

Draft

YATES COUNTY PLANNING BOARD MEETING March 23, 2023

PRESENT: Danielson, Moberg, Sutterby, Davis, Sisson, Strickland, Hullings, Degner, Gilman, Landcastle, Hall, Dowse and Miller

EXCUSED: Fulkerson

ABSENT: Ferry

Also Present: Tom Fulkrod (Town of Benton), Glenn Quackenbush, Tom Davie, Marvin Nolt (Applicant), Nathan Horning (Applicant), Glen Martin (Applicant), Minnie Groom (Applicant), Adam Rowles (Applicant), Ed Brockman, John Christensen (Chronicle Express), Jeffrey Ayers (Yates County Planner), and Brenda Lloyd (Recording Secretary)

CALL TO ORDER: Sutterby called the meeting at 7:08 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES:

A motion was made to approve the minutes from the February 23rd meeting by Sisson, seconded by Gilman. All in favor. Motion approved.

CONSIDERATION OF GML 239 REFERRALS

2023-06 Town of Benton. Applicant, Saturn Power (Adam Rowles). 14 Foundry Street, Baden, Ontario N3A 2P7. Site address: 848 Route 14A, Penn Yan, NY 14527. *Special Use Permit & Site Plan.* 5MW Community Solar Farm.

Adam Rowles explained the 2 solar projects in the Town of Benton. Yates County Soil and Water had some questions, all of which have been answered. Moberg asked about DEC approval regarding drainage. Rowles responded that a SEQR resolution is required and that it was included in the Stormwater Pollution Prevention Plan that was provided. Moberg questioned past issues with NYSEG shutting down projects due to no transmission lines. Rowles explained that NYSEG had capacity issues in previous years but they have made adjustments in how they analyze their high voltage distribution systems. Both systems are on the 34.5KB distribution system, which is unique. Davis asked how it will benefit us. Rowles responded that we are able to sign up to specific solar projects. The NY-Sun Program allows customers to register and sign up for a project to achieve a 10% savings on your utility bill. The timing for this project could be a year wait depending on the wait time of approvals and materials. Tom Fulkrod mentioned this company had a lot more information available than the previous company that came before the board. Sutterby mentioned concerns regarding the soil being prime land and the thought that projects should start with Soil and Water and then talk to land owners. Seems the process is backwards. Miller agrees with that statement. He mentioned that he has farmed all three parcels in the past and it is all really good farmland. Davis pointed out that people have a right to do what they want with their own property. Rowles brought up the fact that a lot goes into selecting a site for the solar project. Different counties are concerned with different items. Davis asked if they were willing to plant trees to make it less visible. Rowles responded that yes they are planning on planting trees 16 feet in height in order to screen sensitive areas of the project. Hullings expressed the desire to keep farmland and asked about the removal of the topsoil. Rowles explained that the civil engineer clarified that the topsoil will only be stripped while doing the trenches and no topsoil will be stored permanently on the property. Remaining topsoil will be distributed over the access road and if there is any remaining after that it will be distributed on the adjacent agricultural property that the owners control. Sisson asked about drain tile and the fact that they don't know where a lot of it is. Rowles responded that they will use technology to detect them if they can and that they will replace them if they break any. Nathan Horning is one of the land owners and explained the drainage concerns. He mentioned that the property was tiled by the former owner, so it was before 1977. They are going to work with Chester Martin and strip tile the field approximately every 38 feet, every second or third row. They want to strip tile it in hopes of maintaining the property for the next 20 to 40 years. Horning mentioned the difference between 2 existing solar projects in the County, one in Dresden and one on 14A. One is maintained and mowed where the other is not. Horning mentioned how maintaining the property is a way to keep the farming going in the family. A way for him to still make use of the property, such as bailing the clippings, free range chickens, or bee farming. Hopes to get the maintenance contract so he can make it more feasible to own a farm in Benton Center. Sisson mentioned the ability to raise the solar panels and have cows or sheep and thinks it's a great concept that nobody has thought

about. Hullings believes that it is against the Town of Benton Comprehensive Plan. Landcastle asked if there was anything that deals with solar installation on prime farming. Fulkrod stated that in their rules they ask to try and not use prime farmland. Using the word try takes away the ability to say you can't. The Town Board is looking at doing a moratorium to change the wording to protect more of the farmland. Miller stated that he is sitting on the fence because he thinks if someone takes out our electric we will be in trouble and that solar is great on a sunny day. He hates to see the great farmland used for solar and there will be 3 solar projects within 1 mile. There could be better land to use but we need additional sources of energy. They don't make any more land, this is all we've got.

Moberg made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Davis seconded. 7 in favor. 3 not in favor. 3 abstained. Motion approved.

2023-07 Town of Benton. Applicant, Saturn Power (Adam Rowles). 14 Foundry Street, Baden, Ontario N3A 2P7. Site address: 432 N. Flat Street, Penn Yan, NY 14527. *Special Use Permit & Site Plan.* 26 Acre 5MW Community Solar Farm.

Adam Rowles explained the 2 solar projects in the Town of Benton. There was no additional discussion or questions.

Davis made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Moberg seconded. 7 in favor. 3 not in favor. 3 abstained. Motion approved.

2023-08 Village of Dundee. Applicant, Board of Trustees Village of Dundee. 12 Union Street, Dundee, NY 14837. *Text Amendment & Map Amendment.* The Board of Trustees is amending the Official Village Zoning Map.

Ed Brockman, the Village of Dundee Attorney, stated they are amending the Zoning Map to bring it up to date. Sutterby asked if there were any large changes from the previous zoning map. Brockman stated the changes created a light industrial zone. Jeffrey Ayers stated that the previous zoning map didn't have any parcels on it so you couldn't do a parcel by parcel look to see what zone a parcel was in. Hard to know where the boundaries were. Brockman stated that the major change was to change it to parcel based and it was a major improvement.

Davis made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Gilman seconded. All in favor. Motion approved.

2023-09 Village of Penn Yan. Applicant, Board of Trustees Village of Penn Yan. 111 Elm Street, Penn Yan, NY 14527. *Text Amendment.* The Village proposes to create an R-2L Residential Limited district for Senior Citizen housing. This is based upon an addendum to the Village Comprehensive Plan addressing moderately priced Senior Citizen housing and affordable owner occupied single-family residences.

Ed Brockman discussed how the Village Planning Board has been looking at the housing issues in the Village and they recognize how there is a change in the population in the village. A lot of folks that have single family residences are getting to the point where they don't want to mow the lawns and manage the upkeep of the homes. Also, the lack of moderately priced senior citizen homes in the community. Want to change the zoning to make sure it is used for senior citizen housing and also in an area of moderately priced. It is a multi-acre parcel and there has been interest in making a development there. The Village thought creating a new type of district would be appropriate. This acreage would be limited to 32 units with a possibility of quads or duplexes with driveways into the property. None of the property is in the Town of Benton, it is all in the Village of Penn Yan. Sisson asked who came up with the average home of \$700,000. Brockman stated that figure came from the County. Sutterby

asked what happens if a 52 year old comes in. Brockman responded that there is a federal definition of senior citizen housing and it doesn't mean everyone has to be over a particular age, it's an average. Sisson stated that it seemed a little discriminatory. Davis asked when there was going to be housing for young families. Brockman responded they were working on it, they have had several meetings with possible developers and they are trying to address it in the Village. There are several ways, one being to allow smaller lot sizes with houses on them. The problem is building a house at a reasonable price. Sisson asked about the sewer and putting that much more of a load on something that is already over maxed. Brockman stated he was not a sewer expert but that the Village personnel has stated they have extra capacity that is not being used. Jeffrey Ayers asked if adding it to the Comprehensive Plan in December is providing the same level of protection as if it had been there from the beginning. Brockman responded that the addendum to the Comprehensive Plan was generated due to a study that was done by the Village Planning Board identifying these two issues. He wanted to make sure this wasn't spot zoning. Sutterby doesn't understand why we need to create a new district specific to that project. Brockman responded that the R2 district does not limit it to senior citizen housing. Moberg stated that it appears the Board of Trustees is trying to improve the Village.

Moberg made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Davis seconded. 11 in favor. 1 not in favor. 1 abstained. Motion approved.

2023-10 Town of Torrey. Applicant, Marvin Nolt. 1064 City Hill Road, Penn Yan, NY 14527. *Special Use Permit.* The Applicant is applying for a Special Use Modification to construct a 24' x 40' addition on the South end of an existing welding shop for additional fabrication space and office space.

Sisson asked about the dimensions and that it was not to close to the road or neighboring properties. Marvin Nolt responded that the setbacks are good. Happy that business was good and growing.

Sisson made a motion to the Board: That under GML 239 the application as presented has no countywide impact. Gilman seconded. All in favor. Motion approved.

2023-11 Village of Penn Yan. Applicant, Nelson Miller. 2433 Bath Road, Penn Yan, NY 14527. Site address: 2421 Bath Road, Penn Yan, NY 14527. *Site Plan.* Applicant is applying for a Special Use Permit for a short-term rental business.

Sisson stated that it looks like it's going to be used as an Airbnb. Agree that they did a nice job improving the house.

Sisson made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Davis seconded. 12 in favor. 1 abstained. Motion approved.

2023-12 Town of Benton. Applicant, Glen Martin. 1259 Pre-Emption Road, Penn Yan, NY 14527. *Special Use Permit.* Applicant would like to move the home base for Sugar Creek Construction into his shop, office area, and tool storage area. Equipment will be outside. Shop is already built.

Glen Martin, Owner of Sugar Creek Construction has been based out of Benton Truss. Benton Truss has added on and outgrown their space. He would like to move the home base of his business to his pole barn on his property. There will be a tool storage area in the building. The building will stay the same size and there will be no additional traffic.

Davis made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Moberg seconded. All in favor. Motion approved.

2023-13 Town of Benton. Applicant, Once Finger Lakes (Antonio Arias). 655 Route 14, Penn Yan, NY 14527. *Area Variance.* Applicant would like to place a 12' x 24' storage shed 30 feet from the property line.

Applicant would like to place a storage shed on his property since he has run out of storage. There is no other place to put a shed without doing construction. Town Zoning Law is 80' and he is asking for 30' off the ROW. Strickland asked if this gets approved what happens next when someone else wants one.

Strickland made a motion to the Board: That under GML 239 the application as presented has a negative countywide impact. Davis seconded. 12 in favor. 1 abstained. Motion approved.

2023-14 Village of Penn Yan. Applicant, Minnie Groom. 43 Grant Avenue, Penn Yan, NY 14527. Site address: 2362 State Route 14A, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

Minnie Groom purchased this house with her brother at auction and have spent a year improving the property. It has been a rental property, mostly short term but they do offer discounts for people who come into town to make improvements, such as travelling nurses, and contractors.

Davis made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Hullings seconded. All in favor. Motion approved.

COMMUNICATIONS: This month's training "Now What? Managing the development of Solar Projects After Planning and Zoning Approvals" will be held prior to the meeting at 6:00pm in the Legislative Chambers. Training Opportunity in Ontario County on April 13th, starting at 5:00pm
11th Annual LULA Training on April 24th at 5pm in the Yates County Office Building Auditorium

OLD BUSINESS: None

MEMBER REPORTS: None

NEW BUSINESS: Resolution 163-23 passed extending Edwin Moberg's membership for another term. Resolution 162-23 passed to Amend Resolution 71-18 (Authorize County Planner To Take County Planning Agency Actions in Certain Instances).

ADJOURNMENT: Gilman made the motion to adjourn the meeting at 8:25 p.m. All in favor.