

Town of Homer Planning Board

Minutes for Wednesday, June 28, 2023 at 7:00pm

Board Members (absent *)

Michael McMahon, Chairman

Jon Miller

Erin Mahunik

Bruce Crandall

Zach Young

Chad Butts

Michael May

Others Present

Lindsay Andersen, Recording Secretary

Kevin McMahon, CEO*

Pat Snyder, Attorney

Public Attendance: Larry Jones, Caleb Hayden, Wilfred Nieves & Chris Collet (New Leaf Energy), Gary & Cathy Lawrence, Fred Forbes, Town Supervisor

Regular Meeting

Chairman McMahon opened discussion for an **application by Little York Farms, LLC for subdivision approval to subdivide out a 27-acre parcel from the 70-acre parcel of vacant land along Vern King Road, tax map number 47.00-01-27.000.**

Caleb Hayden stated there have been no changes to the project and he plans to merge the 27 acres with his other parcel.

Attorney Snyder stated he received no response from the County Planning Department and more than 30 days have passed since the application was submitted therefore, they have waived the opportunity.

Chairman McMahon reviewed Part 2 of the Short Environmental Assessment form with the board members and all questions were answered in the negative.

Member May made the motion to declare a negative declaration under SEQR and approve the minor subdivision. Member Young seconded the motion. All members in favor saying "aye", none opposed, and none abstained. The motion was carried unanimous 7,0,0.

Chairman McMahon opened discussion for the proposed community solar project at 5192 Brake Hill Road which is owned by the Holl family.

Gary Wilfred Nieves and Chris Collet from New Leaf Energy were present to explain the proposed project.

They stated that a glare study will be performed to determine if the limited glare the panels produce will have an effect on the neighboring residential properties. The connection to the grid would be at the Route 41 and Brake Hill Rd intersection but they will not be crossing other properties with poles.

Chairman McMahon explained how many residential homes are in and near the area in which they are proposing and that most of the area is zoned residential. Member Butts explained the aquifer disruption could be a concern in constructing the new bridge to replace the 10-foot snowmobile bridge. He stated they would need a 20-foot access road and did not foresee a great deal of disruption to the aquifer.

Attorney Snyder explained this proposal will be a type 1 action under SEQR which will require a lead agency determination. Each agency that will be involved will need to be identified. Attorney Snyder asked if they plan to seek a PILOT agreement for the project and the applicants stated they have not reached that point in the process. Attorney Snyder explained that the identification of all involved agencies that will have jurisdiction over the project is a very important part in the process and in most cases the local board will be designated as the lead agency. The lead agency will be responsible for carrying out the SEQR process and determining whether a full environmental impact statement will be necessary or if a negative declaration is appropriate.

The applicants stated they have not begun the engineered plans process which could possibly include some shifting of solar panel locations and tree removal which would have an environmental impact, but they do not see any further environmental impacts.

Attorney Snyder asked the applicants if they have been in touch with National Grid and they stated the grid study has begun. National Grid has already stated their substation and lines are capable of handling the proposed project.

Chairman McMahon asked what the estimated time frame is for the project and they stated the proposed construction would begin in 2025.

Kevin McMahon, Code Officer advised the board to review page 3 of the Solar Law regarding the "50% rule" (which has been attached to these meeting minutes) dictating that no major installation should cover more than 50% of the property proposed for the installation. He mentioned that if the developer keeps the current proposed design, they would be required to submit the application to the Zoning Board of Appeals.

The applicants were advised to provide a site plan review application, flood plain review If the project will be located in the 100-year floodplain. They will also need to complete part 1 of the long EAF, including a list of all agencies involved.

Chairman McMahon reviewed the discussion from the previous meeting regarding the billboards. Town Supervisor, Fred Forbes had asked that more research be conducted before a recommendation was given from the Planning Board. Chairman McMahon stated he has spent a lot of time reviewing the list that Fred had provided and discussed at the last meeting. Chairman McMahon provided his research opinions in writing to the board members.

Member McMahon stated that he attended a Homer Chamber of commerce meeting and only 1 out of 13 businesses present said they would use the billboards, mainly because they are so expensive. He also presented the board members with a handout outlining the extensive research that he completed in a response to a list of issues that Town Supervisor, Fred Forbes had compiled from the public hearing and Town meeting regarding the billboards. Both the Supervisors list and Member McMahon's research are attached to these meeting minutes for review.

Chairman McMahon stated he feels the next step is asking the billboard representative to attend a meeting.

Attorney Snyder state he spoke with the billboard company and two points that he made stood out:

- Any billboard smaller than 14x48 would not be effective along Route 81 because of the speed cars are traveling and the point is to allow 4 images to be visible by a single car prior to passing the sign.

- If an owner wants to negotiate with the companies on their own it often ends up resulting in empty billboards. He stated successful billboards are typically managed by a company not the individual owner as larger companies purchase an allotment of advertisements for example 50 to 75 billboards in a particular region.

Fred Forbes stated a big concern that still remains is the control of the content on the billboards. There has been no reassurance that the town can restrict the content advertised on the billboards located in the Town. However, it may be possible to restrict what appears on billboards if they were to be owned by the town or the IDA.

Member Crandall stated he feels the Planning Board should be working on criteria to recommend to the Town Board which will provide the companies with reason to pursue placing the billboards in the Town of Homer or not placing them. Chairman McMahon asked Fred if he would please contact the representative to come to the next meeting and answer the boards questions.

Chairman McMahon made the motion to approve the May 24, 2023 meeting minutes. Member Young seconded the motion. All members in favor saying "aye", none opposed, and none abstained. The motion was carried unanimous 7,0,0.

Adjournment

The meeting was adjourned at 8:00pm.

Lindsay M. Andersen

Recording Secretary

B. Solar collectors and installations for major systems or solar farms

1. Unless more restrictive regulations also apply, the site plan approval requirements of Article XV shall apply to all solar collectors and installations for major systems or solar farms.
2. A major system or solar farm shall be constructed pursuant to the site plan approval from the Town planning board and must meet the criteria set forth below and obtain all other necessary approvals. In addition to the application requirements of Article XV, any application regarding major solar systems shall include detailed soils maps.
3. Areas of potential sensitivity which must be avoided:
 - (a) One-hundred-year flood hazard zones
 - (b) Historic and/or culturally significant resources in an historic district or historic district transition zone.
 - (c) Within any freshwater wetland.
 - (d) Within any area that is primarily classified as prime farmland, using the soil classification system adopted by the NYS Department of Agriculture and Markets.
4. A major system or solar farm may not be permitted in the Residential or Lakeside zone, but may be permitted in any other zoning districts in the Town when authorized by site plan approval from the planning board subject to the following terms and conditions.
 - (a) The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed 50%.
 - (b) Height and setback restrictions.
 - (1) The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above the ground.
 - (2) The minimum setback from property lines shall be 50 feet.
 - (3) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.
 - (c) Design standards.
 - (1) Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - (2) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
 - (3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
 - (4) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
 - (5) All solar equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening.
 - (6) A solar farm to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm