

**Town of Groveland
4955 Aten Rd.
Planning Board Minutes
May 26, 2020 Meeting
7:40 to 8:35 PM**

Members Present:

Seth Burnette, Chair
Mitje Raschi
Frederick Ingalls, Jr.
Randy Clymo
Roxanne Adamson, alternate*

Code Enforcement:

Ron Maxwell

Others:

Kimberly Burgess, Town Clerk

Absent:

Kathleen Gurak

1. CALL TO ORDER:

The regularly scheduled May Planning Board meeting was opened at 7:33 PM by Seth Burnette, Chair. This was to allow for attendees to call into the meeting via phone. Kathleen Gurak was absent.

Kim Burgess, Town Clerk, explained that she was present again this month on the call due to the prevalence of hacking at ZOOM meetings and will mute those callers should that occur. The meeting is also being recorded as is legally required during the Governor's executive orders during COVID-19. Roll call must be done for each motion. There was a quorum present and all attendees on the call introduced themselves with their phone numbers. The Secretary was present on the call but not able to take minutes. Therefore, Roxanne Adamson* was present to take minutes.

2. REVIEW OF APRIL 27, 2020 UNAPPROVED MINUTES.

Chair Burnette asked members to review and consider these minutes which the Secretary had emailed to all. He asked if there were any comments or corrections. There were none.

Frederick Ingalls, Jr. made the MOTION to APPROVE the April 27, 2020, Planning Board minutes as presented.

Mitje Raschi SECONDED the motion.

All in favor: Seth Burnette-AYE, Mitje Raschi-AYE, Randy Clymo-AYE, and Frederick Ingalls, Jr.-AYE.

Opposed: None.

Abstained: None.

MOTION CARRIED.

3. PROPOSED TOWN ZONING ORDINANCE: Clarify page 5, section F ATD (Agricultural Transition Development Use District).

This part of the proposed zoning law had been emailed to Planning Board members by the Secretary; the Town Board had felt it required clarification. Chair Burnette read the May 12, 2020 letter from CEO Maxwell regarding results of his checking into Farmland Protection. (See letter attached.) R. Maxwell said there was nothing to add since his letter and felt it was more urgent that members deal with solar battery storage first. Chair Burnette requested a motion to table this ATD item.

Randy Clymo made the motion to table this agenda item until next month.

Mitje Raschi SECONDED the motion.

All in favor: Seth Burnette-AYE, Mitje Raschi-AYE, Randy Clymo-AYE, and Frederick Ingalls, Jr.-AYE.

Opposed: None.

Abstained: None.

MOTION CARRIED.

4. LARGE SCALE SOLAR AND WIND BATTERY STORAGE.

This subject was continued from last month's Planning Board meeting. Examples from York and Leicester had already been sent to Planning Board members in preparation for discussion. A moratorium for six months had been passed by the Groveland Town Board on May 14, 2020. The Secretary had sent a DRAFT from the Town Attorney entitled "REGULATING BATTERY ENERGY STORAGE SYSTEMS" in preparation for this evening's meeting.

Randy Clymo questioned whether the storage site had to be located at or near the solar farm. It was determined that it did not have to be. During discussion, however, there was concern expressed by members and R. Maxwell regarding the possibility of fire and whether firefighters would be trained and/or have the necessary equipment. Chair Burnette spoke about the danger of environmental chemicals and R. Clymo said what is used in Rochester's electrical fires. It was suggested that Kevin Niedermaier be asked as to what exactly is needed for a solar battery fire. Such fires and the disastrous outcomes in various parts of the country were mentioned. CEO Maxwell requested that the Planning Board develop a setback and inform the fire department. There would only be certain areas where the battery site could be located. Mitje Raschi brought up smaller units for houses and said in New York City these are off-site. She suggested that the instances of such fires with the reasons why be collected for study. Chair Burnette stressed how important it is not to leave the Town with issues after-the-fact. CEO Maxwell suggested asking Stephen Teeter, Fire Chief, about this as he might be familiar with the Mt. Morris solar energy system and how they are preparing for it. Chair Burnette suggested that both Niedermaier and Teeter be invited to the next meeting June 22; he will invite them both. M. Raschi offered to call Rochester and inquire if they are doing anything to prepare.

Chair Burnette next referred to the draft for a proposed local law from the Town Attorney which had been sent before the meeting. CEO Maxwell said he believed that attorney had also dealt with other towns in similar situations. Most towns are either in a moratorium or already have a battery law.

5. TOWN ZONING, MASTER PLAN and FARMLAND PROTECTION PLAN continued.

Chair Burnette reviewed the reasons behind this topic and the fact it has to do with lands in the Conservancy and the possible effects on agricultural land development in the future.

Member questions summarized in April's minutes were reviewed and discussed. Chair Burnette said the Planning Board does not wish to deter the Conservancy but to be part of the planning process with the farmer. M. Raschi wants to be sure the question: "*Is going into the Conservancy the same as selling development rights?*" is included. R. Maxwell will have the Town Clerk email a draft letter to members about questions, etc. Both he and Chair Burnette stressed that it is important to be proactive and not reactive.

Frederick Ingalls, Jr. made the motion to have the above May 21, 2020 draft letter emailed to all Planning Board members.

Randy Clymo seconded the motion.

All in favor: Seth Burnette-AYE, Mitje Raschi-AYE, Randy Clymo-AYE, and Frederick Ingalls, Jr.-AYE.

Opposed: None.

Abstained: None.

MOTION CARRIED.

6. CEO REPORT.

Chair Burnette requested CEO Maxwell's report. R. Maxwell said the Town Office is open by appointment. Code Office work has slowed down some due to COVID-19. Regarding the old Teeter house, complaints had been received of too many workers on site during the pandemic; more than just one worker was there. A verbal warning was given at CEO Maxwell's first visit. It was brought to his attention that they were still not in compliance and so a written warning was then given. L. Sargent's house is on hold for now.

7. OTHER BUSINESS/ANNOUNCEMENTS.

Chair Burnette asked for further announcements or business items. There were none.

8. ADJOURNMENT.

There being nothing further, Chair Burnette requested a motion.

Randy Clymo made the motion to adjourn the meeting at 8:35 PM.

Mitje Raschi seconded the motion.

All in favor: Seth Burnette-AYE, Mitje Raschi-AYE, Randy Clymo-AYE, and Frederick Ingalls, Jr.-AYE.

Opposed: None.

Abstained: None.

MOTION CARRIED.

Respectfully submitted,

Roxanne Adamson, Secretary pro tem
Planning Board

And

Diane McMullan
Planning/Zoning Board Secretary

RA
dmm

Attachment: Ron Maxwell's May 12, 2020 letter

N.B. This meeting was audio recorded via ZOOM – ID#856 2141 0081.

Town Clerk/Tax Collector
Kimberly Burgess
Highway Superintendent
D. Mark Caldwell
Code Enforcement Office & Fire Marshal
Ronald Maxwell
Town Justices
Mark Bean
Jenean Love



Town Board Members
William Devine-Deputy Supervisor
Steve Atterbury
Amy Phelps
Ron Niedermaier

Phone: (585) 243-1750
Fax: (585) 243-3810
Website: www.grovelandny.org

William E. Carman, Supervisor
4955 ATEN ROAD
GROVELAND, NEW YORK 14462

May 12, 2020

Town of Groveland Town Board
Town of Groveland Planning Board
4955 Aten Rd.
Groveland, NY 14462

Dear Councilmembers and Planning Members,

I have been reviewing the "ATD District" following the town board's recommendation to the Planning Board for clarification. Upon review I found that the ATD district was in the Farm Land Protection Plan as a key recommendation. I cannot remember how the area was selected as it has been over 10 years since the implementation of the Farm Land Protection and the proposed updated Town Zoning Law began its review.

The area described is up hillside of Groveland Station which I have no idea how much of that area is covered in the Groveland Station sewer district.

Located on page 40 of the draft Zoning Law it says existing mix hamlet use area, this area described is not in existing zoning nor draft zoning law. This area does describe the need for water and sewer in that zoned area. Currently only 3 districts have water and sewer in the town. West Lake Road, Groveland Station and the area located between East Groveland Road and Swan Hill Road.

The ATD district may be an area that we may be able to remove all together and should have current Planning Board follow up with the review as the only current member sitting when this began is Randy Clymo.

Thank you for your time and I will continue to work with the Planning Board to progress on the Town Board's concern to move this project forward.

Sincerely,

A handwritten signature in black ink that reads "Ron Maxwell". The signature is fluid and cursive.

Ron Maxwell
Code Enforcement/ Zoning Officer