

Town of Bristol  
Planning Board  
Zoning Board of Appeals  
Minutes January 10, 2017

**Present:** Patti Giordano, Joann Rogers, Bob Drayn, Bob Stryker, Bob Raeman, Marty Snyder, Donna Beretta, Steve Smiley and Secretary Sandra Riker  
Jen Sanford and John Krebbeks were excused

**Others Present:** Pat Venezia, Cindy Durning, Elaine & Richard Davenport, Steve Longway, Janet Green, Bob Steehler, Bill Wheeler

**Minutes:** The Planning Board December meeting minutes were approved with a motion by Bob Raeman and a second by Bob Drayn. All Board members agreed.

The ZBA December meeting minutes were approved with a motion by Steve Smiley and second by Donna Beretta. Marty Snyder being the only other ZBA member present also approved.

**Joe Green/Bristol Evergreen Cemetery Association Lot Line Adjustment:**

Bill Wheeler representing the Bristol Evergreen Cemetery Assoc. advised the Boards that a donor to the Cemetery Association has offered to provide the funds to enable the Assoc. to purchase 1.928 acres from Joe and Janet Green to provide additional lands for the Cemetery. The new lands will be annexed to the original lands owned by the Cemetery Assoc. He said the new lands would be a wooded parcel with irregular "green" lots. Green burial practices include using sustainable wood caskets, natural shrouds and no embalming fluids. They also use natural monuments for headstones.

There were no comments from the Boards.

Chairwoman Giordano opened the public hearing there were no comments and the hearing was closed.

The Planning Board then reviewed the Short Form Environmental Statement and a motion was made by Bob Raeman that a Negative Declaration be found for this application. The motion was seconded by Bob Stryker. Board polled as follows: Raeman aye, Rogers aye, Stryker aye, Giordano aye and Bob Drayn abstained as he is the President of the Cemetery Association.

***A motion was made by Bob Raeman with a second by Joann Rogers the Planning Board of Bristol approve the 1.928 acre lot line adjustment between Joe and Janet Green and the Bristol Evergreen Cemetery Association. Parcel A consisting of 1.928 acres will be removed from the lands of Joe and Janet Green under parcel #110.00-1-45.000 making his remaining parcel 79 +/- acres in size and annexed to the lands of the Cemetery Association under #109.12-1-24.100 to create their new parcel size to be 13 +/- acres. Board polled as follows: Raeman aye, Rogers aye, Stryker aye, Giordano aye and Drayn abstaining.***

**Durning Minor Subdivision:**

Cindy Durning owns parcel 109.00-1-40.111 at 7235 Tilton Road. This land was the estate of Merton Toneison and is bounded by County Road 2, Tilton Road, and State Route 20A. Durning's application is for a minor subdivision where she will be selling 23 acres to Andrew Rogers for farming. The remaining 32.963 acres will be retained by Durning. Pat Venezia, representing Venezia Land Surveying of Canandaigua along with Ms. Durning provided the Board with a revised map indicating an easement to the Davenport parcel # 109.00-1-34.000 located on County Road 2. This easement was not included in the original map presented to the Planning Board for their review.

The easement is a dirt pathway that provides access that the Davenport's use as a driveway to access their parcel.

The Chairwoman opened the public hearing and Elaine Davenport advised the Board of the history behind the easement. It had been a "gentleman's agreement" between Elaine Davenport and Millie Toneison who was the owner of the Toneison lands at the time Davenports bought their land at 3998 County Road 2 a/k/a 109.00-1-34.000. The Chair asked if this was written in the Davenports deed. Elaine said she thought it was recorded there.

Pat Venezia explained to the Board the survey for Ms. Durning was completed in December while the ground was covered with snow and the easement was not visible at that time and since then the easement was pointed out to the Surveyor so they are presenting the amended survey reflecting the easement for Davenports.

There were no further comments from the public so the Chair closed the public hearing.

***The Board decided to go ahead and review the SEQRA for the application and a motion was made by Bob Raeman with a second by Bob Drayn to make a Negative Declaration that the proposed action will not result in any significant adverse environmental impacts. Board polled as follows: Giordano aye, Raeman aye, Stryker aye, Drayn aye, and Rogers abstained because she is related to the buyer of the subdivided lands.***

***A motion was made by Bob Raeman with a second by Bob Drayn that the Planning Board of the Town of Bristol accept the subdivision of 23 acres from the Durning parcel #109.00-1-40.111 with the condition an amended map showing the easement along with legal documentation of the easement to the Davenport parcel # 109.00-1-34.000 will be presented to the Board Chair for signature of final approval. The Board polled as follows: Raeman aye, Drayn aye, Giordano aye, Stryker aye, and Rogers abstaining.***

#### **Informational meeting regarding Solar Farm on Buckelew Road:**

Bob Steehler, Civil Engineer and Steve Longway, Electrical Engineer are presenting the project this evening instead of Jared Pantella of LaBella who originally contacted the Code Office along with the Planning and Zoning Secretary. They provided the Boards with a written proposal for the Buckelew Road Solar Farm as follows:

"Abundant Solar Power (ASP) proposes the construction of a 1.64 MW DC solar array on tax parcel 123.00-1-59.300. The project area is located on the east side of Buckelew Road in the Town of Bristol, Ontario County, NY. The 1.64 MW generation plant will include the installation of 268 tables, each mounted with (18) – 340 Watt solar panels. The proposed array will cover approximately 9.4 acres. The 9.4 acre will include the solar array, the access roadway, security fencing and the transformer substation.

The intent of the project will be to remote net meter the production from the generation plant and sell it through Power Purchase Agreements (PPA's). LaBella Associates is currently completing the Standardized Interconnect Requirement documentation to submit to Rochester Gas and Electric (RG&E) for the installation of the proposed array. No energy storage will take place on-site.

The project parcel is currently zoned A-C (Agricultural Conservation), and due to the nature of the development ASP will be required to obtain a Special Use Permit from the Zoning Board of Appeals. It is our understanding that the parcel will require a 75' front setback and a 50' side setback. Based on our interpretation of the zoning ordinance, no primary structure (in this case, the solar tables/panels) would be permitted to be within the setback area. The proposed concept shows that the 268 solar tables can fit within the developable area. ASP has a deadline of April 15th, 2017 in order to execute a land acquisition agreement with the current owner. Our client has contracted LaBella Associates, DPC in order to obtain Preliminary Approvals by an April 1st deadline.

Tax parcel # 123.00-1-59.300 is currently owned by Debra L. Collins, and is located on the east side of Buckelew Road, and approximately 860 feet north of County Road 20A. The 9.4 acre parcel is primarily covered by a combination of thick woodlands and high shrubbery.”

The planning and Zoning Boards raised some points that they would like clarified:

- Why here? Steehler said ASP has currently 6 sites in NYS under review for possible placement of a solar farm.
- Is this a Power Purchase Agreement for Community Solar or private ownership?
- Clarification from the Town Attorney if this would be considered a public utility under our current zoning definitions
- It was noted that the current accepted lot coverage for a public utility in the A-C district is limited to 5% of the lot-will an area variance be necessary?
- Is there any PDR (purchase development rights) associated with this parcel?
- Will there be a letter of credit for this project?
- SHPO will need to be addressed in phase 1 of the project
- More information provided with regard to the decommissioning process

The representatives from Labella said they would provide Jared Pantella with the conversation started with the Boards this evening so the applicant can provide some answers and comments to the above concerns.

#### **Review of NYS Unified Solar Permit for Small Scale Roof Mounted residential and commercial solar electric:**

Question was raised with regard to suggested fee for this permit and the Boards agreed the CEO should be consulted for his input and the final amount would be set by the Town Board.

***Patti Giordano made a motion to send the NYS Unified Solar Permit for Small Scale Roof Mounted residential and commercial solar electric to the Town Board for their approval and fee setting. This was seconded by Bob Drayn. All Board members agreed.***

#### **Parcel Combination form from RPTS**

It was agreed to hold this over to the February meeting to take the time and compare it with our present parcel combination form. Theirs does not seem to have as much detail as our current document.

#### **Draft Solar Energy permitting process and draft law:**

The Planning Board asked that some changes be made before the draft is reviewed again in February as follows:

- Upon reviewing the Secretary noted we did not have an opening section on Authority so she added it as Section 1
- Under Definitions all words to be defined should be in bold letters
- Expedited Review references the NYS Unified Solar Permit for small scale roof mounted residential and commercial solar electric
- Clean up definition of Qualified Solar Installer and ask opinion of the CEO
- Under Small Scale Solar Energy System added that it does not exceed 1,000 square feet based on the perimeter occupied by the solar panels
- Section 5 now refers to small scale solar energy less than 1,000 square feet in size
- Under Section 5 E. 4 refers to Lot Coverage

- Under Section 5 H. is added with regard to abandonment, decommissioning and restoring to natural state
- Section 6 Large Scale Solar Energy Systems-systems greater than 1,000 square feet in size
- Section 6, B, 2. Permitting CEO thinks the word blueprint should be changed to drawings
- Section 6, B, 5, a- refers to the same length of time allowed prior to decommissioning as referred to Local Law # 7 towers, wind turbines, etc.
- Section 6,B,7,a now states Solar arrays shall not be allowed on lands where a P.D.R has been obtained
- Section 6,B, 7,c-CEO thinks that it should be less than 20' and maybe only 8' in height

### **CEO Report**

It will be provided with the February packets by the Secretary.

The joint meeting of the Planning and ZBA was adjourned at 9:40 p.m. with a motion by Bob Raeman and a second by Steve Smiley.

Respectfully submitted,

*Sandra Riker*

Secretary to the Town of Bristol

Planning and ZBA Boards

The minutes of January 10, 2017 were approved after changes made by Bob Raeman and Marty Snyder were made with a motion by Bob Raeman and second by Steve Smiley. All Board members present approved.