

SOLAR COMMITTEE MEETING
2023

WEDNESDAY, JUNE 14,

MEMBERS PRESENT: JAMES CAMPBELL (TOWN ATTORNEY), BRIAN GLISE (CODE OFFICER, TOWN OF AVON), COUNCILMAN MALACHY COYNE, BRIAN THORN (TOWN OF AVON PLANNING BOARD), EDWARD FORSYTHE, PAT RIO, JACALYN EDDY, TED GRISWOLD (LIVINGSTON COUNTY PLANNING), BRUCE HOWLETT, CHUCK MORGAN, JENNY LOWENSTEIN (GENESEE REGIONAL PLANNING COUNCIL)

CLERK: KIM MCDOWELL

Jim Campbell welcomed everyone to the meeting.

Jim Campbell welcomed Clara Mulligan to the meeting to discuss viewsheds, where they are in the Town of Avon, can we protect certain areas from development or would that make it difficult for landowners.

Chuck Morgan questioned having viewsheds in the code and how would that be defensible if needed.

Clara was thinking 600-foot buffer on each side of the road wouldn't allow any development along Route 5&20, Route 39 viewshed is mostly in the conservancy.

There was much discussion on what the setback should be to benefit the landowner taking into effect the shape of the parcel, if there is any water running through it, etc.

Jim Campbell asked if we want to include viewsheds in the solar code or recommend that the Town Board consider including viewsheds in the Town code and it was determined to have the Town Board do it.

Jim Campbell started discussing the solar law where we left off on page 19. He will put in some language regarding historic properties.

At the last meeting for the Special Use Permit it was suggested the applicant put up a sign on the property and advertise in the paper about the upcoming application submittal for those in the area to be aware.

Ted handed out new information on forest protection and there was discussion on the handouts.

Jenny feels the code should reference something that a state agency has used for a definition of forest lands and removal of it to justify doing it.

Ted asked questions regarding what would happen if the landowner decided to cut down the wooded area before putting solar up or subdivide the property to be able to put solar up and Jim feels it may not be effective for the solar law.

There was much discussion on the forestry definitions and Jim will incorporate some of the language into the solar law regarding trees taken out and replanted.

Jim Campbell stated as part of the application process there is a requirement for the site plan to go out 750 feet from the area of the solar arrays and questioned if that is enough or do you want more. After much discussion they will change the code to 1,000 feet.

The next item is equipment specification sheets that are in the code to add requiring safety data sheets with chemical composition and materials. There was discussion regarding solar testing and what happens if it comes back higher than acceptable and that might require a review by an outside entity to determine what will the resolution will be.

There was much discussion on how much testing must be done throughout the life of the solar arrays and it was determined to test soils every three years.

Moving on to property operation and maintenance plan, it should have language that specify everything we would like, buffering and screening, safety inspections, etc.

There was discussion on what constitutes safety inspections and how frequently we would like them to be done, every 2 years, 3 years, or 5 years. There was talk about having a drone do a fly by to make sure everything is up to par.

There was discussion about who is authorized to do these inspections and it is determined the Town code enforcement officer or someone appointed by the Town Board to act in that capacity.

Brian Glise suggested that for mowing the grass in the code currently, there is a ten-inch height limit. Bruce Howlett

stated when the grass inside the fence gets to the bottom of the panel, they will mow it, but Clara suggested the vegetation inside is not to be mowed often to let the seedlings do what they are supposed to do. After much discussion it was determined to have it mowed twice a year, at the end of June and end of September.

There was much discussion on when a violation occurs what is the recourse and Brian tries to make them comply first and not go through the Court system.

Jim Harrington asked if the maintenance on the land the responsibility of the landowner or a surety bond and Jim Campbell is going to add language on this subject.

There was discussion on the landowner being well versed in the local solar law and making sure they have a good lawyer to go over the contract. There was a suggestion that the Town help the landowner by possibly doing a session on the solar law for people who may want to have this on their land. It was also suggested that have a page on the Town website with FAQ.

Malachy stated this is a good place to end the meeting since the next item is a long discussion.

Next meeting will be Tuesday, June 27, 2023 at 6:00PM in the Village Hall.