

There were no further comments or questions on this application from the Planning Board and Town staff.

■ A motion was made by MR. SCHWARTZ, seconded by MR. OYLER, that the Planning Board hereby classifies this Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, that Type II Actions are not subject to further review under Part 617 of the SEQR Regulations, and that the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this resolution be placed in the file on this Action.

Motion carried by voice vote.

■ A motion was made by MR. GENTRY, seconded by DR. BLAZEY, that the application of Grove Engineering, 8677 State Route 53, Naples, N.Y. 14512, representing Kenneth Rohr, owner of property at 4246 County Road 16, requesting Single-Stage Site Plan approval for the construction of a 24-foot by 28-foot attached garage located at 4246 County Road 16 within the RLD Zoning District and detailed on site plans last revised September 23, 2016, and all other relevant information submitted as of October 25, 2016 (the current application) be approved with conditions.

Motion carried by voice vote.

3. NEW SPECIAL USE PERMIT AND NEW SINGLE-STAGE SITE PLAN:

CPN-067-16

Hunt Engineering, Architects, Land Surveyors PC representing Pfister Energy of Baltimore LLC, 3915 Coolidge Avenue, Baltimore, Maryland 21229; and Greg Westbrook, 3316 County Road 16, Canandaigua, N.Y. 14424, owner of property at 2970 County Road 10, Canandaigua, N.Y. 14424 TM #84.00-1-17.100

Requesting a Special Use Permit and Single-Stage Site Plan approval for an Accessory Commercial Use (§220-35 and §220-52) for the installation of an approximate 8-acre solar array which will include photovoltaic panels on ballasted structural frames with associated appurtenances within an 8.7-acre area to be leased to Pfister Energy of Baltimore on a 29.511-acre parcel owned by West Corners LLC, located at 2970 County Road 10, as described in the site plans dated September 16, 2016, last revised September 18, 2016, and all other relevant information submitted as of October 25, 2016 (the current application).

Mr. Schwartz opened the Public Hearing on this application.

Mr. Raeman of Hunt Engineers, Architects, Land Surveyors PC presented this application. He explained that Pfister Energy seeks to install an approximate 8-acre solar array on 8.7 acres of land to be leased from West Corners LLC.

Mr. Schwartz asked Mr. Raeman to explain the involvement of the various business entities that are associated with this application. Mr. Raeman explained that New Energy Equity of Annapolis, Maryland, seeks funding from private, public and institutional investors and has acquired grants on behalf of the City of Canandaigua for this project. Following the acquisition of funding by New Energy Equity, Pfister Energy of Baltimore, Maryland, was selected as the developer of the project on behalf of the City of Canandaigua. He said that Pfister Energy is the developer of the project and would own the solar hardware and equipment on the site.

Mr. Raeman explained that the land at 2970 County Road 10 is owned by West Corners LLC, an entity which is owned by Mr. Westbrook, and that West Corners LLC would sublet the acreage upon which the solar array would be installed to Pfister Energy. He said that the City of Canandaigua would be the beneficiary of the electricity that would be produced on the site and of the revenue of the sale of the electricity that would be sold to the utility company.

Mr. Staychock asked about the City of Canandaigua's solar project that is located just west of this site on County Road 10 within the Town of Canandaigua. Mr. Raeman said that this project would be similar to the City's first project.

Mr. Staychock asked if there had been a problem with the City's first project on County Road 46. Mr. Raeman said that the City desired to retain some of the land at that site for other uses and sought additional land for a second installation. He said that the first project also is located near a wetland which precluded the use of a portion of the property for the solar installation.

Mr. Finch asked if there is a minimum limit of electricity that can be produced on an individual parcel of land. Mr. Bennett, who also was in attendance and who has a solar application pending before the Planning Board, said that the limit is typically 2 megawatts per parcel depending upon the type of project.

Mr. Oyler asked if the City's first project on County Road 46 would be connected to the current application. Mr. Raeman said that these are two separate projects and would not be interconnected.

Dr. Blazey asked about the involvement of Hunt Engineers, Architects and Land Surveyors PC. Mr. Raeman said that Hunt Engineers is serving as the consulting engineering firm on behalf of Pfister Energy and is working to obtain the required permits and approvals. He said that Hunt Engineers would prepare the Storm Water Pollution Prevention Plan (SWPPP) reports during installation, among other typical engineering duties.

Mr. Raeman reviewed the location of the Federal wetlands that are located adjacent to the site. Mr. Brabant said that MRB Group has requested that the 48-inch culvert may need to be replaced or extended to accommodate the new gravel drive. In his engineering comment letter of October 18, 2016, he asked for clarification and additional details. He also noted that any replacement pipe should be embedded to promote aquatic habitat connectivity and biota passage, and to assure that the wetlands would not be impeded. Mr. Raeman said that the U.S. Army Corps of Engineers has inspected the site and is expected to provide sign-off approval of the plans.

Mr. Raeman said that a buffer of at least 100 feet would be maintained from the Federal wetlands (blueline stream) along County Road 10 and that there are no plans to disturb the 48-inch culvert.

Mr. Raeman said that it is expected that approximately one truck per month would be driven on the site by staff members for standard maintenance of the array.

Dr. Blazey said that she viewed a number of solar panels near the intersection of County Road 10 and County Road 46. Mr. Raeman said that he is unaware of solar panels on or near this site and that those panels may have been awaiting delivery to the City's first project west of this site on County Road 46.

Mr. Gentry said that he viewed a solar project along Route 365 in Rome, N.Y., in which weeds were overgrowing the solar arrays and creating a terrible view of project. He asked about the type of maintenance that would be performed to prevent the impact of poor maintenance here. Mr. Raeman expressed surprise at the condition of the site as described by Mr. Gentry. He noted that it is to the operator's advantage to keep vegetation, weeds and grass from encroaching upon the solar panels. He said that this site would be properly maintained and would be mowed several times per year.

Mr. Oyler suggested that a commitment should be obtained from the developer that the grounds would be well maintained during the solar array's years of operation. He also noted that an adequate maintenance requirement should be included in the Town's new solar law that is now under consideration and that a commitment on the part of the applicant to assure adequate maintenance would address Mr. Gentry's concerns.

Mr. Staychock, Mr. Gentry and Mr. Schwartz commented on the visibility of the solar arrays from County Road 10. Mr. Schwartz noted that it appears that there is adequate natural screening of trees and shrubberies along County Road 46 to screen the installation but that currently there is nearly no natural screening along County Road 10.

Mr. Schwartz asked Mr. Staychock to suggest types of natural screening that could be considered by the applicant in place of a fence that is proposed visible from County Road 10 and around the entire solar array site. Mr. Staychock suggested that a living snow fence—a vegetative strip that could be up to 30 feet wide with terraced plantings—could be considered along County Road 10. He explained that when the wind hovers and flows over the plants, a downdraft is created which enables the snow to settle away the road,

similar to the orange snow fences that often are installed slightly away from the highways during winter.

Mr. Raeman said that the solar arrays—which are installed at an angle—would shed snow on their own. He expressed concern that plantings would need to be at a distance from the arrays to avoid shadows and blocking of the sun. Mr. Gentry asked if there would be enough land outside of the fence to install these types of plantings. Mr. Raeman said that the fence would be located near the boundary of the leased land, but that some additional land may be available for lease if the Planning Board requires these plantings.

Mr. Staychock asked about the height of the solar array units. Mr. Raeman said that they would be 10 feet high and installed at a 30-degree angle. Mr. Staychock asked about installation of a privacy fence that could be installed high enough to block the view of the arrays from motorists on County Road 10 and which could be an alternative to a chain-link fence. Mr. Raeman said that the visibility of the arrays from County Road 10 would also depend upon the elevation of the road as compared to the elevation of the land.

Mr. Staychock expressed concern about the impact of a traditional fence upon the wildlife in the area. He said that this property is near a wetland riparian area that is hospitable to wildlife. He said that a traditional fence would force wildlife to move toward the north or toward the south and that animals would be funneled directly onto the road.

Mr. Schwartz said that he did not think that the habits of wildlife would change solely by this 10-acre project. He noted that animals still would have to cross the road and could cross at another location.

Mr. Staychock said that this area is a central corridor for wildlife and that a fence would encroach upon this corridor, especially with the nearby wetlands and riparian area. He said that this site is different from the City's first solar project on County Road 10 which was proposed for the former City transfer station property that was not conducive to wildlife habitat. Mr. Staychock said that this site, to be surrounded by a nearly-mile long fence, would have an impact upon wildlife, especially with its location near a wetland and its existing lush vegetation.

Mr. Staychock said that the purpose of the State Environmental Quality Review (SEQR) process is to ask these types of questions. He asked that the record indicate that he believes that the proposed fencing is inappropriate and extreme.

Dr. Blazey expressed a similar opinion for the record. She said that although the site may not be considered "beautiful," it is nonetheless wild and the wildlife would be affected by a surrounding fence.

Mr. Raeman said that he did not have enough information to address the fencing issue at this time. Mr. Nadler said that New York State code requires solar installations to be "in-accessible." Mr. Oyler said that the applicant is proposing a fence because he believes that a fence is a requirement. Mr. Raeman said that a fence was brought up at a previous

meeting. Mr. Bennett said that a solar installation site must be “inaccessible” and that this may be accomplished by installation of a fence or by the installation of guarding with plastic mesh around the wiring which protects the equipment and prevents people or animals from coming into contact with the electrical connections. He also noted that installation of a fence could be avoided by having wiring installed in conduit in accordance with the National Electric Code (NEC).

Dr. Blazey suggested that language be included into the Town’s draft solar law that indicates that a solar installation be protected with the least environmental restrictions for animals. She expressed interest in the installation of mesh guarding as discussed by Mr. Bennett.

Mr. Schwartz said that the draft solar law indicates that the Planning Board at its discretion may make recommendations regarding the protection of a site. Mr. Nadler said that the Planning Board has a significant amount of discretion for protection of a site, including the installation of a fence.

Mr. Schwartz asked if it was the consensus of the board to request the applicant to consider mesh guarding as discussed by Mr. Bennett instead of a traditional fence.

Mr. Staychock said that options other than a chain-link fence should be considered. He again noted that this area is a natural wildlife corridor leading to a riparian area and that a fence would cause animals to be funneled onto the road. He said that it would be on his conscience to put up a barrier that would funnel deer onto the road. He said that the Planning Board must bring this issue to light.

Mr. Staychock noted that the adjacent electric substation is already fenced and that it would be welcome if the applicant would show consideration for wildlife-friendly fencing of some kind. Mr. Schwartz also suggested shrubbery or a natural visual barrier around the solar installation instead of a fence. Mr. Staychock suggested plantings of Osage Orange that would grow into a great hedge.

Mr. Oyler suggested that the applicant consider various security and landscape buffer options for County Road 10. He noted that the elimination of a traditional fence also would provide more space within the leased area. Mr. Oyler said that currently there is adequate natural screening along County Road 46.

Mr. Schwartz asked about having a maintenance agreement included in the Planning Board’s approval resolution. Mr. Finch said that the New York State Property Maintenance Code refers to residential areas but that the Planning Board may require a maintenance agreement as a condition of approval of the Special Use Permit. He said that such a condition also would address Mr. Gentry’s concern of proper maintenance of the project. Mr. Finch suggested that discussion of property maintenance could be included in the project’s statement of operations with the condition that the site would not impede the service of the solar units and would retain as much of a natural setting as possible for wildlife.

Mr. Schwartz said that it appears to be the consensus of the board to request from the applicant alternatives to a traditional fence.

Mr. Oyler said that the board also has the right and obligation to apply conditions of approval concerning a decommissioning plan, as discussed in the draft solar law now under consideration by the Town. He said that the Planning Board may impose these conditions, especially in light of the fact that the Town has not yet adopted the solar law.

Mr. Schwartz asked if others in attendance wished to comment or ask questions upon this application.

Mr. Howell, who owns property on County Road 46 between the City of Canandaigua solar project and Mr. Westbrook's property, said that he is attending the Public Hearing this evening to hear more about the project and to learn more about the developments that border his property. He explained that he has a 45-foot-wide access from County Road 46 into his land. Mr. Schwartz asked Mr. Howell if he believed that this project would create a detriment to his property. Mr. Howell said that he did not yet think that there would be a detriment to his property by this project but that he would like more information, especially as technology changes and solar energy becomes more prevalent.

Mr. Cushing, who owns a solar development company based in Canandaigua, said that fences are often requirements to protect the developers' investments of hardware and materials.

Mr. Schwartz asked about alternatives to traditional fences.

Mr. Venezia discussed the conversations that occurred about 20 years ago when fences were proposed around the airport property. He said that animals quickly adapt to fences and find alternate routes around them. He noted that the Planning Board discussed a fence for the airport for about two hours one evening and that the fence was a requirement for the airport in that case. He said that a fence keeps deer and children from entering the property and that a developer would not want someone wandering around a solar array.

Mr. Staychock clarified that he never said that he did not want a fence. He said that there are many ways to "fence in" an area that also would allow the free movement of wildlife. He also noted that children are good at hopping fences.

Mr. Schwartz suggested that the Planning Board ask the applicant to present alternative types of fencing, but that given the developer's considerations of insurability of the hardware and the liability issue, alternative fencing may become a non-issue.

Mr. Nadler asked that the applicant return with fencing alternatives or with substantial proof that animals would not be hindered by a traditional fence.

Mr. Nadler also asked that the plans be revised to indicate the correct name of the property owner and that deed references on the site plan be verified for accuracy. He said that it seems that some portions of the site plan have been copied from the previous City of Canandaigua solar project.

Mr. Nadler also noted that the maximum height of a fence in an Industrial zoning district is 8 feet.

Mr. Schwartz asked Mr. Howell if anyone was living in the house on the northwest corner of County Road 10 and County Road 46. Mr. Howell said that he believes that the house is rented to tenants. He said that this was the former VanGelder home.

With no further comments from the board, Town staff or those in attendance, Mr. Schwartz said that the application would be continued to November 29, 2016, and that the Public Hearing on this application would remain open.

■ A motion was made by MR. STAYCHOCK, seconded by MR. GENTRY, that the application of Hunt Engineering, Architects, Land Surveyors PC representing Pfister Energy of Baltimore LLC, 3915 Coolidge Avenue, Baltimore, Maryland 21229; and Greg Westbrook, 3316 County Road 16, Canandaigua, N.Y. 14424, owner of property at 2970 County Road 10, Canandaigua, N.Y. 14424, requesting Single-Stage Site Plan approval for an Accessory Commercial Use (§220-35 and §220-52) for the installation of an approximate 8-acre solar array which will include photovoltaic panels on ballasted structural frames with associated appurtenances within an 8.7-acre area to be leased to Pfister Energy of Baltimore on a 29.511-acre parcel owned by West Corners LLC, located at 2970 County Road 10, as described in the site plans dated September 16, 2016, last revised September 18, 2016, and all other relevant information submitted as of October 25, 2016 (the current application), be continued to November 29, 2016.

Motion carried by voice vote.

4. NEW SINGLE-STAGE SITE PLAN:

CPN-068-16 **Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424, representing Robert Papenfuss, owner of property at 4113 Onnalinda Drive, Canandaigua, N.Y. 14424**

TM #113.17-1-16.000

Requesting Single-Stage Site Plan approval for the construction of a new deck, residential addition and detached garage located at 4113 Onnalinda Drive within the RLD Zoning District and detailed on site plans last revised September 21, 2016, and all other relevant information submitted as of October 25, 2016 (the current application).

Mr. Venezia presented this application. Mr. Papenfuss also attended.

