



# Planning Board ★★★★★★★★

Chairman Paul Thomas called the meeting to order at 6:00 PM in the Board Room at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other Planning Board members present were Vice Chair Donna Salamone, James Digristina, Michael Ritter and

Jean Finster. Absent was Victor Costanza and David Fusillo. Also present were Town Board Members Anthony J. Lucenti, Robert VanDusen and Eric Kane; ZBA member JoAnn Mammone, Codes Officer Philip Green, Town resident Edward Sergott, and Bette Szesny, who serves as Recording Secretary

## MINUTES: JULY MEETING

Motion by James Digristina, seconded by Donna Salamone to approve the minutes of the July meeting as presented; all in favor. Motion carried.

## PROPOSED SOLAR FARM LAW

Mr. Thomas stated correspondence has been received from Town Attorney Michael Misaszek providing his legal opinion that the Town may choose to impose a Moratorium on Solar Farms because the Town is considering revising an existing ordinance.

Mr. Lucenti stepped up to the podium to speak about the information he learned at a recent presentation on solar farms held at the Oneida Co Cooperative Extension. He said he has an open mind on the solar farm issue, and he has listened to both sides, the negatives and positives of solar farms. He then provided a detailed synopsis of the information he gathered at this conference (attached to these minutes, available upon request).

ZBA Member JoAnn Mammone stated she also attended the meeting, and concludes there are many issues Town governments must consider when developing an ordinance governing solar farms.

Town resident Edward Sergott, who has been approached by a solar farm company and has been offered a potential contract, was asked to attend the meeting to provide his spin on the issue. He stated he has some concerns about the controversy surrounding the issue of solar farms, especially with regard to placing restrictions on where solar farms can be sited. He said in his opinion, solar farms present no negative issues with regard to aesthetics, noise or other adversities, and that they are very attractive.

Councilman Eric Kane then spoke, indicating his intent to attend a seminar on Solar Farms to be held on Monday, August 8, in Syracuse, which is being sponsored by the town supervisors of Somerset and Clayton, NY, and will feature an informative discussion led by Buffalo attorneys Lippes, Mathias, Wexler & Friendman, LLP. He said overall, he is favorable to solar farms, but he believes much additional information needs to be learned, and he

therefore prefers to proceed cautiously on this issue until he can gather more facts.

Mr. VanDusen then spoke, agreeing that we need to gather more information, also stating he believes solar farms should be sited in areas where they do not present negative aesthetic issues to nearby homeowners. He said in his opinion, solar farms need to be placed in remote areas of the town, not in closer populated residential areas.

Mr. Green stated the current zoning ordinance allows solar farms in all zoning districts of town as they are a utility, which are an allowed use here and in all towns, in order to provide required services to the public. He added that utilities are normally allowed to be placed within one thousand (1,000) feet of a privately owned property. He stated that, in his opinion, requiring any utility (including solar farms) to be placed at greater distances from private residences would not be in keeping with what is considered to be reasonable. He said the way the current law reads, the ZBA can use their judgment on a case by case basis to deny or allow a solar farm in any area of the town. He stated he believes the Schuyler ZBA has a lot of common sense and would act on applications in a way that would be fair to the neighboring property owners and the applicant, while taking into consideration the best interests of the town, as well.

Discussion ensued regarding possible restrictions that could be imposed to protect the rights of the homeowner and the Town. Mr. Thomas and Mr. Ritter commented that several town residents have been contacted by one of the solar farm companies, offering possible contractual agreements.

Mr. Thomas stated in more than one case in the past, as well as in recent history, these contracts have fallen through due to lack of sufficient compensation per kilowatt hour from this area's current electricity provider, forcing companies to back out of potential contractual agreements.

Board discussion then centered on protecting the rights of the potential lessors and the Town, with regard to legal instruments such as bonds and disposal clauses. It was therefore decided to invite a representative from the company that has sent letters to many of the residents offering potential contracts, to attend a group workshop session to include the Planning Board, Town Board and Zoning Board of Appeals, for the purpose of providing some essential information on solar farms and what their company can offer to the Town and its residents who may be entertaining contractual agreements, as well as information with regards to their policies and procedures. Mr. Ritter stated he believes this will be a big step in resolving many issues the Town's boards and the residents may harbor with regard to this issue. Mrs. Szesny will contact the company and request a representative from this company attend a workshop meeting to provide a presentation, to be attended by the Town Board, Planning Board and Zoning Board of Appeals, with the end result to obtain feedback from members of all three boards that will assist in developing amendments to the existing zoning ordinance that will appropriately and fairly address the solar farm issue for the Town of Schuyler.

On behalf of the Planning Board, Mr. Thomas suggested the Town Board reconsider adoption of the Moratorium on solar farms for a least a 6-month period at their upcoming August Town Board meeting, also noting the Planning Board's initial recommendation had been for a 1-Year Moratorium in order to provide an adequate time to develop the ordinance.

#### **2016 REGIONAL TRAINING PROGRAM**

Mrs. Szesny stated the annual training event will be held at the Town of Schuyler on Wednesday, October 5th from 6 to 10 PM.

#### **ADJOURNMENT**

There being no further business to come before the Board, Mr. Thomas adjourned the meeting at 7:42 PM upon a motion by James Digristina, which was seconded by Donna Salamone.

It was noted that there will be no Planning Board meeting in September or October. Next regular meeting will be held the first Wednesday of November.

A reminder to residents, that all are welcome to attend Planning Board meetings, but there will be no public comment accepted in future Planning Board meetings during workshop sessions when the Planning Board will be working to develop a solar farm ordinance. The Planning Board requires time to study all the information that has been submitted, in order to develop an ordinance governing land use for solar farm development that will protect the rights of all the residents of the Town while meeting the guidelines set forth by government regulations. However, written comments from residents will be appreciated and their messages/content will be taken into consideration during Board discussions.

Ultimately, a Town Board Public Hearing will be held to receive public comment on a proposed solar farm ordinance before it will be adopted by the Town Board, at which time all comments from town residents will be heard and taken into consideration.

— *Bette Szesny, Recording Secretary*

---

---