

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Monday, August 8, 2022, at 9:00 AM

Rev. 9/6/2022

MEETING REPORT

MEETING CALLED BY:

COMMITTEE MEMBERS: **CHUCK OYLER** **TOM SCHWARTZ** **JOHN CASEY**
 ADELINE RUDOLPH **TERRY FENNELLY**

SECRETARY: **KIMBERLY BURKARD**

GUESTS: **BOB LACOURSE** **BOB DICARLO** **CHRIS NADLER (R)**

TOWN STAFF: **SHAWNA BONSHAK** **DOUG FINCH** **SARAH REYNOLDS**

R = REMOTE

PRIVILEGE OF THE FLOOR

Mr. Fennelly opened the meeting at 9:02 am.

APPROVAL OF MINUTES: JULY 18, 2022

Motion to approve minutes from July 18, 2022 made by Mr. Schwartz and seconded by Mr. Oyler.
Voice vote carried.

PRIVILEGE OF THE FLOOR

ZOOM ETIQUETTE REMINDER

COMMITTEE BUSINESS

➤ Solar Presentation by Bob Lacourse

- Mr. Lacourse shared the presentation.
 - Worked with NYS and Ag Committee.
 - Shared presentation.
 - Want to protect Ag land and scenic views.
 - Additional committee/board reviews prior to PB. Is being done but not in code.
 - Goes to ECB as well as PRC
 - 50' natural buffer
 - Maintenance of area
 - Species will be important—height.
 - Panels are moving now and make noise. No noise ordinance in town—need one. ~65 decibels (each). Indexed movement. Can have racks moving at

- different times. Passive and active motors. The active motors are the noisy ones.
 - Glare may impact residents. With moving panels, the glare may impact more people.
 - 50' buffer from property line to panels.
 - New surface with honeycomb doesn't have glare.
 - This is for larger scale, not residential.
 - Tier 1, 2, 3, 4—1 and 2 are residential, 3 is town level, 4 is state level.
- Soil samples, x per acre, before and after construction. Sample reports given to town and landowner.
 - No hydraulic fluid.
 - Concrete in ground?
 - Contamination from damaged panels.
 - Transformers have chemicals.
 - Few decommissioned as of yet. Article noted about problems in California decommissioning projects because of toxic materials.
 - Decommission plan requires it to be sent to a recycler. It is on the recycler to do it safely.
 - Why decommission and not continue to use site?
 - Require site plan approval for decommission to ensure it comes back to ensure the panels are being disposed of in the proper manner and if they reconstitute it, it is being done to current regulations.
 - What if the company is out of business in 20 years? That is why you get the bond. Decommissioning cost estimate done at the beginning—it is never updated.
- Decommissioning cost estimates every five years
 - Town code give planning board flexibility for determination. 220.62.25 decommissioning plan accounts for inflation. Planning Board can hire people for special projects—can hire someone to review the solar company's estimates.
 - Can be tied to annual inflation rate.
 - Special use permits remain in effect forever unless the Planning Board specifies a time. They are renewable—Planning Board can say that this needs to be renewed in five years and then get updated numbers.
 - Timelines can be put on special use permits.
 - Discussion about redline document—to be sent out after the presentation.
 - Discussion about noise ordinance. Enforcement is an issue.
 - Special Use permit, 220-35, shall not be objectionable in terms of noise, light, and other nuisances. (Code read) Planning Board can have conditions of approval, ex: no noise shall exceed x decibels on neighboring properties.
 - Standard list of conditions suggested for solar reviews. Additions for existing list.
- Ag Use under the panels
 - Panels allowed to go to a higher level if the landowner wants to use the land for ag—grazing animals, etc.
 - Ag assessment via NYS for five years for solar if they can prove that the land has provided certain criteria. (Typical ag exemptions.) There are penalties you can pay.
 - The Planning Board cannot approve if there is a finding that it is a loss of valuable agricultural land. Worded like this to avoid a static condition. Ag Committee, Open Space Protection Plan, and Ag Protection Plan support Planning Board's conclusion.

- Better was to document farmland? Prime, prime if drained, etc. Don't want to be that specific. Leave it up to the Planning Board.
- NYS Visibility Impact Assessment (required)
 - This would go into consideration of scenic views.
 - Part of SEQR. Will be Type 1 and will kick in. Would like to see info before doing the SEQR. SEQR line by line for large projects.
 - Zoning Officer to look at Scenic Viewshed, etc.
 - Solar Overlay? To ID best locations (versus ag, scenic, etc.).
 - State takes over approval process on Type 4—large installations (size in megawatts). 25 MW is max.
- NYS Solar goal of alternative power
 - Exceeded and new goal.
 - Why in Canandaigua? What percentage of this percentage does the town need to bring in? Niagara Falls lots of renewable energy.
 - Need a standard handout on website—unified solar permitting process (rooftop, wall mount), large scale (special use permit with valuable ag piece). Also need, in 1997 the town opted out of the solar exemption and have denied repeated requests for exemptions.
 - Discussion about moratoriums. Town is further along with regulations and don't need.
 - Keep up with standards.
 - Where are the savings going? Community solar and benefits? Community choice aggregation better choice now.
 - Solar companies should allow local communities to use the credits first before sending them out of town.
- Removed AR2 from position zoning places to put large scale solar. Appeals are possible.
 - Use variance is almost impossible to get.
 - AR2 is most of the town.
 - Can be taken out.
 - The prime farmland is the priority, not zoning.
 - Ag committee's analysis is detailed.
 - Would putting in a small solar installation make a more profitable farm? It is a choice. Long term, what will happen to the land? If land is taken out of ag production, it will probably never go back into production.
 - Prime land, farmer wants to go to solar. Development and solar are risks for farmland.
 - Money?? \$1500/acre/year solar lease
 - If land became solar, impact to farmer that can't farm the land. If the land is lost, how does it effect the farmer? If you can't get additional land, the farmer would be less effective. Leasing farmers losing land.
 - Farmer leasing acre, \$75-\$100/acre. If more competition, could be \$300 but not here.
- Specific Solar Codes:
 - §220-62.21 Large Scale Solar Energy Systems
 - §220-7 Solar Energy
 - §220-62.xx Alternate Energy Storage Systems (new code)—one or more devices, assembled together, capable of storing energy.
 - Solar batteries are coming.
- Solar Batteries
 - Semi truck size
 - Code created from template

- It is coming and we should prepare.
- Advances in batteries
- Potential for fire with batteries
- Solar doesn't work at night but these do.
- All battery parks to be controlled by town code now. But State could preempt if needed.
- Any local? A few in the state.
- No regulations now.
- Red line document to be updated and sent out.
 - Keep code as flexible as possible.

➤ **September Meeting Date**

- September 5 holiday. Wednesday, September 7 is the next Ordinance Committee meeting at 9am.

• **Future Topics**

1. 1203 (Uniform Code and Energy Code)
2. Permeability; pavers, stone drives, and other mediums
3. Accessory Dwelling Units, Accessory structures (size flexibility related to lot size)
4. Building height in RLD
5. Blue line stream setbacks
6. Sandy beach zoning considerations
7. Short-term Rental Restrictions
8. Sidewalk Maintenance
9. Form Base Code
10. Invasive Species Restriction
11. Minimum Home Size
12. Sidewalk Maintenance
13. Subdivision Law

Upcoming Meetings: August 8, 2022 @ 9:00 am

Adjournment @ 10:02 am