes coordination with Matthew Brower, New York State Department of Agriculture and Markets; a review of and incorporation within the revised draft local law of the guideline document prepared by Dr. Robert Somers, the New York State Department of Agriculture and Markets, entitled “Guidelines for Agricultural Mitigation for Solar Energy Projects;” the latest special use permit standards to be implemented by the Planning Board for solar installations that are being proposed on active farmland (Class 1 through 4 soils) located within the Town (*see* pp. 11–16 of the draft, attached); and coordination with Emily Chessin, Meister Consulting, the firm working with NYSERDA on solar energy; and Jessica Bacher, Pace University, Land Use Law Center.

Mr. Brand then discussed the following points:

- This local law defines roof-mounted solar installations as Accessory Uses in all zoning districts.
- The sources of the definitions of various terms that pertain to Town of Farmington solar installations are recommendations from Pace University, from the New York State Energy Research and Development Authority (NYSERDA) and from the local laws of several other municipalities.
- For this local law, a large-scale ground-mounted solar PV system is defined as a system with a capacity greater than 12 kW or that generates more than 110% of the kWh’s of electricity consumed over the previous 12-month period by land use(s) existing on the lot or parcel of land where the system is located.
- A small-scale ground-mounted system is limited to a system of capacity of 12 kW and that generates no more than 110% of the kWh’s of electricity consumed over the previous 12-month period by land use(s) existing on the lot or parcel of land where the system is located.
- Section 10 of the draft local law includes provisions for abandonment, decommissioning and removal of solar systems. These provisions require that sureties be provided by the applicants for the protection of the Town and its taxpayers.
- The Code Enforcement Officer will have the authority to issue building permits for small-scale Accessory Structure solar systems. Large-scale systems would require Special Use Permit and Site Plan approvals from the Planning Board. Public Hearings also are required for Special Use Permit applications.

- Mr. Brand explained that he would be adding a section regarding the installation of solar systems in or near the Town's historic districts (i.e., Pumpkin Hook Historic District, Farmington Quaker Crossroads Historic District, etc.) and near Town parkland.
- Mr. Brand said that photovoltaic systems for public-safety signs (such as to provide electrical power for sidewalk crossing lights or at fire stations and other public-safety locations) should be exempt from the regulations of this local law. He said that he would include these exemptions in the final draft.

Mr. Brand provided the following tentative schedule leading to adoption of this local by the Town Board:

**August 18, 2017 (Noon)**

Deadline for final input from committee members to be sent via e-mail to Mr. Brand at [rlbplans@gmail.com](mailto:rlbplans@gmail.com)

**August 22, 2017**

Final Draft presented to the Town Board. Final draft referred to the Ontario County Planning Board by the Town Board for the September 13th Ontario County Planning Board Meeting.

**August 31, 2017**

Referrals due to the Ontario County Planning Board by 12:00 noon.

**September 13, 2017**

Ontario County Planning Board meeting.

**September 26, 2017**

Public Hearing held by the Town Board.

**September 26, 2017 or October 10, 2017**

Adoption of local law by the Town Board is possible on September 26, 2017, depending upon whether or not there are any objections changes to be made. If there are changes, then the matter is held over to the October 10th Town Board meeting.

### 3. DISCUSSION

Mr. Compitello discussed his company's application for a solar installation on Monks Road in the Town of Canandaigua. He noted that the approximately 20-acre location is adjacent to an existing Rochester Gas & Electric substation. Mr. Brand reported that the application had been discussed by the Town of Canandaigua Environmental Conservation Board at its meeting on August 3, 2017. He said that the board's concerns included the

steep slopes upon on the property, existing and additional vegetative buffering of the solar panels, and the potential loss of valuable agricultural lands.

Mr. Bowerman asked about the classifications of agricultural soils in Farmington. Mr. Brand referred to the Town's Farmland Protection Plan (adopted in 2016) which includes the following statistics:

Prime Farmland	47.37% of the Town	11,963.5 acres
Farmland of Statewide Importance	12.9% of the Town	3,267.4 acres
Not Prime Farmland	22.1% of the Town	5,580.3 acres
Prime Farmland if Drained	17.56% of the Town	4,435.4 acres

Mr. Brand explained that determining the soils classifications on property is already done as part of the Ag Value Exemption process used by the Town Assessor's Office. In addition, the Farmland Protection Plan contains maps that delineate and distinguish the four subareas of the town. Upon review with the committee it was shown that there are more prime and unique soils in certain areas and not in others.

Mr. Brand noted that the Farmland Plan also discovered that there is potentially and additional 4,400 acres of farm soils in the Town, that if drained, would be classified as Prime Soils.

Mr. Adams noted, however, that drainage plans would be required to deal with the water from the more than 4,400 acres that would flow from these lands if they were to be drained. Mr. Brand said that there is no momentum from the landowners, at this time, to consider draining this land.

Mr. Bowerman discussed the testing of soil to determine how they are classified. Mr. Brand noted that these classifications are already, they are provided by the County's Soil & Water Conservation District Office, and are available and are used by the Town assessor to determine agricultural exemptions on existing farmland.

Mr. Compitello discussed concurrent uses of property on which solar panels have been installed in other states—such as pollinator-friendly sites or grazing of small livestock—to allow the sites to retain their agricultural-use designation. He said that these types of uses may be considered in the future by the New York State Department of Agriculture and Markets for the retention of agriculture-use designations. He said that it is not clear at this time if New York State would consider this.

Mr. Compitello noted that lease payments made to landowners from solar companies may be reinvested by the landowners to expand their agricultural operations. He also said that solar installations could be considered by landowners as part of their land or crop rotation cycles. He said that the land could go back to active agriculture use following the decommissioning and removal of a solar installations. Mr. Adams disagreed. He said that land that has been converted to a solar installation would not go back to agricultural uses and that the salient point is to direct solar projects to lesser-productive parcels of land.

Mr. Adams reported that he has received two solicitations from solar companies which express interest in leasing some of his land. He said that the companies are seeking at least 75 acres, which would indicate a large-scale solar project.

Mr. Compitello said that a typical solar installation is for a 20-year lease period with several possible renewals. He said that the current financing for solar projects is based upon a 40-year period and that the solar panel manufacturer provides a 25-year warranty. Mr. Compitello said that the solar panels would degrade over time and may lose efficiency over their lifespan. He noted that the solar panels are becoming smaller and less expensive to produce and may be able to produce more power on smaller parcels of land in the future. He said that the current types of solar installations would not have been possible five years ago in the northeast United States.

Mr. Brand reported on last night's meeting of the Town's Agriculture Advisory Committee, where a representative from the Finger Lakes Land Trust provided an overview of the topic of purchase of development rights agreements to protect farmland. He said that the Town's goal of protecting farmland must be considered when discussing solar installations. He noted that the Town of Canandaigua's local law on solar installations does not provide a great deal of information about how their Planning Board is to determine how effective a solar application would be for the preservation of farmland.

Mr. Compitello said that farmland protection measures are included in the Canandaigua *Comprehensive Plan* and the Canandaigua *Farmland Protection Plan*. Mr. Brand noted that there are references in the local law but there are no criteria for their Planning Board to follow to reduce the impact in the event that projects are approved upon conditions under a Special Use Permit. Mr. Brand noted that the most recent draft of the Farmington solar regulations, which would become a part of our town's local law, provides the standards for allowing large-scale solar energy systems by special-use permit approval by the planning board.

Mr. Purdy asked about solar installations on a drumlin. Mr. Compitello said that flat and dry land, in close proximity to an electrical substation, is the ideal location. He said that the solar panels could be installed on land with a 15 percent slope or less. He said that installation on a drumlin or on a slope of 20 percent or greater would be avoided.

Mr. Gillette said that his company seeks approval to install solar panels on the roof of his mini-warehouse buildings. He noted that a roof-top installation would not disturb or affect the land. He asked if roof-top installations could be approved now by the Town prior to the approval of the complete local law which includes large-scale installations on agricultural land. Mr. Bowerman said that a comprehensive local law to cover all types of installations is preferred. Mr. Brand said that the intent is to have the local law in place by October of this year.

Mr. Compitello said that a 2MW installation of approximately 9,000 300-watt panels would provide power to about 300 to 500 homes annually.

Mr. Compitello discussed the section of the draft dealing with Letters of Credit and Financial Sureties. He explained that Letters of Credit are generally not available to solar companies at this time and that a form of surety would be a better alternative. Mr. Brand said that he would review this section and would remove references to Letters of Credit, replacing them with sureties.

Mr. Viets discussed solar installations in commercial and industrial areas. He also noted that the land uses within an Incentive Zoning district could vary from application to application. Mr. Brand discussed the benefits of Incentive Zoning which include amenities that applicants provide to the Town that would not otherwise be available.

Mr. Viets also discussed the references in the draft regarding the monitoring of solar energy projects. He suggested that the definition of an “Environmental Monitor” be added. Mr. Morse noted that the Town is an MS4 community and that he and his staff routinely monitor construction sites where land is disturbed. He said that they receive regular Stormwater Pollution Prevention Plan reports (SWPPPs) from the developers. Mr. Brand noted that in this instance the Code Enforcement Officer serves as an “Environmental Monitor.”


Mr. Compitello noted that most solar companies have “Environmental Monitors” as part of their teams and that this is not an undue hardship being proposed.

There were no further comments or questions this evening.

#### 4. ADJOURNMENT

Mr. Brand adjourned the meeting at 8:15 p.m.

Respectfully submitted,

  
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John M. Robortella L.S.  
Clerk of the Solar Regulations Committee

#### Three (3) Attachments:

**Draft:** Town of Farmington Local Law No. 0000 of 2017: Solar Photovoltaic (PV) Systems Regulations, a local law amending Chapter 165 (various articles and sections) of the Town Code.

**Presentation:** “Planning and Zoning for Solar,” presented by the NY-Sun PV Trainers Network (Jessica Bacher, Land Use Law Center, Pace Law School), August 2016.

**Draft:** NYSERDA Report: “Using Special Use Permits and Site Plan Regulations to Allow Large-Scale Solar Installations while Protecting Farmland”

**E-mail distribution:**

Hal Adams  
Adrian Bellis  
Nate Bowerman  
Ronald Brand  
Dr. Michael Casale  
Daniel Compitello  
David Degear  
Tim DeLucia  
Michelle Finley  
Paul Gillette  
Don Giroux  
Edward Hemminger  
Ron Herendeen  
David Herman  
Sue Hilton  
Steve Holtz  
Peter Ingalsbe  
Jamie Kincaid  
Scott Makin  
Jeremy Marshall  
James Morse  
Mary Neale  
Cyril Opett  
Nancy Purdy  
Royal Purdy  
Douglas Viets  
Thomas Yourch  
Patti Wirth