

Town of Bristol
Zoning Board of Appeals
December 17, 2019

Present: Marty Snyder, Steve Smiley, Donna Beretta, John Krebbeks, Jen Sanford, and Secretary Sandra Riker

Others Present: Eric Wedesky of Solar Provider Group, Lance Brabant of MRB Engineering, Code Officer Chris Jensen, Planning Board members: Patti Giordano, Karen Ellmore, and Joann Rogers, Town Board members: Lauren Bolonda and Fred Stresing, Town Clerk: Karen Maczynski-See attached list of others present

Minutes: The November minutes were approved with a motion by Steve Smiley and a second by Jen Sanford. Board members Beretta and Krebbeks agreed and Snyder abstained due to absence from that meeting.

Special Use Permit: Code Officer, Chris Jensen advised the group present that the proposed application was presented to the Code Office in November and a determination was made by the Code Office on December 2, 2019 and shared with the applicant that read:

- Site plans provided are conceptual in nature and not based on actual field survey.*
- It shall be the Zoning Board of Appeals which makes the determination if plans are sufficient to approve a Special Use Permit, or if additional information and plans are required.*
- Plans are insufficient in detail and are not based on actual field survey*
- .-Site Plan approval from the Planning Board cannot be sought at this time.*

Eric Wedesky, Project Manager representing Solar Provider Group addressed the ZBA Board and others present at this meeting by stating the Special Use Permit application is: for a proposed solar farm known as **Bristol Valley Community Solar**. The proposed facility is a large scale, ground mounted, grid supply, photovoltaic solar farm with a total capacity of 6.6 MW DC. It would be located on the parcel identified by the number 110.00-1-45.100 in the Town of Bristol, which is owned by Joseph and Janet Green. It will require approximately ±40 acres of land that is presently in agricultural use.

The following 2 paragraphs are from the Summary & Description provided to the Town with the Special Use Permit application: "Solar farms are a sustainable, low-impact,

and non-polluting way to generate the energy that powers everyday life. As a community solar project, Bristol Valley Community Solar will also enable residents of Bristol and Ontario County to save on their energy bill by subscribing to local, renewable energy. SPG is excited to contribute to the renewable energy portfolio of the Town of Bristol and New York State.

New York State (NYS) has set ambitious targets to lead the nation in clean energy and climate goals¹. By 2025, NYS's goal is to have 6 GW of distributed solar; by 2030, 3 GW of energy storage; and by 2040, 100% clean electricity. Projects such as Bristol Valley Community Solar will help the state realize its ambitions .It will be subsidized in part by the New York State Energy Research & Development Authority's (NSYERDA) NY-Sun program.”

He advised the audience and Board members that he can provide a link to the application and its contents for them to review on their own time.

<https://solarprovidergroupllc.app.box.com/s/pul66x1oaheq1bxy6yiep4c2n42mljlh/file/565370137421>

Eric went on to address the application by saying:

- All electric will be underground except for the connection to the RG&E pole on the parcel
- With regard to the proposed site plan the neon line represents where the screening will be provided and at present evergreens 3' to 5' in height will be planted
- Screening will be inside the fence
- There will also be a fence approximately 7' tall on the property line
- Screening and fencing placement are per the landowners request
- The proposed panels are a single axis tracker which track north to south, they will be a maximum height of 7' but a minimum of 5' is possible
- The DC electric needs to be converted to AC and is accomplished with a string of inverters
- While a site is proposed for battery storage this is not part of the application and will require a second special use permit at a future time once NYS determines the requirements and guidelines for them-at present NYS is more interested in accomplishing the NYS solar goals set forth by the Governor of NYS
- The Solar array will be tied directly to the grid

This application was presented as submitted to the County Planning Board at their December meeting and the following comments were made by them:

1. Consider locating the fence at the setback line, not the lot line and locating deer resistant screening on the outside of the fence
2. The National Electric Code requires a 7' fence enclosing large scale energy facilities
3. If the geotechnical report recommends a panel support system other than pile driven posts, the referring board should consider the impact of such a support system on restoration of the property for agricultural use if/when the project is decommissioned.

Town of Bristol consulting Engineer Lance Brabant of MRB Group advised all that the operations & maintenance plan as well as the decommissioning plan will be addressed by the Site Plan review that will be completed by the Planning Board.

Marty Snyder reminded the applicant a cultural resource survey will be necessary under the SEQR (State Environmental Quality Review and mentioned another part of the Green property had already been ~~leased~~ sold to the Archeological Conservancy Group of New Mexico as a place where Indian artifacts had been found. This application will probably require a determination from SHPO (State Historic Preservation Office.) Eric said the proposed solar project should not affect the parcel ~~leased~~ sold by the A.C. Group.

John Krebbeks inquired about the buffering provided by trees. Lance said it will be part of the Site Plan review and then a final determination can be made by the ZBA.

Steve Smiley asked about how is the proposed cost for decommissioning determined which ultimately becomes the landowner's responsibility to return the lands to its former state. Eric replied typically defer to the Town Engineer to determine the cost. Lance Brabant (MRB) other towns typically require 150% of the cost of the project to run for the duration of the project in the form of a bond that would be good for 30 years, this would automatically include an inflation rate. The monies are supplied in an escrow account for the duration of the project. Eric said in the past Solar Provider, LLC provides a cashier check that is good for the life of the project and held by the Town so if the landowner cannot

pay for the decommissioning then the Town uses the monies held for the removal of the project.

The public hearing was opened by the Chair Marty Snyder. Written comments were provided and attached at the end of this document for review. Other comments from the group present involved some of the following comments:

- Hoping this will not be a hasty decision made by the Boards without the proper review and comments.
- How will property values be affected?
- Concern about the loss of the View currently provided
- When will construction start?
- Estimate of total value of the project?
- Will any local jobs be provided?
- Concern over the upkeep of the parcel, will it affect the well water of neighboring parcels, Why can it not be placed somewhere else other than the backyards of the neighboring parcels?
- Can the layout be shifted in such a way to accommodate the neighbors? The current plan does not flow with the landscape.
- How will this affect my lands and where I hunt?
- How much will it cost to connect to this “solar community farm”
- How many residents can benefit from this “solar community farm”
- In the decommissioning portion of the local solar energy law it states that the landowners is responsible for the removal of panels if a project fails-Is there a place to recycle the materials used in the panels?
- How many panels are there in this project?
- Concern for possible glare from the panels
- Comment was made that in the recent Comprehensive Plan update-green alternate energy is to be encouraged in the town of Bristol
- It can also provide relief to the tax base

Eric Wedesky made note of all comments made and said when he next meets with the Boards he will address all of the comments.

Marty Snyder, Chair said the public hearing will be left open and at this time a resolution was made for Continuation of this meeting at such time after the planning board has had the opportunity to review the Site Plan and Environmental record to help the ZBA make the proper determination for this

Special Use Permit. The attached resolution was made with a motion by Marty Snyder with a second by Steve Smiley.

Eric Wedesky said given the winter weather and the need to gather all the information requested for Site Plan and SEQR it will be March at the earliest that the next part of the application will be before the planning board. He also added the company is waiting for a CESIR to come from RG&E for the cost necessary to connect the project to the existing power lines at the site. They expect that determination sometime in January and then they will know if it is feasible to continue the project.

Other Business: none

Code Report: not given

A motion to close the meeting was made by John Krebbeks with a second by Donna Beretta.

Respectfully submitted,

Sandra Riker

Town of Bristol

Code, Planning and ZBA Secretary

Minutes of December 17, 2019 were approved on January 21, 2020 with a motion by Jen Sanford to accept as written with changes on page 3 made by Marty Snyder. A second was made by Marty Snyder, and all Board members present agreed. Donna Beretta was excused this evening.

Town of Bristol

6740 County Road 32 • Canandaigua, NY 14424 • (585) 229-2400

ZONING LAW DETERMINATION

PROPERTY OWNER: Joseph R. & Janet R. Green

PROPERTY ADDRESSES: 3852 Footer Road & 0000 County Road #2

TAX MAP NUMBERS: 110.00-1-45.100 & 109.12-1-18.000

ZONING DISTRICTS: L-R (approx. 83.6 acres)

M-R (approx. 1.3 acres)

DETERMINATION REFERENCE:

- Application for a Special Use Permit. Received for review by Town on 11/25/2019.
- Plans titled "000307-NY-BRISTOL VALLEY" by Solar Provider Group, dated 11/19/2019, received by the Town on 11/25/2019.

PROJECT DESCRIPTION:

- Applicant proposes the installation of a 6.617 Megawatt (Volts-DC) Large Scale Solar facility within a 40 acre project area, on a 85±acre parcel.

DETERMINATION:

- Site plans provided are conceptual in nature and not based on actual field survey. It shall be the Zoning Board of Appeals which makes the determination if plans are sufficient to approve a Special Use Permit, or if additional information and plans are required.
- Plans are insufficient in detail and are not based on actual field survey. Site Plan approval from the Planning Board cannot be sought at this time.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD) FOR:

- This application is required to be reviewed by the Ontario County Planning Board as it pertains to a Special Use Permit within 500ft. of a County Road.

REFERRAL TO ZONING BOARD of APPEALS FOR:

- Solar energy permitting guidelines of the Town of Bristol require a Special Use Permit be pursued for all Large-Scale Solar Energy Systems.
- Per article 18 of Town Code (Local Law #3 of 2011) – the Zoning Board of Appeals is responsible for the review of all Special Use Permit applications.

REFERRAL TO PLANNING BOARD FOR:

- No site plan approval from the Planning Board is requested at this time. Future referral and action on professionally prepared site plans (approval, approval with conditions, or denial) will be required prior to issuance of a Building Permit.

CODE SECTIONS: Local Law #2 of 2017 (Solar Energy Code), Local Law #3 of 2011 (Special Use Permits)

DATE: December 2, 2019 BY: Chris Jensen

Chris Jensen – Zoning Officer

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

241-2019 December 11, 2019 CPB Minutes

The 85 acre parcel extends from the north-south portion of CR 2/Oakmont Road to Footer Road with approximately 750' of frontage on the north-south portion of CR 2, 300' of frontage on Footer Road, and a 50' access point on the east-west portion of CR 2. The property includes a small area to the north of a tributary of Mud Creek that crosses CR 2. This area is not part of the project area.

The project area meets minimum required setbacks of 50' from side and rear lots lines, 75' from front lot line, and 200' from residences on adjacent properties along the east, west, and northern boundary. The project area is setback nearly 250' from the southern property boundary.

The proposed gravel access driveway is off CR 2 1,125' south of the intersection with Baptist Hill Road. The concrete pad for project equipment and a 90x81' parking area are approximately 350' back from the road near the rear of the cemetery. The 40-acre project area is surrounded by a 6' chain link fence. The area under the solar panels is approximately 9 acres with .35 acres disturbed for the gravel access drive and parking area, and the concrete transformer pad. Arborvitae screening is provided along the CR 2 frontage, except at the access road, and to screen views from the cemetery and residential uses along the east-west portion of CR 2. No removal of trees or site vegetation is anticipated. As part of project development, the site will be planted with native grasses. The project will include required emergency contact and warning signage and new poles and wires for interconnection in the vicinity of the access driveway.

According to Oncor, the property and all surrounding lands are in the agricultural district. The property use is field crops and the property is in common ownership with the dairy farm located to the south. The property is not constrained by wetlands or floodplains. There are some areas of 16 to 31 % slope along the stream corridor and in the northeast corner of the project area. A minor amount of panel relocation may be needed to avoid these areas.

The project location was selected based on proximity to a 3-phase electric transmission line along the north-south portion of CR 2 with appropriate voltage and capacity. The preliminary interconnection study indicates some limitations in system capacity to accept the proposed energy load. The applicant anticipates a detailed scope and budget estimate of upgrades required to accommodate the project by January 14, 2020. Interconnection costs are anticipated to be in the range of \$300,000 to \$600,000.

The proposed solar energy system is expected to include movable panels that will track the sun for maximum energy generation. The panel mounting system may include pile driven posts, concrete ballasts, or helical piles with concrete supports chosen based on geotechnical survey. The project uses string inverters not central inverters because they are quieter.

The site plan indicates a potential location for battery storage near the woods behind the cemetery if such a component becomes commercially viable, though battery storage is not proposed at this time.

The operations and maintenance plan indicate infrared drone flyovers will be used to monitor the health of screen vegetation and the need for vegetation trimming/mowing and weed removal. The referred

materials indicate the decommissioning plan would be activated if the project does not produce power for 6 months and estimated decommissioning costs will be provided at the time of application for a site plan approval. The Town of Bristol does not have specific regulations for solar energy systems, but in general, a use is not considered abandoned until 1 year. Application materials also acknowledge site survey, additional studies, and a SWPPP must be prepared and submitted at the time of site plan review and referral. Comments 1. Consider locating the fence at the setback line, not the lot line and locating deer resistant screening on the outside of the fence. 2. The National Electric Code requires a 7' fence enclosing large scale energy facilities. 3. If the geotechnical report recommends a panel support system other than pile driven posts, the referring body should consider the impact of such support system on restoration of the property for agricultural use if/when the project is decommissioned. Board Motion: A motion to retain referrals 229-2019, 240-2019, 241-2019, 242-2019, 247-2019, 247.1-2019, 247.2-2019, and 2482019 as class 1s and send each back to referring body with comments. Motion made by: David Wink Seconded by: Patti Wirth Vote: 12 in favor, 0 opposed, 0 abstention Motion carried

Re: Bristol Valley Community Solar Project

Outlined below are the concerns of the residents of 3810, 3816, and 3824 Footer Rd,

- Zoning
 - Land is currently zoned agricultural. What will be the zoning status of the property after the project is completed and in service?
 - If zoned commercial will the tax rate change?
 - The parcel in question is ~85 acres, 40 of which is to be used for this project. What will happen to the remaining ~45 acres?
- Town and its residents
 - What are the benefits to all residents of Bristol?
 - What are the benefits to the neighbors to the project?
 - What does the town gain from this project?
- Visual Impacts
 - Based on the information provided, the project can be seen by considerably more residents than those that have been informed as a result of the 500' buffer zone rule
 - Perhaps a larger scope should be considered due to the visibility of the parcel near the top of Baptist hill. This parcel is visible to most residents on the east side of the Bristol valley, as well as many to the south and some near the town center as well.
 - Have other parcels in the area which may be less visible to the public and passers-by been evaluated for a project similar to this?
- Property value
 - Has the impact of this project to the value of parcels immediately neighboring it been considered? Is a summary of this report available?
- Environmental
 - Has the D.E.C. performed an environmental analysis relating to this project? The 11Dec19 CPB minutes document describes a creek that is part of a watershed to Mud creek, which is not part of the project area, and wetlands are not a concern. Are there other environmental considerations that should be made?
- End-of-Life
 - Depending on construction methods, the 11Dec19 CPB document references a concern regarding the type of construction used to support the panels. At the end of the project life (decommissioning) what level of effort will be required to return the parcel to its previous state or some other use? How will funds be guaranteed to ensure that this work can be completed to the satisfaction of the town and its residents?

- FIRST my wife & I would like to go ON RECORD that "WE ARE OPPOSED TO THE CURRENT PROPOSED ~~Z~~ SOLAR INSTALLATION IN IT'S CURRENT FORM" AND REQUESTS ^{REMOVAL /} RELOCATION OF 1ST 2 ROW PANELS PARALLEL WITH OUR HOME
- THE AMENDED AND NEWLY ADOPTED LOCAL LAW 2, SECTION 6.B.2 ~~S~~IGHT SIGHTS REQUIREMENTS SET FORTH IN ARTICLE 18 OF THE CURRENT ZONING REGULATIONS
- ARTICLE 18, SECTION 1-B.3-h, VISIBILITY FROM SURROUNDING PROPERTIES - (BUFFERING, WHETHER NATURAL OR MAN-MADE, WHICH IS DEEMED NECESSARY TO OBSCURE VISIBILITY FROM NEIGHBORING PROPERTIES SHALL BE EFFECTIVE.
- WHERE IS THE "ELEVATION DRAWING" SHOWING THE IMPACT ON OUR DWELLING. I HAVE A PICTURE SHOWING THE ELEVATION OF OUR PROPERTY WITH ME IN THE PICTURE (6') AND WE FEEL THAT WE WILL BE LOOKING AT THE ARRAYS REGARDLESS OF ANY BUFFERING ATTEMPTED due to the changes in elevation across the field. [WE INVITE/REQUEST THE ZBA VISIT OUR PROPERTY]
- FURTHER MORE, ARTICLE 18, SECTION 1.B.3.C "COMPATIBILITY WITH THE GENERAL CHARACTER OF THE AREA" ? PLEASE EXPLAIN HOW THIS COULD BE?
- THE TOWN'S COMPREHENSIVE PLAN STATES //

Town of Bristol
Zoning Board of Appeals
6740 County Road 32
Canandaigua, New York 14424

November 26, 2019

PROPERTY OWNERS STATEMENT
Application for a Special Use Permit in the Town of Bristol

Adjoining Neighbor:

I/we own property within 500' of the Application that would/could affect my/our property rights.

Tax Map # 110.00-1-45.100

Joseph & Janet Green

3898-Footer Road

Bloomfield, NY 14469

Solar Provider Group, LLC is proposing a commercial solar farm of 6.6 MW DC (6,617 kW DC) which would use 40 of the 84.56 acres. Under the Town of Bristol Local Law 2 of 2017 Solar Energy Code, Section 6, Large Scale Solar Energy Systems greater than 25 kW in size a special use permit would be required.

Comments: *As residential property owners we are greatly distressed to learn of this project and very concerned that a sea of solar panels in front of our beautiful view of the Bristol hills will negatively affect our property values - simply stated: who wants to look at that?*

Concerns will be heard at the regularly scheduled Town of Bristol Planning Board meeting to be held on December 17, 2019 at 7:00 p.m. in the Town Hall at 6740 County Road 32.

Said meeting will be advertised one week ahead on December 10, 2019 in the official newspaper of the town, the Messenger Post News of Canandaigua, New York.

This form is for informational purposes only and is not a legal document. You are not obligated to complete and return this form.

So while this project would be quite lucrative for the Greens - the surrounding neighbors would pay a price and that is not fair.