



PLANNING BOARD

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Chairman: Robert Thompson * Vice-Chairman: James Ninos * Secretary: Paula VanDyke

**Allegany Planning Board Meeting
Minutes: February 16, 2022**

- Present:** Jon Gorton, Chuck Jessup, Robert Thompson, Jim Ninos, Valerie Perkins, Jean-Louis Roederer, Mandi Joyce-Phelps, Dale Foster, John Stoltzfus, Jason Isaman
- Absent:** Paula Van Dyke
- Staff:** Kier Dirlam – Director of Planning, Michelle Denhoff – Asst. Director
- Guests:** Wendy Skinner – Planning Board, Town of Amity; Don Skinner, Town of Amity Board; Brooke Harris – Ex-Officio Board Member, District V Legislator
- Location:** Virtual Platform Zoom & Crossroads Conference Center, Town of Angelica

I. CALL TO ORDER:

Chair Thompson called this meeting to order at 7:01 PM and welcomed guests present.

II. MINUTES:

- A) The annual meeting minutes and regular business meeting minutes from **January 19, 2022** were reviewed: **On a motion by J. Ninos and second by J. Roederer, the annual and regular meeting minutes from January 2022 were approved.**

III. NEW BUSINESS:

- A) Town of Amity referral of “Local Law 02-2021 To Establish a Moratorium of the Use of Land for Commercial Solar Power Projects in the Town of Amity” for review: Director Dirlam indicated that the referral was received shortly after the last meeting. The Town of Amity would like to do a moratorium on commercial solar projects – the moratorium would not affect residential solar. The law language states 2021, and the Town would like to do a moratorium for two years; however, the Department of State recommends no longer than one year, as it could be challenged in court.

Mr. Skinner stated that the Town Attorney recommended the two-year length. In reference to Wind, the Town is still under discussion. Mr. Dirlam stated that the Town of Willing did a moratorium on both so that may be something to consider as well. Mr. Skinner said that the Town is not as concerned with wind as they are solar, based on a review that Ms. Denhoff did with the board a year or two ago. There was further discussion on previous assumptions and how land owners have been approached. Mr. Stoltzfus indicated that in the Town of Independence he was approached by a company because he had three phase electric running through his property. Mr. Roederer asked what would happen if someone were to challenge the moratorium. Director Dirlam explained the potential challenges the Town might face related to the moratorium and advised creating a solar law while the moratorium is in place. He also explained to the board that any challenges of the moratorium would not be seen by the County

Planning Board, but if the Town of Amity chooses to do a law then that should come back for review.

Ms. Skinner indicated that the Town of Amity has already passed the moratorium and had their public hearing and that the moratorium has already been submitted to New York State. The intent is to stop solar development in the Town for two years. Mrs. Skinner asked about the process and stated that she believed that this is in line with the comprehensive plan that is currently being developed. Further discussion related to creation of the law and rescinding the moratorium once created was provided. Director Dirlam offered assistance where it may be needed if any questions arise.

At close of discussion, it was decided that this board has no action to take, as the moratoria has already been acted upon by the Town of Amity.

- B) Town of Hume, Water Systems Improvement Project, Request to be lead agency: This is a project that has already been reviewed by this board; however, amendments have been made (pg 1/13) related to connections on a few streets within Fillmore. Adjustments were made to the numbers accordingly. A map was also provided at the back of the document – any highlighted areas are new. No action needs to be taken, aside from agreeing that their request to be lead agency be approved. Mr. Roederer observed on page 10, item c, an explanation was provided and should be checked yes rather than no. Page 11, he asked the difference between designated 100- and 500-year flood plain. Mr. Thompson explained the difference, stating that the flood way and plain are different terms. Director Dirlam stated that all the Allegany County flood maps were completed in the 1980's. They are being updated now and may change the current flood plains. The answer might require some additional explanation. On page 13 item f, related to archeological sites, the answer was yes. Do they require additional information should be provided? The answer is created from a state data set and the answer is automatically selected. Director Dirlam thought that it may have been checked because that this entire area of the Genesee is flagged as a Seneca Nation territory, where a reservation used to be present. He did not feel it would effect this as it's all pre-disturbed.

On a motion by J. Roederer and seconded by J. Ninos the Allegany County Planning Board supports the request for the Town of Hume to be Lead Agency during SEQR review of the Water Systems Improvement Project.

IV. OLD BUSINESS: none

V. CORRESPONDENCE:

- 01.05.2022 – Moraine Solar Notice of Intent to File for Permit to Operate Solar Facility: Ms. Denhoff explained that they have filed their notice of intent and explained where they were in the process. Once the application is filed, it gives the Town of Burns and community 60 days to review and provided comment to ORES, where they will also have that time to determine that application complete. She explained the importance of having a law in place for this purpose. Mr. Thompson asked if the Town and County have been provided training to know that. In the case of Burns, they do have a law in

place and are working with several consultants on the project. She indicated that probably not all towns are aware of this requirement, but not all towns have the land or capacity to host a project of this size either, so it varies. Outreach was done initially during creation of ORES to make them aware but there has been turnover on many of the town boards since then as well.

- 01.28.2022 – AlleCatt Wind Request for Further Extension of Time to Comply with Conditions: Ms. Denhoff explained that this is the same extension the board has seen several times related to a land acquisition as part of one of the approving conditions. They are expected to complete the land acquisition soon, at which point construction will be able to begin.

VI. REPORTS:

- A) DEC Report – There were several state public notices released, some of which have an impact in Allegany County. 01.19.22 NYS Public Notices – the first relates to an update of the NYSDEC Solar Project at Closed Solid Waste Landfills. It provides a policy update that would affect Allegany County only if they decided to place solar on the closed county landfill that was being considered at one time but is no longer in play. The next relates to SPDES permits and Concentrated Animal Feeding Operations. Effective July, the permitting process will change. Director Dirlam provided a map that shows the large and medium permits that are in Allegany County. There are only two large CAFO permits that border with Cattaraugus County. The last one relates to an update of the Clean Water Act List of Impaired Waters – Allegany County has five currently listed and they are planning to add Total Phosphorus at Cuba Lake, and removing Rawson Creek. Both of these areas relate to the CAFO discussion previously had; 01.26.22 Negative Declaration on Alfred I LLC Solar Farm Project in Town of Alfred; a NYSDEC notice related to SPDES MS4 applications (Allegany County does not have any); 02.02.22 NYS Public Notices related to trapping fisher – permits will no longer be required. A positive SEQR declaration was provided for an update of the NYSDEC strategic plan state forest management plan – Allegany County has approximately 47,000 acres of state forest.; 02.09.22 NYS Public Notices provides another extension to public comment relating to the Clean Water Act List of Impaired Waters.
- B) Intergovernmental Review Projects [IRP's] – None
- C) Southern Tier West Report – The notes from the last meeting were provided after the January meeting. No further comments were provided.
- D) Community Planning Updates – Director Dirlam said that he read on a blog that Andover is creating a wind law and they have had a couple of public hearings related to that. Mrs. Phelps said that they've had two public hearings related to the law because there was a lot of public comment. She indicated that the Town Supervisor was out of town but that the County Planning Board should be receiving it soon. The Town of Willing is starting to create their comprehensive plan. Some of the work has already been done so they are on a shorter timeline. They've been asked what they want to see in their plan and what is most important for focus. Another meeting is planned next Wednesday. Town of Grove is planning an addition to their town hall, required by the court system to hold court there, so they are doing upgrades to the electric, adding bathroom facilities, etc. Belmont/Amity is working on finishing up their Comprehensive Plan. Ms. Denhoff sent them a review of the draft, she is working with

them to add their comments in and is expecting that the plan will be referred to the County Planning Board soon, likely April.

E) Trainings –

- a. Southern Tier West trainings offered as follows, to register follow this link: <https://www.southerntierwest.org/on-line-training.html>. There are several online trainings offered through the end of march for free, registration is required.
 - i. June 9, 2022 – STW Annual Local Government Conference is back to in-person. There used to be around 400+ attendees, with an additional 100 people registered as vendors. Registration is open and is \$35 for online registration. If you are interested, please notify the planning office to register, or you can request reimbursement of fees paid. It will be at Houghton College.
- b. Southern Tier Central Regional Leadership Conference training March 31, 2022 8am-5:30pm in Corning: <http://www.stcplanning.org/regional-leadership-conference/>. There is a \$50 registration fee and is also covered by the planning office.
- c. Mr. Ninos mentioned the Municipal Clean Energy trainings and named them off. Those are all upcoming and free. He will share the invite with the board.

F) Planning & Economic Development Office Report/Updates – It was not provided in the packet, but most of the items in it were already covered in discussion. The COVID-19 reporting has subsided with the exception of the press releases. LWRP public outreach will continue in March; however, it will not be in person, and will instead be covered online, since they received most of their feedback was done through engagement on the map. The tour guide is expected to be delivered by end of the first week in March. The Planning office is looking to add some additional staff and waiting for approvals from the legislature, as well as to replace Mr. Arquette who is leaving mid-March. There are a lot of upcoming projects that will need attention. Director Dirlam shared the recent video as part of the Wild Souls Wild Places campaign, featuring Walker Metalsmiths in Andover and expressed that the campaign is working to accomplish brand awareness and increased reach on social media.

VII. GOOD OF THE ORDER: none

VIII. ADJOURNMENT:

The next meeting is scheduled for **March 16, 2022 at 7 PM**, pending receipt of referrals. Mr. Thompson asked how the board would like to move forward with meetings – virtual or in person – members stated that they would like to meet in person, but still offer the virtual option. Planning staff will monitor the current statute extension to determine if virtual will be an option after March 16th.

On a motion by J. Gorton and seconded by J. Stoltzfus the meeting is adjourned at 8:16 pm.