



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

Allegany Planning Board Minutes: April 20, 2022

Present: Jon Gorton (in person), Jim Ninos (in person), Jean-Louis Roederer (zoom), Mandi Joyce-Phelps (in person), Chuck Jessup (zoom), John Stoltzfus (in person), Valerie Perkins (in person), Jason Isaman (zoom)

Absent: Robert Thompson, Dale Foster, Paula Van Dyke

Staff: Kier Dirlam – Director of Planning, Michelle Denhoff – Asst. Director

Guests: Jeri Reichman – Town of Independence Supervisor, Dwight Kanyuk – Attorney for Town of Burns, Dave Pullen – Attorney for Town of Independence, Jesse Case – Town of Wellsville, Darwin Fanton – Town of Wellsville, Dianne Freiner – Town of Burns Supervisor, Chris Boyea – Bowler Engineering (Chenunda Solar), Phil Stockin – Allegany Chairman of the Board and Town of Caneadea Deputy Supervisory, Mariana Pires – OYA Solar Project Coordinator, Steve Devine – Planning Board Chair Town of Caneadea

Location: Virtual Platform Zoom & Crossroads Conference Center, Town of Angelica

I. CALL TO ORDER:

Vice-Chairman Ninos called the meeting to order at 7:02 PM and welcomed guests.

II. MINUTES:

- A) The meeting minutes from **March 16, 2022** were reviewed. **On a motion by J. Roederer, seconded by J. Gorton, the meeting minutes from March 2022 were reviewed and approved.**

III. NEW BUSINESS:

- A) Town of Burns Local Law 3-2022 – Repeal and Replace Solar Energy System Facility Law: Director Dirlam appreciated the summary of changes in the resolution presented. Ms. Freiner stated the Town met with EDF Renewables regarding changes they felt should be made to the law specific to that project regarding buffer zones around eagles’ nest, seasonal road setbacks, set back changes for landscape cover, and panels. The Town Board will be the approving authority rather than the Planning Board. Ms. Freiner said that a new Planning Board will be implemented, as they haven’t met since 2019. Mr. Kanyuk, Town Attorney, stated that they are trying to make this law more consistent with the battery storage law that was recently enacted. The Town will now have the ability to waive certain requirements as well since there isn’t a variance procedure in place.

Mr. Ninos stated there were a couple of items that were missed (solar farm vs solar energy facility system) in the text of the law that should be corrected. Mr. Roederer asked about Applicability on page 2 regarding general maintenance and repair, wondering if it’s consistent with the rest of the document. Mr. Kanyuk stated it’s meant

for site plan approval and review. The requirement of a maintenance plan is a condition of approval, but the entity would not have to come back to the Town for approval of general maintenance and repair each time. Mr. Roederer also asked about page 3, section 2 under Procedure – yes it should be “for” any deficiencies. Director Dirlam asked for a final copy when it is adopted.

With no further discussion, a motion was made by J. Gorton, seconded by V. Perkins that the Allegany County Planning Board approve Town of Burns Local Law 3-2022.

- B) Town of Wellsville, Lead Agency Request for Quicklee’s on Bolivar Road (this is a correction from the agenda that stated site plan review): The Town has already moved forward with lead agency, as the referral was sent to the Planning Board the day of our last meeting (March 16th). The Site Plan is not available for review at this time, as the ones submitted are preliminary and will be updated prior to scheduling a site plan review referral. Mrs. Phelps asked about traffic flow and the affect it would have on the already busy intersection on Bolivar Rd. Mr. Fanton stated that Quicklee’s spoke with NYSDOT and received verbal confirmation of the project as is; however, they have yet to hear anything official.

With no further discussion, a motion was made by M. Phelps and seconded by J. Stoltzfus that the Allegany County Planning Board support the Town of Wellsville’s request to be lead agency during SEQR review of the Quicklee’s development.

- C) Town of Caneadea – Update to Zoning Law for Special Event Venues: Mr. Devine provided a background of why the update is needed related to the R-2 zone and a resident renting his cabin as a large venue site, which is currently not permitted, upsetting other residents on the lake. The Town is looking to have a more formalized section in the current zoning law. Three different sources were reviewed for this section, including input from their Town Attorney, Richard Buck. The section covers the entire Town, not just the lake district area; in Section D Caneadea decided to be more specific related to acreage and parking to be based on square footage, where other zoning codes reviewed were not. Ms. Perkins suggested adding in the verbiage “minimum” parking allowed to accommodate handicap parking. She also asked if all parking was required on site. Mr. Devine said that they didn’t want to define shuttling requirements so they went with minimum parking allotted. Director Dirlam thought that it was innovative, making a point that there is a shortage of venue space in the County. Mr. Pullen said that the Talk of the Town publication released an interesting article related to this topic and suggested it as a read for the board. Mr. Devine stated that Caneadea was also in conversation with the Lake District regarding this provision and they support it.

With no further discussion, a motion was made by V. Perkins, seconded by J. Stulzfus that the Allegany County Planning Board approve the update to the Caneadea zoning law to include Special Event Venues. J. Isaman was opposed. The motion passed.

D) Town of Independence – Chenunda Creek Solar Project: Ms. Reichman introduced the project as the sixth project in Independence. This will be adjacent to two other projects on the Hallsport-Independence Road. There is a public hearing with the IDA on May 2nd. They have good experience with OYA and would like to continue working with them. None of them have begun construction as of yet, aside from tree clearing and a road built. Mr. Pullen continued that there have been several meetings conducted already and a public hearing was held but they did not receive many comments, as the Town residents are familiar with the process and materials by now. Due to it's location, there would be natural screening in the form of elevation and trees and would not require additional screening. Since it is adjacent to other projects, an access road will serve more than one facility. Approval by the Town Board is anticipated on May 12th. A proposed decommissioning plan has been received and is being reviewed. The IDA has received a PILOT application that is under review as well. It will not increase Town tax revenue; however, it will allow the town to keep the tax rate the same.

Mr. Ninos asked where the fire district was and if they had been involved in review of the project for access and safety reasons. It is in the Town of Independence Fire District. Mr. Boyea said it's quite small compared to other projects. This will cover 3.9 acres with panels on a parcel of approximately 140 acres. Truck simulations have been run and it was determined that large equipment can access the facility without a problem. Mr. Ninos asked if there were any plans for expansion in the future. There are none at this time but if it makes sense in the future, another review of the project will be done.

Without further discussion, a motion was made by J. Roederer, seconded by J. Stultzfus that the Allegany County Planning Board approve the OYA Chenunda Creek Solar Project in the Town of Independence.

E) Town of Alfred – A Local Law Instituting A Moratorium on Certain Permits and Approvals for Wireless Telecommunications Facilities: The Town of Alfred is seeking a moratorium for six months. In conversation prior to the meeting, it is related to an application that was previously received, as well as a resident concerned with 5G. They are going to institute the moratorium to do more research and determine next steps. Mr. Ninos said if any members had questions he could answer them.

Without further discussion, a motion was made by C. Jessup, seconded by J. Gorton, that the Allegany County Planning Board approve the Town of Alfred Moratorium on Certain Permits and Approvals for Wireless Telecommunications Facilities.

IV. OLD BUSINESS: none

V. CORRESPONDENCE:

- March 15, 2022 - Application of Moraine Solar Energy Center for Permit Pursuant to 94-C, Town of Burns was received. It is not provided in the packet; however if members are interested in reviewing the application, Ms. Denhoff has a copy. This board will not be reviewing the project, as it is a State approved project due to its size.
- March 31, 2022 – Alle Catt Wind Energy Extension Request (NCBP). A notice was provided that Alle Catt Wind Energy has met the conditions related to their project approval; however, they would like an extension to submit the Net Conservation Benefit Plan that will protect Northern Long Eared Bats and Bald Eagles in the vicinity.
- April 4, 2022 – Eight Point Wind Order Approving Compliance Filings
- April 7, 2022 – Alfred Oaks Solar Project Input Request on Viewpoints was received in the Planning Office. It is not provided in the packet; however, Ms. Denhoff will send it under separate cover, via email. They are requesting input on the various viewpoints where the project will be seen. Ms. Denhoff shared her screen to present the various maps that were in the packet.

VI. REPORTS:

- A) DEC Report – 4/6/22 SPDES Renewal at the Friendship Rest Area was filed.
- B) Intergovernmental Review Projects [IRP's] – None
- C) Southern Tier West Report – A meeting was scheduled for tomorrow but it has been pushed to next week so the report will be provided via email when it is received.
- D) Community Planning Updates – **Town of Amity/Village of Belmont Comprehensive Plan** is now be prepared for adoption. They were provided the draft for review. Comments were requested by the end of April. If they are ready to move forward, it will be available for public comment. It is likely to be approved in June/July. **Town of Almond Zoning Law** update is still under review, scheduling conflicts have prevented another meeting to date. The law has not been updated since 1971 and the project has required a lot of attention. The **Town of Willing** is working on their comprehensive plan as well. The planning board was asked to provide some information that was recently received and is being reviewed for addition. The **Town of Caneadea** is promoting I Love My Parks Day which is May 7th this year, as well as IMPACT in the **Town of West Almond** for Phillips Creek State Forest.
- E) Trainings – Director Dirlam reminded members of the upcoming training and that there were a variety of way to register. The County will cover cost associated with registration as a part of the required learning credits each planning board member must have.
 - a. Southern Tier West trainings offered as follows, to register follow this link:
<https://www.southerntierwest.org/on-line-training.html>
- F) Planning & Economic Development Office Report/Updates – Provided in packet. Director Dirlam summarized items of the Hazard Mitigation Plan update that is currently in process. FEMA has not approved the grant yet so the HMGP team has decided to move forward so that we can meet the necessary deadlines. LWRP group is working on next sessions for input. Director Dirlam introduced Mandi Joyce-Phelps as the new Associate Planner in the Allegany County Planning office. She will have to offer her resignation to this board, but has not done so yet. Her experience in town government and the United Way will help her ease into the position, bringing new skills to the office. She will be starting May 4th.

VII. GOOD OF THE ORDER: Discussion of the videoconferencing option moving forward was provided, stating that after June 8th videoconferencing will not be permitted unless a local law or resolution is enacted by local government. It is unclear how Allegany County plans to move forward with this in the future so this board may be required to meet at a physical location again with a quorum after the June deadline. If an update is provided from the County, this board will be notified.

VIII. ADJOURNMENT:

The next meeting is scheduled for **May 18, 2022 at 7 PM**, pending receipt of referrals.

On a motion by J. Gorton and seconded by V. Perkins the meeting was adjourned at 8:26 pm.