

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURE ADVISORY COMMITTEE
Monday, November 15, 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*
Don Jones
Denis Lepel
John Marvin
Peter Maslyn
Royal Purdy

Board Members Excused: Robert Gerlock
Doug Payne

Town Officials and Staff Present:
Dr. Michael Casale, Farmington Town Board Member
Edward Hemminger, Chairperson, Farmington Planning Board

Resident Present:
Greg Atwood, 5041 Shortsville Road, Shortsville, N.Y. 14548

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 October 18, 2018. The meeting clerk notified the Committee members, Town staff, and the *Canandaigua Daily Messenger* newspaper on October 18, 2018, and a reminder on November 12, 2018.

2. WELCOME AND MEETING MATERIALS

Copies of the meeting materials were available for the Committee members and for those in attendance. Mr. Adams said that the purpose of the meeting is to discuss the proposed Delaware River Solar 7 Megawatt (MW) AC Community Solar Facility at 466 Yellow

Mills Road and the proposed Empire Pipeline Natural Gas Compression Station on Hook Road, and other topics of interest by committee members.

3. EMPIRE PIPELINE FARMINGTON COMPRESSOR STATION

Mr. Hemminger: Reviewed the status of this application to date, i.e.:

September 29, 2018: Project Review Committee receives preliminary plans.

May 16, 2018: Planning Board approves Special Use Permit and Preliminary Site Plan.

September 19, 2018: Planning Board approves Preliminary Site Plan amendment.

December 19, 2018: Scheduled presentation of the Final Site Plan to the Planning Board.

Mr. Hemminger: Said that the compressor station is a natural extension of the company’s existing pipeline which already runs through the Town of Farmington. He reviewed the location of the compression station adjacent to the New York State Thruway on Hook Road, the improvement of the existing Highway Department driveway which will become a Town-dedicated road, the new Town road which will link the Highway Department campus to Collett Road, and the design of the compressor station structures to resemble barns and farm structures. He also noted that the footprint of the development will be condensed allow for the continued use of the adjacent agricultural land.

Mr. Hemminger: Said that the project must comply with Federal Energy Regulatory Commission (FERC) requirements which supersede State and local codes.

A written summary of the National Fuel Empire North Pipeline project, which was presented at the Farmington Project Review Committee on September 29, 2017, was distributed (*see Farmington Agriculture Advisory Committee minutes, October 18, 2018*). Hard copies of the National Fuel electronic presentation also were available.

4. DELAWARE RIVER SOLAR 7MW AC COMMUNITY SOLAR FACILITY

Mr. Hemminger: Reviewed 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 to continue.
- December 5, 2018: Planning Board Public Hearings on Subdivision, Site Plan and Special Use Permit applications to continue.

Mr. Hemminger: Said that he was unsure if Delaware River Solar would pursue a smaller project if the application for the 7MW project, as proposed on three separate tax parcels, is not approved.

Mr. Marvin: Said that he spoke with Mr. Smith (the property owner) who told Mr. Marvin that Delaware River Solar proposed an expanded solar installation on the property after several other solar projects fell through.

Mr. Marvin: Suggested that Town representatives and those interested consider making site visits to the company's current projects in other communities.

Mr. Hemminger: Said that more information on the community solar concept is required.

Mr. Adams: Said that this and similar solar projects are entirely driven by public policy, i.e., tax credits and other financial incentives which are provided to the solar companies. He said that although many of the residents who spoke at the Public Hearings to date are concerned about the aesthetics of the solar panels, the issue of government policy and the financial incentives to the solar companies has not been discussed.

Mr. Jones: Said that dollars often take away negative effects in this economy.

Mr. Hemminger: Said that the Planning Board seeks data to make the SEQR declaration and to determine the compliance of the application with the Special Use Permit criteria in the Town Code.

Dr. Casale: Said that these larger solar projects of 30 acres, 40 acres or more were not foreseen when the Town Solar Code was adopted.

Mr. Adams: Said that the offer of a solar lease is an attractive value proposition to agriculture landowners in this present economy, which has been adversely affected by the current economy. He said that solar companies gravitate to farmland because it is already open and cleared land and that electric substations often may be nearby.

Mr. Hemminger: Said that residents asked the following questions at the Planning Board Public Hearing on November 7, 2018, which have been provided to the company for responses:

1. The applicant was asked to identify feasible alternate sites that they looked at in the Town of Farmington and give reason(s) why one of those alternate sites were not chosen.
2. The applicant is to provide documentation upon the meteorological (lack of sun, snow, hail, wind, etc.) effects of the northeast United States on solar projects. Among the information to be provided is why the industry is just now starting to build solar operations in New York State and what relationship this decision has to the statement . . . “the northeast United States is notorious for a lack of sun, especially in the Great Lakes region.”
3. The applicant is asked to identify how they calculate the percent of open space there will be on each of the three proposed parcels of land.
4. The applicant is asked to provide photographs of a solar project comparable in size to the one being proposed in Farmington. The residents want to see what approximately 35 acres of solar panels in an area will look like.
5. The applicant is asked to provide data from other solar locations which identifies the value of adjacent properties before and after construction of a site farm comparable in size to the one being proposed.
6. The applicant is asked to provide their wetlands biologist’s report on the site’s wetland areas.
7. The applicant is asked to explain what the North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection’s (CIP) Reliability Standards are and how they might affect the proposed Delaware River Solar Project.
8. The applicant is asked to provide detail specifications from the manufacturer on the solar panels being proposed for the Delaware River Solar Project. In particular what hazardous chemicals are contained in the panels if they were to be damaged and the chemicals seeped into the ground water.

9. The applicant was asked how farm equipment would be able to reach the portion of the site that is used for baling hay.
10. The applicant was asked to explain what information was used in preparing the property boundaries for this solar farm project and is that survey information available to the public prior to a decision being made.
11. The applicant was asked to provide additional information about what buffers either exist or are to be proposed between the solar farm portion of the property and adjacent properties along Yellow Mills Road.
12. The applicant was asked about the intersection of Yellow Mills Road and Fox Road and to provide data from local law enforcement agencies about accidents and fatalities at this intersection.
13. The applicant is asked to verify where there the main aquifer is for this area of the town and its relationship to the proposed project site.
14. The applicant is asked to provide details on the amount of a surety bond that is being considered to reclaim the site, how it will get adjusted, how it remains in effect and who is the beneficiary.
15. The applicant is to provide a written response to the question if the solar panels are made in the United States and if the company making them is part of a union. Will the installation team use union labor.
16. The applicant is to provide a report on the ongoing maintenance of the solar panels, the frequency of inspections, who conducts the inspections, where the maintenance records are going to be maintained and how the public is going to learn of any violations. Also, what chemicals will be used to clean and maintain the panels and how often. How often (schedule) will employees be on site, what times of day, how many and what equipment will be used.
17. The applicant is to provide information on the terms of the lease with the land owners.
18. The applicant is asked to provide information about the size and placement of the energy inverters, including pictures of these devices that are being used elsewhere.
19. The applicant is asked to clarify what is meant when he says . . . “there are no toxic materials inside the inverters and that they are similar to those now in use at other RG&E facilities.” The applicant is to provide the locations of these other RG&E facilities and to provide comparisons between the inverters being proposed by Delaware River Solar and those being used by RG&E.

20. The applicant is asked to provide details about power disruption during maintenance of the solar panels, to include how frequent this happens and what causes the disruption. Copies of the maintenance record of other solar projects comparable in size and still operating.
21. The applicant is to provide photographs of other similar solar projects, to include a full panel array depiction.
22. Applicant stated 2MW supports 200 homes. Then that this project (7MW) would support 1,200 homes. Please explain the math.
23. What regulation limits solar to 2MW per parcel.
24. Please provide the compliance letter from RG&E
25. What government subsidies will be received from NYSERDA.
26. Please provide fencing pictures of your projects that use the type of fencing proposed for this project.

5. DISCUSSION

Mr. Adams: Suggested that the current community interest in the preservation of farmland, which has been created by citizen activism in the solar application, should be pursued with residents and the Town Board by resuming efforts to implement the farmland protection initiatives which were identified in the Farmland Protection Plan.

Mr. Adams: Recommended that the committee resume monthly meetings. He said that he will invite the representative of the Finger Lakes Land Trust to a future meeting for the continued discussion of the Purchase of Development Rights (PDR) program. He noted that applications generally have a higher possibility of approval if they are accompanied by the support of the local municipality.

6. NEXT MEETING and ADJOURNMENT

The next meeting of the Farmington Agriculture Advisory Committee will be held on **Thursday, December 20, 2018, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

The meeting was adjourned at 7:20 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)