

**TOWN OF ULYSSES
PLANNING BOARD
MEETING MINUTES
August 18, 2015**

Approved: 9/1/15

Present: **Chairman** John Wertis; Board Members Sarah Adams, David Blake, David Diaz, and Craig Salino; Environmental Planner Darby Kiley; Town Board Liaison Richard Goldman.

Members of the Public Present: Melissa Kemp of Renovus Energy

Call to Order at: 7 p.m.

Agenda Review; Minutes Review (08/04/2015)

Mr. Blake MADE the MOTION to accept the August 4, 2015 meeting minutes with a minor clarification, and Mr. Salino SECONDED the MOTION. The meeting minutes were unanimously approved.

Solar Regulations

Ms. Adams cautioned that the Planning Board could get bogged down with details on solar regulations.

Ms. Kemp arrived at 7:06 p.m. and, prompted by a question by Mr. Wertis, the Planning Board reached a consensus to include Ms. Kemp in on the Board's discussion of solar regulations.

Ms. Adams continued, saying it is important to keep a timeline in mind. Future changes may be necessary with proposed regulations, but, for now, the Geneva law is a good start. She reached out to the Geneva Planning office and was told that a provision permitting major solar farm systems in all districts is beginning to cause problems for the Town of Geneva. They are starting the process of revising their law, Ms. Adams said.

Mr. Wertis asked Ms. Adams if there were any specific items that needed to be addressed within the Town's draft law. After a discussion, Board members outlined concerns relative to setbacks, height, and square footage limits for solar arrays.

On the subject of height, Ms. Kiley informed the Planning Board that any roof-mounted solar system that exceeded the Town's 32-foot height limit on structures would require a variance issued by the Board of Zoning Appeals. As previously noted by Mr. Wertis, Site Plan Review is another option for considering a roof-mounted solar array that exceeds the Town's 32-foot maximum height. Ms. Kiley said the Planning Board may choose to increase the height maximum for ground-mounted arrays from 15 to 20 feet.

Mr. Wertis MADE the MOTION to increase the draft zoning law's maximum allowable height for minor ground-mounted solar arrays from 15 to 20 feet, and Mr. Blake SECONDED the MOTION.

Discussion - Asked by Mr. Wertis for her comments, Ms. Kemp said occasionally property owners with ground-mounted systems prefer a taller system to allow better access for lawn maintenance. There are certain situations where having a taller system would be important, she said. Ms. Kemp felt there ought to be some height-limit flexibility with ground-mounted systems if 32 feet is the maximum on homes.

Mr. Salino said a 20-foot maximum height was reasonable. Mr. Diaz agreed, adding he was unclear as to how Geneva arrived at the 15 foot height maximum in their law.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake AYE
Mr. Diaz AYE
Mr. Salino AYE

Result: Motion approved.

Mr. Wertis MADE the MOTION to increase the draft zoning law's maximum allowable height for major ground-mounted solar arrays from 15 to 20 feet, and Mr. Blake SECONDED the MOTION.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake AYE
Mr. Diaz AYE
Mr. Salino AYE

Result: Motion approved.

A discussion ensued about whether or not the Lakeshore District would be permitted to have major ground-mounted solar installations. Ms. Kiley explained the lakeshore typography does not accommodate major installations, largely since the land does not slope in a direction that is appropriate, and most lots are not large enough. Plus, much of the Lakeshore District is within Unique Natural Areas, and the Town does not want to endorse the removal of trees to accommodate ground-mounted solar arrays.

Ms. Adams asked about prohibiting ground-mounted solar in the Conservation Zone. Ms. Kiley said the Conservation Zone includes much land that is flat, located at higher elevations, and thus

better for ground-mounted solar. What difference does it make, Mr. Wertis asked, if the Town excludes major projects in the Lakeshore District; the land cannot accommodate it anyway. Mr. Diaz said the Town ought to exclude major ground-mounted solar projects from the Lakeshore because the area is susceptible to erosion, and a 4,000-square foot installation would have a major impact on the land.

Mr. Wertis asked about excluding the Hamlet of Jacksonville from major ground-mounted solar arrays. Ms. Kiley said the intention for the hamlet is to incorporate dense residential and business uses, making it a walkable community. With those goals in mind, a half-acre solar installation would be a tougher sell in the Hamlet. Does that limit the option for community solar, Ms. Kiley asked. Ms. Kemp clarified that community solar does not require that a ground-mounted solar installation be located directly near user properties.

Mr. Wertis MADE the MOTION to include language within the draft law that would prohibit major solar systems in the Lakeshore District, and Ms. Adams SECONDED the MOTION.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake NAY
Mr. Diaz AYE
Mr. Salino AYE

Result: Language approved.

Mr. Wertis MADE the MOTION to include language within the draft law that would prohibit major solar systems in the Hamlet District, and Mr. Diaz SECONDED the MOTION.

Ms. Adams said it seemed to her that Jacksonville could have the room for a major solar installation that complies with setback requirements and is located away from Route 96. Mr. Blake noted land owned by Exxon-Mobil could, in the future, accommodate a major solar project if buildings were razed.

The vote was as follows:

Mr. Wertis NAY
Ms. Adams NAY
Mr. Blake NAY
Mr. Diaz NAY
Mr. Salino NAY

Result: Motion failed.

The Board's attention then turned to setback requirements for minor and major installations near inhabited structures. Mr. Diaz said, at present, minor installations would have to comply with the

25-foot setback requirement, though 25 feet from a house would still be a significant impact. He suggested the minimum setback requirements for ground-mounted installations align with the 50-foot figure for front-yard setbacks, if the array is located near inhabited structures. If no inhabited structures were located in the vicinity, the setback requirements would revert to the minimum 25 feet for rear- and side-yards.

Mr. Blake MADE the MOTION to establish that ground-mounted solar installations must be at least 50 feet from neighboring inhabited structures, and Mr. Wertis SECONDED the MOTION.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake AYE
Mr. Diaz AYE
Mr. Salino AYE

Result: Motion approved.

A conversation ensued on front yard setbacks and Site Plan Review for minor installations. Ms. Kiley said some Town property owners have large front yards, with homes set 200 feet back from the road. That entire space would be considered a front yard. She did not see the Planning Board's need to go through Site Plan Review to determine that such space is ideal for a solar project.

With the Board on the subject of front yard installations, Mr. Wertis asked if there were any specific standards that the Planning Board should add into Site Plan Review for solar. For Site Plan Review of front yard installations, Ms. Kiley said the Planning Board would be examining the existing lot and agreeing that no other place could accommodate ground-mounted solar. Would there be an instance when the Planning Board would turn down an applicant who has proposed ground-mounted solar in their front yard? Mr. Diaz asked. Ms. Adams said guidelines exist, but the Board does not have them currently. She said she could find those guidelines for the Board's next meeting.

The Board discussed its current membership, since Ms. Adams and Mr. Salino have resigned effective the next meeting. It was suggested that Ms. Adams attend the Board's next meeting to continue the solar regulations discussion, while Mr. Salino will be replaced by Rebecca Schneider at the Board's next meeting. Mr. Wertis suggested the Board take no action on the current draft law and instead review standards at the next meeting.

Mr. Diaz proposed including prime soils among the areas of potential sensitivity to be considered in Site Plan Review for major installations. He is concerned with large ground-mounted arrays occupying land with good soils. Ms. Adams reiterated her concern that the Conservation District should be excluded from permitted areas for major installations. Mr. Diaz noted the Town Comprehensive Plan's charge to preserve land in the Conservation Zone. The draft law seems in conflict with the Comprehensive Plan on the subject of the Conservation Zone, he said, adding

that requiring major installations to go through Site Plan Review establishes a high level of scrutiny.

The Planning Board briefly discussed vegetative screening for ground-mounted solar arrays. Ms. Adams said some laws state specific height requirements for vegetative screening. Mr. Diaz said screening is indicated within the draft law, but specifics are not mentioned, and that is a concern.

Ms. Kemp pointed the Planning Board to its meaning of the lot coverage percentage. She asked if the 50-percent lot coverage limit is based on the solar panel material itself or the rectangular footprint of the entire installation. The difference between the two is huge, she said. For ground-mounted solar projects, approximately 1/3 covers the ground and the remaining 2/3 is open space between arrays to prevent shading. Basing the coverage area on the combined footprint of the ground cover and open space would require much bigger parcels, she said.

Ms. Adams said the 4,000 square-foot figure pertained to total lot coverage. Mr. Diaz said he was not completely clear on the issue, since the Town of Geneva's law refers to the 4,000 square-foot maximum not in terms of total lot coverage but in the combined square footage of the solar collectors. Ms. Adams said measuring the footprint by total lot coverage is easier to calculate. Mr. Diaz thought the 4,000 square feet of solar collectors seemed like a weird loophole, with the potential for larger impact. Mr. Wertis asked why the concern with lot coverage of major installations when such solar projects will likely go on rural land surrounded by hedgerows? Ms. Kemp said land procurement is not a trivial thing; the ideal spots to connect to the grid are not plentiful. A variance could handle the issue, Ms. Adams said. She reiterated that measuring the perimeter of the entire installation could still be utilized, with the total lot coverage requirement increased. She asked Ms. Kemp if the 50-percent total lot coverage proposed in the draft law is an issue. Ms. Kemp said the figure would be perfect, if it measures solar generators.

Mr. Diaz asked about total lot coverage for minor installations. Ms. Kiley said the lot coverage is 4,000 square feet of solar collectors, and she read the law that states: When combined with all other buildings and structures on the lot, the total surface area shall not exceed the maximum lot coverage for the zoning district plus 10 percent. Mr. Diaz calculated that the language could allow a much larger footprint. Mr. Blake suggested minor installations not exceed 2,000 square feet.

Mr. Blake MADE the MOTION to establish a coverage limit for minor installations of 2,000 square feet of solar panels and related equipment. Furthermore, any project exceeding 2,000 square feet would be considered a major installation and reviewable under Site Plan Review. Mr. Wertis SECONDED the MOTION.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake AYE
Mr. Diaz AYE

Mr. Salino ABSTAINED

Result: Motion approved

Mr. Salino said he was unsure whether to vote yes or no. His formal vote was never officially cast because the Planning Board continued its debate of the law. The Board reached a consensus that any project under 2,000 square feet is considered minor and does not require Site Plan Review, while projects between 2,000 and 4,000 square feet are subject to Site Plan Review.

Town Liaison Report: Mr. Goldman said the Town has begun its budget process for 2016.

Agenda Items for 9/1/2015: Ms. Kiley said the Lupo Preliminary Plat did not go through any major changes since the Planning Board's last review. If the Board has questions concerning the Lupo development, they should raise them as soon as possible, Mr. Wertis said.

Mr. Salino MADE the MOTION to adjourn the meeting, and Mr. Blake SECONDED the MOTION.

Meeting adjourned at 8:44 p.m.

Respectfully submitted by Louis A. DiPietro on August 24, 2015.