

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURE ADVISORY COMMITTEE
Thursday, December 20, 2018 • 6:30 p.m.

MINUTES—FILED WITH TOWN CLERK

The following minutes are written as a summary of the main points that were made and the actions taken at the Town of Farmington Agriculture Advisory Committee meeting.

Committee Members Present: Henry Adams, *Chairperson*
Royal Purdy

Committee Members Absent: Robert Gerlock
Don Jones
Denis Lepel
John Marvin
Peter Maslyn
Doug Payne

Town Officials and Staff Present:
Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member
Edward Hemminger, Chairperson, Farmington Planning Board
Nancy Purdy, Farmington Zoning Board of Appeals Member

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

Mr. Adams called the meeting to order at 6:30 p.m.

The Town Clerk was notified of the meeting on November 16, 2018. The meeting clerk notified the Committee members, Town staff, and the Canandaigua *Daily Messenger* newspaper on November 16, 2018, with a reminder on December 13, 2018. The *Daily Messenger* published the notice of the meeting on December 16, 2018.

A quorum was not present. No official actions were taken by the Committee. Mr. Adams then led a discussion of several topics.

2. DELAWARE RIVER SOLAR 7MW AC COMMUNITY SOLAR FACILITY

The status of this application to date, i.e.:

September 24, 2018: Zoning Board of Appeals (ZBA) opens and conducts Public Hearings on four Area Variance applications; Public Hearings continued to November 26, 2018.

October 3, 2018: Planning Board declares intent to be designated Lead Agency for making the State Environmental Quality Review (SEQR) determination.

October 18, 2018: Agriculture Advisory Committee reviews the project and issues consensus statement.

October 22, 2018: Conservation Board reviews the project and concurs with the Agriculture Advisory Committee consensus statement.

November 7, 2018: Planning Board opens and conducts Public Hearings on Subdivision Plat, Preliminary Site Plan and Special Use Permit applications; Public Hearings continued to December 5, 2018; Planning Board declares itself as Lead Agency for making the SEQR determination.

November 26, 2018: ZBA Public Hearings on Area Variance applications opened. Public Hearings continued to December 17, 2018.

December 5, 2018: Planning Board Public Hearings on Subdivision, Site Plan and Special Use Permit applications reconvened. Public Hearings continued to January 16, 2019.

December 17, 2018: ZBA Public Hearings on Area Variance applications reconvened. Public Hearings continued to January 28, 2019.

Mr. Brand: Reported that Schultz Associates Engineers & Land Surveyors, P.C. was retained by the applicant to prepare a *Soils Report* of the property owners' farm at 466 Yellow Mills Road. The report was completed on December 17, 2018, and was provided to the Town.

The *Soils Report* presents the following conclusion:

Conclusion:

An attempt was made to design the proposed large-scale ground mounted solar PV system in a way that would maximize the amount of lower classified soils utilized and reduce the effect on soils classified as Class 1 through 4. Of the proposed project site and adjacent lands owned by the Smith family there is very little desirable developable lower classified land available due to the factors investigated within this report.

There are 50.9 acres of lower classified soils on the project parcel, of which 32.9 acres are unbuildable due to wetlands and required setbacks. Another 15.0 acres are undesirable to build on, not just for the proposed project but for any type of development. This leaves approximately 3.0 acres of lower classified soils which the proposed solar system could potentially be built on. The proposed layout was able to incorporate 1.6 acres of lower classified soils into the design. The remaining 1.4 acres are too isolated to feasibly include.

The adjacent parcel owned by the Smiths has 14.4 acres of lower classified soils, of which 8.7 acres are unbuildable due to wetlands and required setbacks. Another 2.3 acres are undesirable to build on due to being below the adjacent flood zone elevation. This leaves approximately 3.5 acres of lower classified soils which the proposed solar system could potentially be built on. 60 modules could be installed on the 3.5 acres. The panels on these modules would only produce around 0.56 Mega Watts. It would not be feasible to connect these panels to an additional 190 modules in the northwest portion of the project parcel. This would require an additional 1,035 feet of buried connection wire crossing a wetland and 380 feet of flood zone.

—*Soils Report* for Delaware River Solar LLC, Solar Energy Facility
466 Yellow Mills Road, Town of Farmington, N.Y.
December 17, 2018

Mr. Brand: Said that Code Enforcement Officer James Morse is working with Town Attorney Jeffrey Graff on an interpretation of Section 8, Paragraph (1) [b] (3) of Local Law #6 of 2017, *Solar Photovoltaic (PV) Systems Regulations*, regarding the following:

- (3) Large-scale ground-mounted solar PV systems located upon Farmland located within the delineated Town of Farmington Active Farmland Map, Number 8, page 92 of the adopted Town of Farmington Farmland Protection Plan, shall be allowed on soils classified as Class 1 through 4 as documented upon the Soil Group Worksheets prepared by the Ontario County Soil and Water Conservation District and used by the Town Assessor in calculation of

the Agricultural Use Exemption Values, a part of the New York State Department of Agriculture and Markets Agricultural Districts Law, once it can be determined, by the Planning Board, that there is no feasible alternative. . . .

Mr. Brand: Reported that the Planning Board has requested that the applicant also provide a Notice of Intent (NOI) through NYSEDA (the New York State Energy Research and Development Authority) and file the NOI with the Commissioner of the New York State Department of Agriculture and Markets. He said that once we have notice that NYSEDA has made such filing, the Planning Board will await the Commissioner's report and determination on the filing. The Delaware River Solar project developer reported in an e-mail to the Town today (December 20, 2018) that the NYSEDA counsel met with the Department of Agriculture and Markets to discuss the NOI and is confident that NYSEDA will have a process in place for the NOI in early January. The project developer indicated that NYSEDA is aware of the importance of the timing and the next session of the Public Hearing before the Planning Board on January 16, 2019.

Mr. Brand: Also reported that the Planning Board has requested the Town Engineers (MRB Group, D.P.C.) to complete a Wetlands Delineation and Report by a certified wetland biologist retained by MRB Group. The report will then be compared with the report submitted by Schultz Associates (the applicant's engineers). The report has been requested by January 16, 2019.

Discussion:

Among the discussion topics were:

- Capacity and ability of the nearest Rochester Gas & Electric (RG&E) substation (to the solar project) to handle the 7MW of electricity proposed to be generated by the Farmington project and the additional 2MW of electricity coming into this substation from a solar installation in an adjacent municipality.
- Tax assessment calculation for the Smith property following the proposed installation of the solar panels.
- Engineer's estimate of the actual cost of the project.
- Determination by the Code Enforcement Officer of the calculation of green space, i.e., green space calculated by flat solar panels versus green space calculated by angled solar panels.
- Decommissioning costs and plans.

Mr. Hemminger: Said that the goal of the Planning Board is to make the State Environmental Quality Review (SEQR) determination by late January or early February. This will be followed by the Zoning Board of Appeals (ZBA) action upon the Area Variance

applications. Following the ZBA decision, the Planning Board would then be in a position to act upon the Subdivision, Site Plan and Special Use Permit applications.

5. PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

Mr. Adams: Continued the discussion of a Purchase of Development Rights (PDR) Program for the Town of Farmington.

Mr. Adams: Said that the establishment of a PDR Program would require the endorsement and financial commitment from the Town Board. He said that applications generally have a greater possibility of approval by the New York State Department of Agriculture and Markets if they are accompanied by the financial support of the local municipality, even if such financial support were to be a token amount.

Mr. Brand: Said that he will contact the New York State Department of Agriculture and Markets to determine the timeline for the next cycle of PDR applications and provide this information for the next meeting of the Committee in January.

Mr. Adams: Suggested that the Finger Lakes Land Trust and/or the Ontario County Agricultural Enhancement Board may be able to provide some assistance and guidance.

6. NEXT MEETING, SUBSEQUENT MEETINGS and ADJOURNMENT

The next meeting of the Farmington Agriculture Advisory Committee will be held on **Thursday, January 17, 2019, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

It was the consensus of the Committee that meetings of the Committee continue to be held on the third Thursday of the month. Subsequent meetings will be held on:

Thursday, February 21, 2019

Thursday, March 21, 2019

Thursday, April 18, 2019

Thursday, May 16, 2019

Thursday, June 20, 2019

Thursday, July 18, 2019

Thursday, August 15, 2019

Thursday, September 19, 2019

Thursday, October 17, 2019

Thursday, November 21, 2019

Thursday, December 19, 2019

The meeting was adjourned at 7:45 p.m.

Following the meeting, the clerk locked the front entrance doors to the Town Hall.

Respectfully submitted,

John M. Robortella L.S.

Agriculture Advisory Committee Board Members:

Hal Adams, *Chairperson* (January 1, 2018 to December 31, 2018)

Term expires December 31, 2021

Robert Gerlock

Term expires December 31, 2019

Don Jones

Term expires December 31, 2021

Denis Lepel

Term expires December 31, 2021

Peter Maslyn

Term expires December 31, 2021

John Marvin

Term expires December 31, 2020

Doug Payne

Term expires December 31, 2021

Royal Purdy

Appointed January 3, 2018

Term expires December 31, 2022

E-mail Distribution:

Henry (Hal) Adams

Robert Gerlock (via mail, 1702 County Road 28, Shortsville, N.Y. 14548)

Donald Jones

Lepel, Denis

John Marvin

Peter Maslyn

Doug Payne

Royal Purdy

Bowerman, Nate

Brand, Ron

Casale, Michael

Degear, David

Finley, Michelle

Herendeen, Ron

Ingalsbe, Peter

Holtz, Steven

Seth Pritchard (Canandaigua landowner)