

Town of Bristol
Planning Board & ZBA
November 2, 2020
Zoom Meeting

Present: Joann Rogers, Karen Ellmore, Justin Steinbach, Patti Giordano, Marty Snyder, Donna Beretta, Steve Smiley, John Krebbeks and Secretary Sandra Riker

Bob Stryker: excused

Others present: Dede and Stan Colwell

Minutes: The minutes of October 5, 2020 were reviewed. A motion was made by Patti Giordano to accept the minutes with a second by Justin Steinbach. All present agreed.

Continuing the Review of Solar Law 2019 & discussion of battery storage for large scale solar projects: Chairwoman Ellmore opened the discussion stressing the need for Prime Agriculture Soil need to be protected but unsure as to where it should be included. The Board agreed it would be best under the Special Use Permit requirements. When referencing this point the Boards could use the current Comprehensive Plan that includes mapping of Agricultural lands in Bristol, the Land Use Study provided by Dr. Gilman and Ontario County Oncor for the detailed soil analysis tables for each parcel in the County. Chairman Snyder suggested adding it under 6. b 5 under Design Standards to include prime soils.

A review continued of zoning revision considerations for *Local Law 2 of 2019 Solar Energy Code* all agreed that Justin has done a good job with this and his additional comments are underlined:

6B2d3 (Design Standards) should read- Buffering may be required and shall be designed and located within the buildable area in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads. Fencing provided for screening and security shall be within the buildable area. Vegetative buffering and screening shall be required adjacent to any residential properties or public roads visible from any part of the solar facility, said vegetative buffering shall be located on the exterior side of any fencing and within the buildable area.

Any landscaping or vegetation planted shall be maintained in accordance with the applicant/owner/operators Property Operation and Maintenance Plan (Section 6B.3).

The question was raised what is considered the buildable area? Justin said anything with the buffer and fences inside the setback area. Chairwoman Ellmore suggested a definition of “buildable area” should be added to Section 3-definitions.

6B2d4 (Design Standards)

4. All electrical equipment shall be enclosed within the fenced compound and locked within suitable cabinets. Emergency contact information shall be provided at the facility entrance.

6B2d6(Design Standards) 7. Applicant shall provide a letter of credit acceptable to the Zoning Board of Appeals. Question raised what is it to be used for-decommissioning or operation and maintenance. Justin commented it should be used for cost and more to factor inflation values and not based on salvage values. Parameters should be:

1. Done by a Professional Engineer of NYS.
2. 125% of the buildable cost
3. Yearly review for possible updates. -This could accomplish in the same way we handle tower leases requiring the applicant to pay a fee and provided updated information as to the condition of the Solar Project.

6B2d8 (Design Standards-new)

Solar facility owners/operators shall develop, implement and maintain native vegetation to the extent practicable pursuant to the Property Operation and Maintenance Plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, owners/operators shall use native plant species and seed mixes.

6B4b (Decommissioning Plan)

The plan shall demonstrate how the removal of all infrastructures and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.

Applicant shall utilize the most recent *Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands* available from the NYS Department of Agriculture and Markets.

6B4c (Decommissioning Plan)

The plan shall also include an expected timeline for execution, extent of removal of nonutility-owned, plans for updating the decommissioning plan, description of any agreement with landowner regarding decommissioning, and evidence that the decommissioning plan was recorded with the deed for the property(ies) included in the solar facility.

6B4d (Decommissioning Plan)

A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer. Cost estimations shall take into account inflation and shall be reviewed and updated every year, no later than ten (10) days prior of the anniversary of the issuance of the building permit, with an updated cost estimate and written confirmation that the required financial security is still operatable and valid and provided to the Town of Bristol to be kept on file. A Letter of Credit, bond, or surety shall be issued to the Town of Bristol for an amount no less than 125% of the cost estimate to cover contingencies with the remainder to provided back to the applicant/owner/operator after the decommissioning is completed to the Town’s satisfaction. The estimate may include anticipated salvage value of materials, but credit, bond, or surety shall not include these values for decommissioning costs.

Section 6B5b (Special Use Permits)

Section 6B.5.b (Special Use Permit Standards)

Setbacks. Large-Scale Solar Energy Systems shall be setback a minimum distance of 75 feet from property lines and no closer than 150 feet from residential structures on an adjoining parcel.

Marty Snyder pulled together some guidelines used from other towns for the Board to draw on regarding setbacks as shown below:

He said the Town of Avon's regulations seem to have a good grasp on protecting adjacent uses, especially residential.

For "Small-Scale Solar" (25 kW or less)

- Twice the setback of what is required for an accessory structure in the zoning district (Avon)- Example A-C district for an accessory structure is 75' from front lot line, 25' from the sides, and 50' from the rear for small solar would be 150' from front, 50' from sides, and 100' from rear lot lines.
- Maximum height of 12' at maximum tilt (used in Sweden, Mount Morris, and Herkimer)
- Should there be a limit on the percent of lot coverage? (Town of Avon uses 20% maximum coverage of the lot when all structures, primary, accessory, and solar are included.)

For "Large-Scale Solar" (25 kW or greater)

- Front setback of 200' (Used in Avon)
- Side and rear setbacks of 100' (Used in Avon)
- Setback of 300' from any structure with a residential use (used in Avon) (Should this be the distance to where the buffering begins, and not just the solar array, and associated equipment?)_This does not include accessory

structures. The 300' could be the boundary to include visual screening, the fence and then the equipment.

- Include some type of language to protect our scenic vistas, as stated in Section 3.2.1 of Bristol's Comprehensive Plan? Suggestion was made to not allow on ~~Ridgeland~~ **ridgelines** and a visual site assessment be included such as a view shed analysis. These sites would be determined by dialog between the developer and the Town.
- Maximum height of 12' at maximum tilt (used in Sweden, Mount Morris, and Herkimer) Our local law 2 of 2019 allows for up to 15' in height but the Board may consider lowering that to 12'.
- Should we include a maximum lot coverage percentage? (Avon requires a minimum lot size of 25 acres. For lots greater than 40 acres, the solar project's coverage shall not exceed 60%). The Board needs to look at lot coverage allowed under current zoning and perhaps make some changes as the Town's currently is very low.
- Avon also includes a 5-year lookback period for subdivision of lots. This would help prevent circumvention of restrictions. The Town of Bristol currently has a 3-year lookback period for subdivision of lots.

Battery Storage- It was agreed the Boards would like to wrap up the changes to the current Solar Law prior to moving on to Battery Storage. That should be less time consuming as many of provisions included in the Solar Law will be the same.

Chairwoman Ellmore volunteered to pull together the thoughts reviewed tonight and provided for Marty and Justin to proof. The timeline would be to have it ready for the next Town Board meeting for their review to make sure they agree with the Boards thoughts.

Justin will work on the appendix and table of contents for the newly adopted Land Use Study for the Comprehensive Plan.

Other Business:

- Justin will work on the appendix and table of contents for the newly adopted Land Use Study for the Comprehensive Plan.
- Land Use Study to be reviewed by County Planning Board on Nov. 12th and will go on to Town Board for public hearing and adoption at their next meeting.
- General Code-in the process of designing the cover for our code, next step is back to us for final review of the draft before sending it along to Town Board public hearing. It will probably be early 2021 before we go on the web.

The next meeting of the Planning Board on December 7th will be a joint meeting for planning and zba.

Respectfully submitted,

Sandra Riker

Town of Bristol
Planning and Zoning Assistant

12/9/2020-It was requested that for consistency that Karen Ellmore be addressed as Chairwoman and Marty Snyder as Chairman of their respective boards in future minutes. The minutes were approved with a motion by Justin Steinbach with a second by Patti Giordano with the corrections noted in yellow and the note of 12/9/2020. All Board members agreed.