



PLANNING BOARD
 Crossroads Commerce & Conference Center
 NYS Route 19
 Belmont, NY 14813
 585-268-7472
www.alleganyco.com
 E-Mail: development@alleganyco.com

Chairman: Lee Gridley * Vice-Chairman: Dale Foster * Secretary: James Ninos

Minutes: January 22, 2020

Present: J. Gorton, J. Ninos, J. Roederer, P. VanDyke, L. Gridley, D. Foster, Ex-Officio P. Stockin
Excused: V. Perkins, R. Thompson, J. Stoltzfus
Staff: Kier Dirlam – Director of Planning; Michelle Denhoff – P&D Specialist
Guests: Debbie Bigelow – Member, Concerned Citizens of Allegany County; Dave Pullen – Attorney representing Town of Belfast and Town of Angelica; Dan Huntington – Business Development Manager representing Norbut Solar Farms; Michael Trivisonoli – Village of Angelica Mayor; David Jennings – Town of Belfast Supervisor; Jason Isaman – Town of Bolivar
Location: Crossroads Conference Center, Town of Angelica

I. CALL TO ORDER:

Chairwoman Gridley called the meeting to order at 7:05 PM. The Chairwoman welcomed guests at the meeting and asked for introductions around the room.

II. MINUTES:

- A) Minutes from **November 20, 2019** were reviewed: **On a motion by J. Ninos and seconded by J. Roederer, minutes from November 2019 were approved.** Motion carried, none opposed.
- B) Minutes from **January 15, 2020** were reviewed: **On a motion by D. Foster and seconded by J. Gorton, minutes from the January 15th meeting were approved with corrections.** Motion carried, none opposed.

III. NEW BUSINESS:

- A) Town of Angelica Referral of Norbut Solar Farms Application - *This application requires four separate motions from the board but was presented as one. The information stated below relates to the four motions that follow.*

Mr. Pullen began the presentation with an explanation of where the locations of the projects are relating to the Towns of Angelica and Belfast at the former Six-S Golf Course. He also stated that the project was split into four sections to maximize the production for each 5 megawatt (MW) community solar facility. Mr. Huntington then began his part of the presentation as a representative of Norbut Solar Farms. Two packets, identical to what was provided to the town board members were provided electronically to the Planning Board members that meets the requirements of the solar laws. Both town boards, Belfast and Angelica, have already reviewed the material and proposed public hearings regarding the requests for approval of the application and area variances to allow for a change in the setback requirements at various locations around the perimeter of the projects, ranging from zero feet up to 75 feet in some locations. Between all four projects, there will be approximately 67,000 panels placed.

J. Ninos asked if the project followed the natural contour of the landscape. Mr. Huntington responded that yes it does, and Norbut prefers to work lands, similar to golf courses, that would require the least amount of disturbance with a relatively flat slope. To accomplish fewer disturbances, coated steel pillars will be driven into the ground down to the bedrock. The ground will be reseeded by the fence line and anywhere the ground was disturbed with a pollinating native cover. Sheep and cows will also be used to graze the lands and help keep the grass manageable.

Norbut favors owning the land over leasing, as it allows for better project management. The Storm Water Pollution Prevention Plan, delineation tests and research on any endangered animals have already been done over a near 12-month process that began in March 2019. The goal is to produce 5 MW at each project location and to do that with the least amount of disruption. Battery storage will be included on site at each project location and will be the only area with a semi-permanent structure. The entire battery storage unit is encased in fire retardant materials and it has been equipped with several other safety features. The screening features that will be in place around each project include 7 feet high fencing and trees or shrubs of appropriate size. In order to use the land as best suited for the project, the various setback variances are being requested and will help to avoid leaving wasted space.

J. Roederer asked why Norbut is splitting the project into four sites, rather than keeping it as one large site. Mr. Huntington explained the requirements of an Article 10 project (over 25 MW) and how much different the process would be – the larger process is handled at the State level.

Guest Mayor Trivisondoli asked how the battery storage units were tied into the utility grid. Mr. Huntington explained the process for interconnection and that it is one of the largest incurred expenses during the project.

J. Ninos asked if they've anticipated the amount of dust that will be generated on site from the neighboring gravel pit and the truck traffic. There will be approximately 4 part time employees enlisted to help with operations and maintenance on site. The grazing cattle and sheep will continue to be utilized. A barn on the property is being leased to the farmer that is providing the livestock, and Mr. Short, former owner of the course, is keeping the home he resides in.

Director Dirlam pointed out some items that were in the application materials Norbut had provided. Environmental Resources, LLC provided regulatory guidance of the site plan and in a letter noted that the project avoids 19 of the 21 wetlands on site. The design spans and does not disturb the remaining two wetland sites, meaning it will not require any permitting from US Army Corps of Engineers (USACE). A letter from the New York State Parks, Recreation and Historic Preservation office was also included stating that no historical or archaeological resources will be affected by the project.

J. Roederer asked when construction is expected to start. They are hopeful that construction will start in the spring, as soon as the ground is thawed and will continue work until it is either complete or the ground freezes again, which would halt construction efforts.

L. Gridley asked if there was a specific life expectancy of the panels that will be used. The panels typically have a life span of 25-30 years and have a degradation rate of approximately 10% over that life. Those panels would still be productive after the life span. J. Gorton wondered if an open house would be held for the community once the project is ready, to which Mr. Huntington replied yes.

The project will not be receiving any subsidies from the power companies and they plan to provide community members with an opportunity to purchase the solar power at a discounted rate, although details haven't been worked out just yet.

The application provided currently states that there are two decommissioning plans – one with scrap value and one without. However, the company has decided to pull the one with scrap value as they don't want the Towns to feel as though there is a plan to tear down. Norbut plans to be active with the project for as long as they can. Following discussion, the four motions shown below were made:

- 1) A motion was made by J. Ninos, seconded by J. Roederer to approve the Town of Angelica referral of the Norbut Solar Farms application for sites 1 & 4. The motion was carried with none opposed.**
- 2) A motion was made by P. VanDyke, seconded by J. Gorton to approve the Town of Angelica referral of the area variance request from Norbut Solar Farms for sites 1 & 4. The motion was carried with none opposed.**
- 3) A motion was made by D. Foster, seconded by J. Ninos to approve the Town of Belfast referral of the Norbut Solar Farms application for sites 2 & 3. The motion was carried with none opposed.**
- 4) A motion was made by J. Roederer, seconded by P. VanDyke to approve the Town of Belfast referral of the area variance request from Norbut Solar Farms for sites 2 & 3. The motion was carried with none opposed.**

B) Village of Angelica Comprehensive Plan Update Referral – Director Dirlam indicated that he has been working diligently with the Village of Angelica Board to do a quick update of the plan, originally done in 2007. The original plan was created in a joint effort between the Town and Village; however this plan relates to updates in the Village only so all reference to the Town information has been removed.

Mayor Trivisonoli discussed what has been done so far and why they are rushing to complete the update. A developer for Dollar General wants to place one inside the Village lines but does not understand the community would like to keep the historic character that it currently has. To combat that, but still allow a Dollar General to be built, the Village has placed a moratorium on building permits so that a planning board can be created, a site plan review law can be created, and the update of the comprehensive plan could be completed.

There were minimal comments on the content of the plan, with the exception of a request for page numbers to be added, coinciding with the table of contents and a misspelling on one of the pages.

With no further discussion, a motion was made by J. Ninos that the Village of Angelica Comprehensive Plan update be approved. The motion was seconded by D. Foster and carried with none opposed.

- C) Village of Angelica Referral Regarding creation of “Village of Angelica Introductory Site Plan Review and Land Use Law” – The site plan review law was created to help provide guidance to those wishing to build commercial properties within the Village without creating any zoning. The New York State Department of State template was used and the highlighted portions of the copies provided were very recently added in by the Village of Angelica lawyer, Mr. Buck. A public hearing has been set for February 18, 2020.

It was noted that the only change expected moving forward will be in Article VI, Section 6.1. Items A & B will be swapped, as B should be the first step in the appeal procedure.

J. Ninos asked why the Village didn’t just create a zoning law. The Village board didn’t feel that it was appropriate to apply zoning over the entire village when the intent was only to target specific areas. Mr. Pullen stated that a site plan review law is sometimes referred to as “zoning light” because it provides similar regulations without applying them to everywhere. Mayor Trivisonoli said the newly created planning board will be charged with a host of duties and he is hopeful that they will fulfill them.

With no further discussion, a motion was made by J. Gorton to approve the Village of Angelica Introductory Site Plan Review and Land Use Law. A second was made by P. VanDyke and the motion was carried with none opposed.

IV. OLD BUSINESS: None

V. CORRESPONDENCE: None

VI. REPORTS:

- A) DEC Report – None
- B) Intergovernmental Review Projects [IRP’s] – None for Allegany County
- C) Southern Tier West Report – The December report was provided for review.
- D) Community Planning –
 - 1. The **Town and Village of Cuba** have decided to start a revision of their 2011 joint comprehensive economic development plan.
 - 2. The **Town of Alfred** is expecting development of a solar garden on the Town border, near Almond.
- E) Training –
 - 1. Foil and Open Meetings Law will be held at BOCES on March 25th from 6-8. Invites will be sent out in February with more details on the event.
 - 2. Director Dirlam handed out a spreadsheet of training courses that will be available at the Local Government Conference, moved to June this year.
 - 3. The ARC grant information sessions for the area have been set. February 18th there will be a session at the STC office in Corning, and on March 11th at the Crossroads Center.
- F) Planning & Economic Development Office Report/Updates – Report provided.
 - 1. Annual Planning Board Dinner 2020 – The annual dinner was well attended but ran long. It is planned to have social hour earlier from 5:30 – 6:30 rather than 6 -7 to allow for an earlier end to the evening.
 - 2. The LWRP grant has been approved and will require participating towns along the river to start thinking of long term projects they’d like to be included. Genesee River Wilds had a brainstorming session at their last meeting about projects they may be interested in adding.

3. Census 2020 – New York State announced in mid-December that they were going to be awarding monies to counties for outreach purposes and would provide guidelines for the grant by the end of 2019. A recent announcement indicated that the deadline was now in March which doesn't leave a lot of time for action prior to census day in April.

VII. GOOD OF THE ORDER: None

VIII. ADJOURNMENT:

The next meeting is scheduled for February 19th, 2020 at 7 PM at the Crossroads building.

On a motion by D. Foster, seconded by J. Roederer, the meeting was adjourned at 8:54 PM.



Chairman: Lee Gridley * Vice-Chairman: Dale Foster * Secretary: James Ninos

Minutes: May 20, 2020

Present In Person: L. Gridley, D. Foster, J. Stolfus
Present Via Zoom: J. Gorton, J. Ninos, J. Roederer, P. VanDyke, J. Isaman, Ex-Officio P. Stockin
Excused: V. Perkins, R. Thompson
Staff: Kier Dirlam – Director of Planning; Michelle Denhoff – P&D Specialist
Guests via Zoom: Darlene Mason – Town of Hume Supervisor; Chet Feldmann – Representative of Distributed Sun
Location: Crossroads Conference Center, Town of Angelica & Zoom

I. CALL TO ORDER:

Chairwoman Gridley called the meeting to order at 7:10 PM. The Chairwoman welcomed guests at the meeting.

II. MINUTES:

A) Minutes from **January 22, 2020** were reviewed: **On a motion by J. Ninos and second by J. Stolfus, minutes from January 2020 were approved.** Motion carried, none opposed.

III. NEW BUSINESS:

A) Town of Hume Referral for creation of a Solar Energy Systems and Facilities Local Law - Ms. Mason explained that the Town of Hume had their meeting last Wednesday, May 13, 2020, regarding this law and also held their public hearings at that time. It was approved for adoption as if pending approval of the County Planning Board. One change has been made regarding the road provision (highlighted in the law on page 5&6).

Mr. Roederer asked a question regarding decommissioning – it is not clear with language as to whether or not it is required of the law to notify the owner/operator when decommissioning is required. Mr. Feldmann gave his explanation of understanding to the wording. One part states what would come from the developer and the other states what would be coming from the town and that is why the language does not match.

With no further discussion, a motion was made by J. Roederer, seconded by D. Foster to approve the Town of Hume referral of the Solar Energy Systems and Facilities Local Law. The motion was carried with none opposed.

B) Town of Hume Referral for Wolcott Solar Project (Wiscoy I, LLC & Wiscoy II, LLC) - Director Dirlam explained the solar project similarity to other ones that the County Planning Board has previously reviewed. Mr. Feldmann then took over the discussion. He gave a summary of their company and history. The project will utilize property leased from the Wolcott’s in the town of Hume, with an agreement

of 25 years and two potential extensions. The size will be a total of 10 megawatts, but will consist of two separate 5 megawatt projects with 34,000 panels total rotating east to west. It will supply enough energy for 3000 homes in the region. The company has already been consulting with all of the partnering agencies and the proposed SEQR is planned to be done by the IDA next month.

Mr. Ninos asked if the SEQR was being developed? Mr. Feldmann responded it is expected to be done by the IDA as lead agency on June 8th. All of the other agencies have had input as well with suggestions and studies included in the packet of materials.

Mr. Roederer asked for the definition of an “incidental take permit”. The permit will allow permission from the DEC to take an action that may take habitat from rare, threatened or endangered animals; however they are trying to coordinate with the DEC for as little disruption as possible and are preparing a plan for construction /operations that will not affect their habitat or that would have minimal impact.

The diagram says that it doesn’t intend to disturb 5 acres at a time. Why? Mr. Feldmann responded that they are trying to limit disturbance to water quality and it just means that the accumulation of all their work at one time is going to be less than 5 acres. The leased area will be about 58 acres and may have a little sprawl outside of that but will not lead to additional water quality issues.

With no further discussion, a motion was made by J. Ninos that the Wolcott Solar Project in the Town of Hume be approved. The motion was seconded by D. Foster and carried with none opposed.

IV. OLD BUSINESS:

- A) Board Resolution for Planning Director to Act on Behalf of Planning Board Under Certain Circumstances – Director Dirlam explained the process for the resolution. It was intended for discussion at the March meeting; however it was cancelled and the resolution was still brought to the legislature because of the deadlines for submittal. During P&D committee discussions, some legislators were concerned that Planning Board powers would be taken away by this decision. The intent was to only use this if there was no quorum or meeting within the allotted timeframe and a concerning application came in to avoid the automatic approval process.

Ms. Gridley asked if we still need the resolution considering we have use of the online format now. Director Dirlam responded that typically use of online formats instead of in person is not allowed according to public meeting law and the restrictions are only lifted for the COVID-19 situation. Mr. Stockin stated that he thought that the law would start to be enforced again after restrictions are lifted.

Mr. Ninos said that three legislators called him and asked why this was being done but he couldn’t answer.

With no further discussion, a motion was made by J. Isaman to table discussion until the Board is able to meet in person. The motion was seconded by P. VanDyke and carried with none opposed.

V. CORRESPONDENCE: None

VI. REPORTS:

- A)** DEC Report – Reports were provided for the week of May 6, 2020 and included a permit application from Behen Farms & Gravel Mine in Caneadea for mined land reclamation, a negative declaration from SEQR of that permit application, and a SPDES renewal application from the Village of Bolivar wastewater treatment plant.
- B)** Intergovernmental Review Projects [IRP's] – 20.17 & 20.18 relate to the Chesapeake bay and grant funding for cleanup in 19 counties including Allegany.
- C)** Southern Tier West Report – The May program report was provided for review. Their next meeting is scheduled via an online platform May 21, 2020.
- D)** Community Planning –
 - 1. The **Town and Village of Cuba** are still working on the update of their 2011 Comprehensive plan, with a little delay from the current restrictions.
 - 2. The **Town and Village of Bolivar** may start to develop their Comprehensive Plan from the strategic plan previously developed and the plans from the Alfred State Architecture class.
 - 3. The **Town of Alfred** is moving forward with the plans for a solar garden.
 - 4. The **Town and Village of Wellsville** have discussed a revision of their Comprehensive Plan from 2017 but to date, have not requested assistance.
 - 5. Several solar projects are becoming active in the County, with a handful already reviewed by our Board. IDA is involved with approximately 12 and the number seems to be growing at a steady pace.
- E)** Training –
 - 1. A reminder that board members are required to have four hours of training a year related to planning activities was given. That will be a little more difficult this year as the Local Government Conference was cancelled due to the COVID-19 restrictions. Some links for free online trainings were provided:
 - i. https://www.dos.ny.gov/lg/onlinetraining/planning_board_overview_courseoutline.html - Online program on Planning Boards
 - ii. https://www.dos.ny.gov/lg/onlinetraining/historic_preservation_courseoutline.html - Online program on Historic Preservation
 - iii. https://www.dos.ny.gov/lg/pdf/Spring_Webinar_Series_Flyer_2020.pdf (May 27th – Comprehensive Planning & June 10th – Blight Strategies & Tools)
- F)** Planning & Economic Development Office Report/Updates – Report provided with several points highlighted including Census, levee discussions and Quicklee's construction schedule.

VII. GOOD OF THE ORDER: There is one at large position available on our board. Please reach out with names of someone if you think they may be interested. They can be from any district.

VIII. ADJOURNMENT:

The next meeting is scheduled for **Wednesday June 17th, 2020 at 7 PM (pending referrals)**. A physical or virtual meeting will be determined prior to the scheduled date.

On a motion by D. Foster, seconded by P. VanDyke, the meeting was adjourned at 8:08 PM.



Chairman: Lee Gridley * Vice-Chairman: Dale Foster * Secretary: James Ninos

Minutes: June 17, 2020

Present In Person: L. Gridley
Present Via Zoom: J. Gorton, J. Ninos, J. Roederer, P. VanDyke, J. Isaman, V. Perkins, R. Thompson, D. Foster, Ex-Officio P. Stockin
Excused: J. Stolfus
Staff: Kier Dirlam – Director of Planning; Michelle Denhoff – P&D Specialist
Guests via Zoom: Mike Miller – Town of Wellsville; Jesse Case – Town of Wellsville; Dan Csaplar – Representative of Omni-Navitas Holdings
Location: Crossroads Conference Center, Town of Angelica & Zoom

I. CALL TO ORDER:

Chairwoman Gridley called the meeting to order at 7:03 PM. The Chairwoman welcomed guests at the meeting.

II. MINUTES:

A) Minutes from **May 20, 2020** were reviewed: **On a motion by D. Foster and second by J. Ninos, minutes from May 2020 were approved.** Motion carried, none opposed.

III. NEW BUSINESS:

A) Town of Wellsville, Local Law to Regulate Solar Energy Systems – Mr. Miller spoke on behalf of the Town (Mr. Case was present but had microphone issues). He stated that the law presented to us mirrors the NYSERDA model law and they are still waiting to hear back from the Town lawyer before they proceed. Director Dirlam stated that the law seemed acceptable, but there were a few items on the permit that the Town may want to pay attention to as follows: Pages 2 and 4 reference the old mailing address for the Town, Page 3 notes a standard inspection checklist has been adopted so the Town should make sure this has been adopted if they keep that language, and under the Unified Solar Permit Resources section some details where filler language was present should be deleted.

a. J. Isaman asked about changes in technology and the ability of the Town to adapt its law to those. Mr. Miller responded that the law would only have to be modified if the site were to have battery storage, as there are additional requirements for that.

With no further discussion, J. Ninos made a motion to approve the law with the changes suggested. D. Foster seconded, with none opposed the motion was carried.

B) Town of Wellsville, Referral of Omni-Navitas Holdings, LLC Solar Project – Mr. Csaplar, the representative of Omni-Navitas, spoke regarding the project. It is planned as a 5 MW project located at 2495 Lewis Road, approximately 2 ½ miles SE of Wellsville center. He

provided a background on the developer and explained the project would not be seen from the road because of all the natural screening already in place. It will provide clean energy to 750 homes with a 10% reduction on their energy bill. The project will require minimal disturbance to the property and the panels will utilize access trackers that follow the sun and increase efficiency. The construction will take 3-6 months to complete, followed by an operations and maintenance team every two months for mowing, basic upkeep of the grounds.

- a. Director Dirlam noted to the group that this project was triggered for referral because it lies within an agricultural district. He also asked if the developer intends to follow the proposed Town law? Mr. Csaplar stated that they had not seen the proposed Town law but are following the NYS DERDA model law and guidance.
- b. A few things were noted regarding the SEQR for the project (not binding comments): page 1 a name change of the owners is suggested; page 2, B, item e should be updated to reflect the county agency referral to the County Planning Board; page 3, C, item a should be updated to “no” because the Town of Wellsville does not have zoning in place; page 4, D, item g should be updated to “yes” with details of construction; page 6, D2, item e may want to consider changing the response regarding storm water runoff.
 - i. Mr. Miller asked what our suggested outcome is. Director Dirlam stated that these are only suggested changes and that the Planning Board isn’t considering these official comments or part of a decision they make.

With no further discussion, J. Isaman made a motion to approve the Omni-Navitas Holdings, LLC solar project, located in the Town of Wellsville. J. Ninos seconded, with none opposed the motion was carried.

C) Town of Wellsville, Omni-Navitas Holdings, LLC Solar Project, Request to be Lead Agency

J. Isaman made a motion to support the request from the Town of Wellsville to be lead agency for the SEQR regarding Omni-Navitas Holdings, LLC Solar Project. J. Gorton seconded the motion, with none opposed the motion was carried.

After the motion, Mr. Miller asked if there were any other agencies that should be notified of the SEQR review. Director Dirlam suggested notifications to the Town Highway department in case they are concerned with potential truck traffic on the Town road. He then listed the typical State agencies that are notified.

D) Town of Hume, Municipal Wastewater Treatment Improvement Project, Request to be Lead Agency -

J. Isaman made a motion to support the request from the Town of Hume to be lead agency for the SEQR regarding the Municipal Wastewater Treatment Improvement Project. J. Ninos seconded the motion, with none opposed the motion was carried.

IV. OLD BUSINESS:

- A) Alle-Catt Wind Project – The first Article 10 project in Allegany County was approved on June 3rd by the NYS Siting Board. Moving forward, the project will start construction soon but it has been very controversial so they are likely to stay in the spotlight.
- B) Solar Projects – Several of the solar projects that have been reviewed and approved will be starting construction soon. The Board may see other projects come through from the same developers and they begin to expand the projects.

V. CORRESPONDENCE: None

VI. REPORTS:

- A) DEC Report – The week of June 10th report is an application for streambank stabilization project. This is the same property that we have talked about before that is eventually going to be a state park area.
- B) Intergovernmental Review Projects [IRP's] – There are none to report relevant to our area.
- C) Southern Tier West Report – STW applied for and is likely to get a \$200,000 federal grant related to COVID-19. It will be used for a tri-county project that will include small business services and economic development programs.
- D) Community Planning –
 - 1. Comprehensive planning efforts are continuing in the **Town/Village of Cuba & Town/Village of Bolivar**; The **Town/Village of Wellsville** is planning to do an update of their 2017 comprehensive plan as well.
 - 2. The **Town of Amity** Planning Board recently met and continued their discussions with staff regarding clean energy
 - 3. The **Village of Alfred** is still working on the sidewalk planning for the DRI grant, as there seems to be much opposition to it in Alfred Station area. All other projects are on stand still for now.
 - 4. Mr. Stockin shared that the Architecture class from Alfred will be working with the **Town of Caneadea** in the fall and will be visiting the smaller hamlets for projects as well.
- E) Planning & Economic Development Office Report/Updates – The June 2020 report was provided for reference with highlights below:
 - 1. An office intern started today, an architecture student from Alfred State College and will be with us for twelve weeks. It is expected that he will do some renderings for potential building upgrades/uses.
 - 2. A Ralph Wilson Legacy grant was awarded to Allegany County to help with planning for a trails project that will help link the WAG trail from Wellsville up to the GVG in Belfast.
 - 3. Due to COVID-19, department heads were asked to provide contingency budgets for the remainder of the year and try to plan for next year's budget without knowing what kind of cuts are going to happen from the State.

VII. GOOD OF THE ORDER:

VIII. ADJOURNMENT:

The next meeting is scheduled for Wednesday July 15th, 2020 at 7 PM (pending referrals). A physical or virtual meeting will be determined prior to the scheduled date.

On a motion by D. Foster, seconded by P. VanDyke, the meeting was adjourned at 8:01 PM.



Chairman: Lee Gridley * Vice-Chairman: Dale Foster * Secretary: James Ninos

Minutes: July 15, 2020

Present In Person: L. Gridley
Present Via Zoom: J. Gorton, J. Ninos, J. Roederer, J. Isaman, R. Thompson, D. Foster, Ex-Officio P. Stockin
Excused: J. Stolfus, P. VanDyke, V. Perkins
Staff: Kier Dirlam – Director of Planning; Michelle Denhoff – P&D Specialist
Guests via Zoom: Dan Spitzer – IDA Law Council; David Pullen – Town of Independence Law Council; Ross Scott – Independence community member; Terry Rasmussen – OYA Solar Director of Development; Mariana Pires – OYA Solar Representative; Brian Lewis – Town of Independence community member
Location: Crossroads Conference Center, Town of Angelica & Zoom

I. CALL TO ORDER:

Chairwoman Gridley called the meeting to order at 7:20 PM. The Chairwoman welcomed guests at the meeting and introductions done of board members and others present.

II. MINUTES:

A) Minutes from **June 17, 2020** were reviewed: **On a motion by J. Ninos and second by J. Gorton, minutes from June 2020 were approved.** Motion carried, none opposed.

III. NEW BUSINESS:

- A) Town of Independence, Referral of OYA Independence North Solar Project – The project is a 5 MW facility on the north end of the property identified on County Road 22 in the Town of Independence. Preliminary comments have already been received from the Town Board that are being incorporated into the final plan for the project. The property currently consists of open pasture and hay field. There will be minimal tree cutting and little prime farm land utilized. Visual screen will be used on all areas of the property lines, a racking system will be used with panels that rotate east to west. A converter station will also be on site and will tap directly into a power line running along the property.
- a. Mr. Roederer asked about the use of the pole system and whether or not it could be an underground system. Mr. Rasmussen responded that the pole system is required to use by National Grid for the connection into their system and each pole has a dedicated function.
 - b. Mr. Pullen spoke on behalf of the Town Board, as Jeri Reichman couldn't be present at the meeting and expresses her regrets. The Town Board is still considering both projects and hasn't made a decision. The public hearing is scheduled for a week from tomorrow night and OYA has been requested to submit a few additional items that should be available prior to the public hearing.

With no further discussion, J. Ninos made a motion to approve the OYA Independence North project. J. Roederer seconded. All approved and the motion was carried. (motion was made after discussion of Independence East and comments from the public were acknowledged)

- B) Town of Independence, Referral of OYA Independence East Solar Project – Mr. Rasmussen continued discussion of the projects, identifying the southern part of the parcel for the “east” project. There will be a minor amount of tree clearing and minimal prime farm land use on this project as well, and Ag & Market guidelines are being followed to ensure soil preservation. The visual screening element will be improved, per the Town’s request along County Road 22 and it will have the same pole system. Applications for a PILOT agreement have been submitted to the ACIDA for both projects.
- a. Mr. Pullen provided the same comments as the North project and noted there is a host community agreement for both projects that still remains to be negotiated.
 - b. Mr. Ross Scott asked for clarification on where the Amish homes are located in relation to the project and where the access road will be, if different from the current access to the barn on the property. Mr. Rasmussen identified the homes and stated he is unsure of what the property owner plans to do with the barn, but it is not part of the project property that will be utilized.
 - c. Mr. Spitzer asked if pollinator friendly materials will be planted for ground cover (related to comments received at IDA and the environmental assessment) and then followed with questions regarding the farmer’s use of the rest of the property. Mr. Rasmussen stated that a forest crop like clover would be used unless a request was given to plant a native pollinator species instead, which could easily be accommodated. It is unclear what the farmer intends to use the barn and the rest of the field for; however he does plan to harvest a woodlot. The IDA also received comments regarding gas lines and crossovers. The grid is done by a licensed engineer to NYS standards. A significant pipeline is not too far from the project and the developer will be in touch with National Fuel Gas and will inquire with them.
 - d. Director Dirlam stated the same comments were sent to our department as well and were sent to planning board members right before the meeting. Some discussion with Mr. Scott about additional concerns that the Town seems to be handling already. Comments will be forwarded to the representative lawyers and the developer – none were significant. He went on to explain the reason for the referral – proximity to a county road and agricultural district.
 - e. Mr. Ninos asked if the only community impact was the Amish community. There is also a neighbor to the North, Mr. Lewis, present at our meeting. Mr. Rasmussen stated they have an open dialogue with him. His biggest concern is his water well that sits on the property line.
 - f. More discussion followed regarding grounding of the system and AC vs DC currents related to solar and wind projects.

With no further discussion, J. Roederer made a motion to approve the OYA Independence East project in the Town of Independence. D. Foster seconded and with none opposed the motion was carried.

IV. OLD BUSINESS: None

V. CORRESPONDENCE: None

VI. REPORTS:

- A) DEC Report – For the week of June 24, 2020 the IDA made a negative declaration regarding Wiscoy Solar I and Wiscoy Solar II projects in the Town of Hume. No action is required by the planning board.
- B) Intergovernmental Review Projects [IRP's] – None
- C) Southern Tier West Report – Director Dirlam stated that the meeting will be tomorrow and they are finalizing an online training schedule for the year. STC is also providing training online.
- D) Community Planning – **Town and Village of Cuba** are still working on the comprehensive plan.
- E) Planning & Economic Development Office Report/Updates – **Town of Amity** met recently regarding clean energy laws; **Town of Willing** is discussing clean energy laws as well, possibly going to do a comprehensive plan. A list was submitted to **NYSAC** for infrastructure project needs that was over \$280 million for Allegany County. We are hoping it will help to move forward a stimulus package in the summer. **The trails planning project** is trying to get started – just waiting for approval from legislature. The **Trails Outdoor Recreation Committee** was newly appointed.

VII. GOOD OF THE ORDER:

VIII. ADJOURNMENT:

The next meeting is scheduled for **Wednesday August 19th, 2020 at 7 PM (pending referrals)**. A physical or virtual meeting will be determined prior to the scheduled date.

On a motion by D. Foster, seconded by J. Ninos, the meeting was adjourned at 8:02 PM.



Chairman: Lee Gridley * Vice-Chairman: Dale Foster * Secretary: James Ninos

Minutes: August 19, 2020

Present In Person: L. Gridley
Present Via Zoom: J. Gorton, J. Ninos, J. Isaman, R. Thompson, D. Foster, P. VanDyke, V. Perkins, Ex-Officio P. Stockin
Excused: J. Stolfus, J. Roederer
Staff: Kier Dirlam – Director of Planning; Michelle Denhoff – P&D Specialist
Guests via Zoom: Charlie Bliss – Town of Rushford Board Member; Cal Chaplin – Town of Rushford Supervisor
Guests In Person: Bill Dibble – District 3 Legislator
Location: Crossroads Conference Center, Town of Angelica & Zoom

I. CALL TO ORDER:

Chairwoman Gridley called the meeting to order at 7:06 PM. The Chairwoman welcomed guests at the meeting.

II. MINUTES:

A) Minutes from **July 15, 2020** were reviewed: **On a motion by J. Ninos and second by J. Gorton, minutes from July 2020 were approved.** Motion carried, none opposed.

III. NEW BUSINESS:

A) Town of Rushford, Referral of Proposed Amendments to the Zoning Ordinance – The presented amendments are for clarification of the existing ordinance. Section 623 a & b used the term “permanent structure” rather than “dwelling” or “house”. A second area of confusion was use of the term “living purpose”. The purpose of the ordinance was to eliminate full time residency in an RV, not limit use of RV’s for guests. The RV maintenance section has been added with 15-20 restrictions requesting regular maintenance on RVs while on the property. An additional section clarifies the section stating two (2) contiguous acres, a correction made as a result of a previous law suit. Campgrounds will no longer be allowed moving forward. Another amendment allows for RVs in agricultural district one only, without a special use permit. Minimum lot size is now two (2) acres in ag district. Mr. Bliss and Mr. Chaplin feel that these changes would allow for proper enforcement.

- a. J Ninos spoke to a similar situation regarding the tiny house issue in Alfred. Clarification regarding the difference in mobile homes and manufactured homes was necessary.
- b. Mr. Bliss spoke regarding the clarifications – it is more in line with what original town board had wanted. It was never the intent to prevent guests from staying with home owners. The maintenance section was taken from nys code regarding RV maintenance. New Building Code has been updated and now covers tiny homes, per J Ninos comments. The Town Board still has

a lot of work to do regarding the zoning regulations – they are doing the sections according to priority.

- c. Director Dirlam mentioned several comments regarding the updates – good job to current board on revisions; county planning board should not really have any concerns; codes that could use improvement from 2017/2018 included maintenance clause and could possibly be used in other sections. Mr. Bliss stated that it is now in building code as well.

With no further discussion, J. Ninos made a motion to approve the proposed amendments to the Town of Rushford Zoning Ordinance. J. Gorton seconded. All approved and the motion was carried.

- B) Town of Alfred, referral of Proposed Solar Energy Systems and Facilities Local Law– The Town of Alfred did not have a representative present at the meeting; however Mr. Ninos stated that he had been present at several of the Town meetings when they were working on it. Director Dirlam noted that the law was taken from the NYSERDA model law. The only modification suggested might be to add the clause regarding the GML 239 referrals.

With no further discussion, P. VanDyke made a motion to approve the Town of Alfred Proposed Solar Energy Systems and Facilities Local Law with a suggested modification to include the provision related to GML 239 referrals. D. Thompson seconded and with none opposed the motion was carried.

- C) Town of Hume, Water Systems Improvement Project, Request to be Lead Agency –

J. Gorton made a motion that the Allegany County Planning Board has no objection to the Town of Hume Board assuming lead agency for the water systems improvement project. P. VanDyke seconded. All approved and the motion was carried.

IV. OLD BUSINESS: None

V. CORRESPONDENCE: None

VI. REPORTS:

- A) DEC Report – There were no reports to provide.
- B) Intergovernmental Review Projects [IRP's] – None
- C) Southern Tier West Report – Director Dirlam stated there would not a meeting tomorrow, but mentioned that they are expecting funding to replace broadband equipment that has been discontinued. ARC project applications are due in the next 30 days with a couple from Allegany County in the mix.
- D) Community Planning – Nothing new to report this month. Cuba is still working on their comprehensive plan.
- E) Planning & Economic Development Office Report/Updates – Director Dirlam went through the report and highlighted a few things that are happening. Highlighted updates were related to Census outreach money/requirements, and the trails planning grant project has

started assessing properties and alternatives for connecting the Greenway to the WAG in Wellsville.

VII. GOOD OF THE ORDER: J. Ninos had some advice regarding the use of zoom – When the meeting has ended, be sure to turn off your session.

VIII. ADJOURNMENT:

The next meeting is scheduled for **Wednesday September 16, 2020 at 7 PM (pending referrals)**. A physical or virtual meeting will be determined prior to the scheduled date.

On a motion by D. Foster, seconded by J. Ninos, the meeting was adjourned at 7:43 PM.

Chairman: Lee Gridley * Vice-Chairman: Dale Foster * Secretary: James Ninos

Minutes: September 16, 2020

Present In Person: L. Gridley
Present Via Zoom: J. Gorton, J. Ninos, J. Isaman, R. Thompson, V. Perkins (via phone), J. Roederer
Excused: J. Stolfus, D. Foster, P. VanDyke
Staff: Kier Dirlam – Director of Planning; Michelle Denhoff – Asst. Director of Economic Development & Planning
Guests via Zoom: Shawn Grasby – Town of Burns Code Enforcement Officer; Catherine Chambers – Alfred Station Resident
Location: Crossroads Conference Center, Town of Angelica & Zoom

I. CALL TO ORDER:

Chairwoman Gridley called the meeting to order at 7:06 PM. The Chairwoman welcomed guests at the meeting.

II. MINUTES:

A) Minutes from **August 19, 2020** were reviewed: **On a motion by J. Ninos and second by J. Isaman, minutes from August 2020 were approved.** Motion carried, none opposed.

III. NEW BUSINESS:

- A) Town of Burns, Referral of Proposed Law to Provide Battery Energy Storage System Regulation – The Town of Burns has an article 10 project coming in that is also going to propose a battery storage law. The NYSERDA battery storage model law was used - decommissioning was added, an operation manual, set back requirements and buffering were also added. The developer will be asked to pay for fees associated with the engineering related to the projects.
- a. V. Perkins commented that “Allegheny” County Planning Board is spelled incorrectly on Page 7, item A4.
 - b. J. Ninos asked about the comments that are on the side of the page. Mr. Grasby noted that they are from the lawyer’s office.
 - c. R. Thompson commented regarding page 2 of the EAF, block C1 was left blank and should be answered as “yes”, per Dirlam’s response.
 - d. J. Roederer asked if there was an actual Code Enforcement Officer in Burns? Yes there is. He also asked a question regarding combustible brush. There will be no vegetation in the buffer zone, and it is in accordance with fire code. Another question relates to security and “bollards”. That is another section that came from fire code and will ensure protection to the building. One more question relates to the EAF and explanation of why some of the form was skipped.
 - e. J. Isaman asked who filled the EAF out. Mr. Grasby noted that the lawyer filled it out. Are there any state or federal laws that will supersede this law? – Not that we know of yet, per S. Grasby.

- f. Director Dirlam referenced the following should be noted and corrected. Town Board/Planning Board seems to be used interchangeably throughout the text – it should state which one has control through this process consistently. There is no zoning in the Town of Burns so some of the language should be clarified. Suggestions are as follows:
- i. Page 4 under #6 “in all zoning districts” should be removed.
 - ii. Page 4 under #7 “through the issuance of a special use permit” is questioned and may be considered for removal.
 - iii. Page 7 spelling and remove “pursuant to GML 239-m”
 - iv. Page 7 also references “County Planning Board” and “Planning Board”. It should be better defined on who is doing actual reviews during the process.
 - v. A checklist may be useful during the process of what is required for the site plan on pages 7-9.
 - vi. A standard permit might be useful as well so people know what to fill out/expect.
 - vii. The attached EAF has some missing information including mailing address, “attached” narrative is missing, Page 2, B.e. should be “yes”, C.1 should be “yes”, C.2 should be “no” regarding the comprehensive plan question.

Most of the items discussed are not integral to the law; however they should be considered.

With no further discussion, J. Isaman made a motion to approve the Town of Burns proposed law to provide Battery Energy Storage System Regulation. J. Ninos seconded. All approved and the motion was carried.

IV. OLD BUSINESS: None

V. CORRESPONDENCE: None

VI. REPORTS:

- A) DEC Report – There were three reports provided. Two were related to streambank work on the Genesee River in the Town of Belfast and the Town of Caneadea. The other was a negative declaration for a project in the Town of Hume.
- B) Intergovernmental Review Projects [IRP’s] – There were no IRP’s related to Allegany County.
- C) Southern Tier West Report – Meeting is scheduled tomorrow so a report is not readily available for review.
- D) Community Planning – none to report at the time.
- E) Planning & Economic Development Office Report/Updates – Report will be sent out to the group, it was not included in the packet.

The internet connection in the office was very poor for this month’s meeting

VII. GOOD OF THE ORDER: none reported.

VIII. ADJOURNMENT:

The next meeting is scheduled for Wednesday October 21, 2020 at 7 PM (pending referrals). A physical or virtual meeting will be determined prior to the scheduled date.

On a motion by J. Gorton, seconded by J. Roederer, the meeting was adjourned at 7:38 PM.

Chairman: Lee Gridley * Vice-Chairman: Dale Foster * Secretary: James Ninos

Minutes: November 18, 2020

Present Via Zoom: L. Gridley, J. Gorton, J. Isaman, J. Roederer, P. Stockin (ex-officio), D. Foster, R. Thompson; J. Ninos
Excused: J. Stolfus, P. VanDyke, V. Perkins
Staff: Kier Dirlam – Director of Planning; Michelle Denhoff – Asst. Director of Economic Development & Planning
Guests via Zoom: Carrie Whitwood – Ardent Solutions; Megan Burdick – Ardent Solutions; Carissa Knapp – County Administrator
Location: Crossroads Conference Center, Town of Angelica & Zoom

I. CALL TO ORDER:

Chairwoman Gridley called the meeting to order at 7:21 PM. The Chairwoman welcomed guests at the meeting.

II. MINUTES:

A) Minutes from **September 16, 2020** were reviewed: **On a motion by J. Roederer and second by J. Gorton, minutes from September 2020 were approved.** Motion carried, none opposed.

III. NEW BUSINESS:

- A) Ardent Solutions, Coordinated Public Transit Human Services Transportation Plan Review – Director Dirlam gave an introduction of Ms. Whitwood and Ms. Burdick from Ardent Solutions. Ms. Whitwood stated that the plan is a requirement by NYSDOT to receive money for specific programs. The format is already set by DOT and is very standard. It outlines demographics, available services, and needs. On page 46 the goals and strategies of the plan are outlined and the role of Ardent Solutions is better defined than in previous plans, as well as other projects that they are responsible for.
- a. Ms. Gridley asked how long the plan is valid? Ms. Whitwood said that it is good for five to ten years; however, they are planning to try and review every three years.
 - b. Mr. Roederer asked about funding of the plan – Ms. Whitwood explained the main funding is through NYSDOT and is available every two years, and provided detail of the different money streams. Reimbursements are also awarded through a program in STOA.
 - c. Mr. Roederer asked about the Hispanic population on page 12. While the other ethnicities are called out, Hispanics are not. It does require clarification, but Director Dirlam explained that it is probably not shown because of the way that the Census reports the data.
 - d. Mr. Isaman asked about the number of riders, miles, etc. and how it looks compared to other surrounding counties. Ms. Whitwood said that is

reported to NYSDOT on a quarterly basis so it's not reported in this particular plan. There are over 57,000 rides a year. On a comparison to other rural providers, Allegany County is matching the average. Ardent is always looking at ways to increase ridership and diving into what the barriers are in the next couple of years.

- e. Director Dirlam stated that many of the other local program changes have made significant changes to the Allegany County system and have caused a general decline in ridership. There was general discussion of doctors retiring in Houghton and in other parts of the County that are identified in the plan.
- f. Mr. Roederer asked about pick up points, in relation to Amish in particular. Ms. Whitwood said that they are one of the largest riders at this time and it is sometimes worrisome that there will not be enough room. Ms. Gridley asked about how easy it is to change the route system. Ms. Whitwood replied that they work with Allegany County government to determine routes right now but it is monitored on a regular basis using flag stops and surveys, as well as other methods.

With no further discussion, J. Isaman made a motion to approve the plan without edits, J. Roederer seconded. All approved and the motion was carried.

- B) Town of Burns Battery Storage Law, SEQR Review – Director Dirlam explained that the Planning Board does not actually have to review the SEQR as originally thought. It was provided for information purposes only, and was approved as part of their law adoption.

With no further discussion, J. Gorton made a motion to acknowledge receipt of the SEQR for the Town of Burns Battery Storage Law, J. Ninos seconded. All approved and the motion was carried.

IV. OTHER BUSINESS:

- A) Discussion of Annual Planning Board Meeting & Dinner – Director Dirlam explained that this is the first time in decades but the dinner will not be held this year due to COVID-19 restrictions on large gatherings. The annual meeting will still be held via zoom and it will include nomination of officers. If there is regular business to attend to in addition to nomination of officers, the annual meeting will be closed and the other would be open.
- B) Nominating Committee – Chairwoman Gridley stated that J. Ninos and J. Gorton will be appointed to the nominating committee.

V. CORRESPONDENCE: None

VI. REPORTS:

- A) DEC Report – Soil and Water requested to do a bank stabilization project in the Town of Belfast to keep a house from potentially falling into the river; the second notice was a negative declaration related to the DEC and herbicide application.
- B) Intergovernmental Review Projects [IRP's] – There were no IRP's related to Allegany County this month.
- C) Southern Tier West Report – Replacement of equipment on towers for broadband use will be done using grant money. It is expected the project will be done by April. Minutes of this

meeting were sent out after the initial packet was received by board members. Director Dirlam stated that Richard Zink, Executive Director of STW has been an asset to the broadband program for Allegany County.

- D)** Community Planning – Cuba Town and Village are continuing their Comprehensive Plan efforts with Ms. Denhoff; Town of Angelica recently passed an ATV law with overwhelming community interest; and the Town of Willing is creating a planning board.
- E)** Planning & Economic Development Office Report/Updates – NYSAC is working on testimony related to ORES/94C (replacement of Article 10); the Census outreach project has been wrapped up - \$52,000 spent in eight weeks; Landbank is working on building a new home in Wellsville, and two (Bolivar and Wellsville) homes were recently purchased for rehab; a summary of the Alfred State College visualization project was provided by Director Dirlam – this year the Town of Caneadea and involved hamlets were targets; the LWRP has been fired back up and is in the process of forming working groups from each Town.
- F)** Training – NYS DOS Winter Webinar Series has been released (provided in the packet) and Ms. Denhoff provided a reminder that members are required to have four hours of training a year. Certificates from each training may be given to her, or a generic form can be filled out by attendees and turned in if a certificate isn't provided.

VII. GOOD OF THE ORDER: none reported.

VIII. ADJOURNMENT:

The next meeting is scheduled for **Wednesday December 16, 2020 at 7 PM (pending referrals)**. A virtual meeting will be determined prior to the scheduled date.

On a motion by D. Foster, seconded by J. Gorton, the meeting was adjourned at 8:14 PM.