

SOLAR COMMITTEE MEETING
2023

WEDNESDAY, JULY 12,

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

CLERK: KIM MCDOWELL

Jim Campbell welcomed everyone to the meeting.

Jim began where we left off on page 23 (i) is the fully executed decommissioning agreement before getting a building permit. This is stating that the developer becomes delinquent, it is the responsibility of the landowner and can become deed restrictions.

There was discussion regarding the language regarding irrevocable financial security bond required by the developer and Jim is uncertain if that is possible for the developer to get. Jim is going to research on his end to see if this is feasible.

Jim had notes that we need to possibly reset the baseline for the bond for the other aspects of the cost of decommissioning. There was discussion on how many years to do this, 5 years, 10 years. Bruce Howlett feels 10 years is too long since things can change.

Jim still likes the 150% of the cost of decommissioning but feels we need to recheck this frequently during the life of the project and everyone agreed to keep it at 150%.

Bruce has heard that after 15 years when the PILOT ends, the developer will just leave if it isn't beneficial for them to keep it running.

It was determined that it should be every 7 years so it would be up to date if after 15 years they leave the project, and it would need to be decommissioned. The developer will have to provide an engineer statement and the Town will have to review and approve.

There was more discussion on decommissioning it to the original state if the property owner doesn't want to do it. If they want to keep the trees or a roadway instead of removing them at this point and it is in the language upon agreement to allow this.

There was much discussion on how the Town could get the money to decommission if the developer and landowner walk away.

The next section M deals with consulting fees being paid by the developer and the Town does a good job of getting these costs paid back to us.

Brian Glise questioned adding language that deals with post consulting, Code fees, etc. There was discussion on what language could be added to include those fees and how we would quantify it. Jim will research and decide on how to add this to the law.

Item N - Jim has a note to describe AG production in this item, Malachy asked if there is wording in our Right to Farm Code that he can use.

Item O - talks about site visits with Planning and ZBA Boards and Jim feels we should possibly state a site visit pre-construction and post-construction. Jim will add more language regarding this.

Next is (2) Special Use Permit and Site Plan Approval Standards.

2 (a) is height does not exceed a maximum height of 15 feet, there was some discussion, and it was determined this is a good height.

2 (b) is setbacks and Jim read the setbacks currently in the code to everyone, 200 feet setback from front to fence, 100 feet from side and rear property, and 400 feet from a dwelling unit or accessory structure.

Katie Smith sent an email regarding setbacks, and she feels it should be 1,000 feet from the property line.

There was much discussion on what would be good setbacks, other Towns/Villages around the County are 200-300 feet setbacks and others feel it should be more than 400 feet from dwelling units. Bruce stated that the larger the setback the harder it is to farm around the area outside the solar.

There was much discussion on different perspectives as a resident and landowner. There was also discussion on the viewshed and how it would impact setbacks; Jim feels this should not be considered in the solar law, it should be separate.

Bruce Howlett stated most people want to save farmland however, establishing large setbacks takes away prime farmland because you can't farm that properly.

Bruce also stated that solar will not bother future generations as much as it bothers current generations because they will be used to seeing it.

Jenny feels that 1,000 feet would eliminate many of the parcels and those landowners may want to have solar on their property.

Jim went around the table and asked each person their opinion on setbacks, and they are as follows.

Jackie feels we should table this discussion until the next meeting so committee members can think about it more. Jackie also feels we should increase the setbacks a little.

Edward feels we should table this discussion until the next meeting as well.

Jenny stated viewsheds have boarders not setbacks if that helps. She also feels they shouldn't be increased too much but can see the value in doing it.

Ted stated the setbacks in the code are about standard with the rest of Livingston County and he feels they are good.

Pat is unsure about the setbacks but wonders if there is a dwelling unit then is there a possibility of increasing them.

Malachy wonders if the setbacks should be different from what is around, for example, if there is farmland around the area then it could have smaller setbacks than if there is a dwelling.

Chuck feels the setbacks are good and if you go any larger it would take out a lot of parcels that are eligible right now.

Bruce states the setback doesn't really matter to him, but he has seen many acres being wasted due to the setbacks. He spoke to a contractor regarding setbacks, and he said he has seen setbacks at 50 and 100 feet but that isn't in New York state.

Brian feels the setbacks are arbitrary and doesn't have any opinion one way or another.

Kim feels that she would rather have solar panels than something else that might not be desirable.

The group decided to come back to this point next meeting.

Next meeting will either be Wednesday, July 26, 2023, or Wednesday, August 9, 2023, at 6:00PM in the Village Hall, Kim will notify when it is determined.

DRAFT