

Colden Planning Board Meeting

October 18, 2016

Planning Board Frank Hrycik, Walt Kammer (Chairman), Linda Kotlarsz,
Members Present: Peter Newsom, George Reinhardt, and Rich Sheldon

Also Present: Jesse Hrycik (Councilman)

The October 18, 2016 Planning Board Meeting was called to order at 7:05 PM in the courtroom at the Colden Town Hall.

I. September Minutes

The Board Members reviewed the September minutes. Peter motioned to approve the minutes and Rich seconded, all were in favor.

II. Old Business

Moratorium for Large Solar/PV Farms

Walt mentioned that the moratorium for Large Solar/PV Farms will end in the month of November. Walt recommended that the moratorium should be extended for sixty days, which would extend the moratorium until January 2017. The extension will allow time to review pending changes to the New York State document for local code and laws. Walt will work with John Kotlarsz independently drafting a document outlining the requirements for code enforcement details within John's department.

Evolutionary Overview of Concerns on Solar/Panel (New NYS Guidelines)

The planned review scheduled for the October meeting was deferred due to recent changes in USP (New York State's Unified Solar Permit) and other NYS parameters changed in the recent NY Solar/PV guidelines document(s).

Discussion by Planning Board Members as to Setback Ideas

The Planning Board Members discussed setbacks for solar panels as follows:

MicroPV – Small consumer units, with no Town involvement

Roof Mounted on Principal Structure/Building – No issue of setbacks since array installed on existing building in accordance with NYS Unified Solar Permit (USP) requirements.

Discussion by Planning Board Members as to Setback Ideas (Continued)

Roof Mounted On Accessory Building/Structure – The Board Members discussed safety issues that roof mounted solar panels may cause when mounted on accessory structures. The support of the structure will need to be considered and layers of shingles as allowed on roofs.

Ground Mounted Accessory Structure PV – The Board Members discussed the new NYS USP legal 25KW maximum solar array capacity now allowed by New York State and the safety concerns regarding them. The Board Members reviewed setback guidelines for ground mounted accessory structures. It was mentioned that setback codes around the property line already exist for accessory buildings/structures in Residential Zoning, and actually in all zoning districts. The Zoning Board of Appeals may have to be involved if setbacks will limit sun exposure, although this is a gray area as Right To Sun may be a civil matter outside of the Town's authority and regulation(s). Walt will contact Albany regarding Peter's question regarding if a resident would/should be required to assemble a fence around the ground mounted solar panels for safety. Walt questioned the technical justification for a fence due to the design of the installations and the use of metal conduit for wiring, but the topic requires further investigation by the Board. Rich stated that he would like the minimum height requirements to be 8 feet above ground level for safety and mowing purposes. Walt stated that the Planning Board will need to come to a vote regarding ground mounted solar panels at a future meeting as many items still need discussion and consensus.

Large Scale / Solar Farm Commercial PV – Large scale / solar farm commercial Solar/PV will be processed in Colden via Special Use Permit (SUP). Walt asked if additional code restrictions will require boundary line setbacks to be defined. Large Scale / Solar Farm will not require a bond for the property due to abandonment because it will still remain the land owner's responsibility; per recent case law it has been determined that there is no NYS delegation of authority which would allow Towns to require a long term bond for decommissioning coverage. More discussion is merited on this with our Town Attorney.

General Solar/PV Issues - The Board members also reviewed some issues related to ground mounted solar installations on parcels which are included in a New York State Agricultural Overlay District classification. Recent evolution of the Solar/PV issue on these parcels in many cases makes Local Law restrictions and/or limitations to become non-operative on the NYS classified parcels. Colden has several parcels which are of this State classification and are administratively annexed to the Holland Agricultural Overlay District. {Note: this is contrasted to Colden's Ag-Zoning, which is independent, and unrelated, and not the issue for this matter.}

Historic District

Frank and Rich will work together and will report back at the next meeting.

III. New Business

Jesse approached the Planning Board to inform them that John Antkowiak sent a written request to the Town Supervisor and resigned. Walt asked Jesse to let the Town Board know that the terms for a new member should be for two years to carry out John's term. *(reviewer's note: it was later determined that Walt's memory was incorrect regarding the remaining duration of John's term on the Planning Board; after checking it was determined that Mr. Antkowiak's present term expires in December 2017 and not 2018 as thought. Therefore, any new 7th Planning Board member appointed to begin service in 2017 would only serve a one year term before the member would have to reapply for another 7 year term of service on the Board.)*

Walt will notify the Planning Board Members when a training session for First Responders will be scheduled. It will be held on a Monday and will take place in November or December. The meeting will not be held on the first Monday of the month or during a holiday weekend.

Walt mentioned that there will be Guest Speakers from an Engineering Firm to attend the November Planning Board meeting. They will provide a briefing on Comprehensive Plan compliance.

Walt has arranged for Guest Speakers to attend future Planning Board Meetings. A guest Speaker will inform the Planning Board about clean energy initiatives during the January meeting. Walt mentioned that there's a grant that the Town of Colden should be interested in reviewing. Walt would like to see the Town of Colden qualify and perhaps upgrade Town facilities to help save energy costs and perhaps street lights changed to LED if it could be done via this grant. Walt mentioned a tentative presentation for the February meeting regarding the One Region Forward that will be introduced during the January meeting. A presentation is scheduled for the March meeting regarding the Erie-Niagara Regional Framework document and concepts.

As stated on the agenda:

Defer to November:

Continue Discussion on Special use Permit (SUP)
Specific Code Sections Which Needs Reviewing

Defer to 2017

Meeting After Gathering More Budgetary Information

Rich motioned to adjourn the meeting at 9:30 PM, Linda seconded. All were in favor.

Submitted by: Crystal Barrett