

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 LOOP ROAD  
Thursday, December 8, 2016 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held Thursday, December 8, 2016 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; Jim Hicke, Steve Darcangelo and Jerry Hole

OTHERS PRESENT: Eva Mahoney, POA, William Bucci; Winston DeLong, Esq; Robert Kaestle; Fred Allen; Christian Brunelle, SonByrne; Dough Reith, CNY Land Surveying; Frank Costanzo, ZBA; Joe Saraceni, Supervisor; Bob Ellis, Councilman and Karen Rice, Clerk

The meeting was called to order at 7:00 p.m.

I. PUBLIC HEARING—7:00 p.m.

- |                      |                     |
|----------------------|---------------------|
| 1. Minor Subdivision | Kaestle, Robert     |
| Case No. 2016—010    | Avery & Swamp Roads |

The Public Hearing opened at 7:00 p.m.

Robert Kaestle, Avery Road, stated that he is before the Board to subdivide the Family Farm. There's approximately 83 acres on the corner of Swamp and Avery Roads, with his share being approximately ¼ of the overall property, however he would like to purchase additional lands totaling 49.084 acres.

John Corey, Chairman, stated that the applicant is basically subdividing the 83 acres into two lots, both staying under agriculture.

Mr. Kaestle concurred.

Winston DeLong, Esq, represented William Bucci, who lives across the street on Swamp Road, with his daughter Eva Mahoney. We question the future of the agricultural land. Are there plans for livestock, chickens, turkey, etc...

Mr. Kaestle stated that there will not. It is going to stay exactly as it has been for fifty years.

Mr. DeLong questioned if his portion of the land is rented out to someone else.

Mr. Kaestle concurred stating that it is rented to Mr. Allen who is purchasing the remainder of the farm.

Fred Allen, CNY Crops Plainville, added...and the piece across the street. We also grow turkeys, but that's all in turkey barns.

Mr. DeLong reiterated that that's not what is proposed here.

Mr. Kaestle stated not on his land.

Mr. DeLong questioned what was grown, soy beans...

Mr. Allen concurred adding corn as well.

Mr. DeLong asked if they plan on continuing that with Mr. Allen concurring.

Steve Darcangelo stated that this subdivision makes no limitation to the use of the property, other than what it's zoned for. Some of the things discussed are allowed if he so wishes.

Several talking adding that those uses could exist without benefit of subdivision.

Mr. Kaestle stated that he just didn't want to see the whole farm go (reason for the subdivision).

Hugh Kimball questioned if any new structures are planned.

Mr. Kaestle stated that there no plans.

The Public Hearing closed at 7:05 p.m.

PUBLIC HEARING—7:05 p.m.

2. Minor Subdivision  
Case No. 2016—011

SonByrne Sales  
9255 Oswego Road/NYS Route 48

The Public Haring opened at 7:05 p.m.

Christian Brunelle, Byrne Dairy/SonByrne Sales, stated that they are before the board tonight for a two lot minor subdivision. Currently there is a 28 acre parcel on the northwest corner of Lamson & Oswego Roads, owned by Tim and Myra Reeves, which is better known as Lamson Station Convenience Store & Produce Stand. We are purchasing 4.5 acres from them, that is zoned Neighborhood Residential Business District (NRBD), which is just enough for the well, septic, etc... The remnant piece, with 200' of frontage on Oswego Road will be retained by the Reeves. It is zoned Agricultural (A), there are soy beans in there now and they plan continuing to use it for crops in the future. We have no plans of doing anything new on the site. We are basically doing a remodel of the site. In order for the sale to go through the property has to be subdivided.

There was some discussion with regard to one parcel having two different zonings

Town Code, Article III, Section 139-8, Lots in Two Districts: Should a district boundary line divide a lot, the uses and regulations of the less restricted portion of the lot may be extended into the more restricted portion only upon special permit and approval of the Zoning Board of Appeals, provided that the less restricted portion of the lot has frontage on a public street.

Mr. Yager stated that everything on the "new" proposed lot is within the NRBD.

Jim Stirushnik, Dinglehole Road, questioned the sanitary potential of the lot.

Mr. Brunelle stated that they are served privately. We have been working with Jeff Till, Onondaga County Health Department, who has signed off on this project. We are going to continue to using the private well and septic system.

Mr. Stirushnik questioned if the facilities are for both employees and public.

Mr. Brunelle concurred stating that the septic is rated for 450 gallons per day. The flow rate of the well is more than sufficient, at least between 8 and 10 gallons per minute.

The Public Hearing closed at 7:10 p.m.

## II. APPROVAL OF MINUTES

RESOLUTION #1 -- Motion by Lester, Second by Kimball

RESOLVED that the October 27, 2016 special Planning Board meeting and the November 10, 2016 regular Planning Board meeting be approved as submitted.

7 Ayes -- 0 Noes (October 27, 2016)

5 Ayes -- 2 Abstain (Daprano & Hickey November 10, 2016 as they were not given sufficient time to review them)

## III. OLD BUSINESS

1. Minor Subdivision  
Case No. 2016—010

Kaestle, Robert  
Avery & Swamp Roads

There is a letter on file from the Town Engineer, dated December 8, 2016, that will be made part of the public record, in part:

Overall it appears that the site conforms to all applicable Town Code requirements. It should be noted that proposed Lot 2 is not considered an improved building lot at this time and can only be used for agricultural purposes. I would have no objection to the Planning Board approving this Minor Subdivision at this time.

This application was forwarded to the Onondaga County Planning Board for their review and recommendation, who have made the following determination:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

### FINDINGS

An environmental assessment indicates that this action will not result in any significant or adverse environmental impacts.

This action is consistent with the Town's Comprehensive Plan.

This action is consistent with the Town's current zoning ordinances.

This action has been referred to the Onondaga County Planning Board who have determined that the referral be acted upon by the referring board.

This action will cause no adverse effects on the public health, safety and welfare in the neighborhood or district.

RESOLUTION #2 -- Motion by Corey, Second by Kimball

RESOLVED, that a Public Hearing having been held and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, Final Plat approval for a two (2) lot subdivision application by Robert Kaestle for property located at Swamp and Avery Roads, Baldwinsville, New York, Tax Map No 027-01-09.1, as shown on a map dated October 13, 2016, prepared by Douglas Reith, CNY Land Surveying, is hereby approved.

7 Ayes -- 0 Noes

RESOLUTION #3 -- Motion by Corey, Second by Lester

RESOLVED, that in granting a subdivision to Robert Kaestle for property located at Swamp and Avery Roads, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$150.00 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

0 Ayes -- 7 Noes

The lot being created is not considered a residential building lot and is under agriculture and the remnant piece has a home on it.

Mr. Kaestle thanked the board for their time.

2. Minor Subdivision  
Case No. 2016—011

SonByrne Sales  
9255 Oswego Road/NYS Route 48

There is a letter on file from the Town Engineer, dated December 8, 2016, that will be made part of the public record, in part:

Overall it appears that the site conforms to all applicable Town Code requirements. It should be noted that the proposed Lot 2 will be the only parcel that will be included in the Neighborhood Residential Business District at this location once the final plat is filed with the County Clerk's Office per Section 139-8, lots in two districts, of the Lysander Town Code. I would have no objections to the Planning Board approving this Minor Subdivision at this time.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation who have determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT: Should the Town approve the subdivision, the applicant is advised the following regarding proposed development of proposed Lot 2:

1. The applicant is advised to contact the New York State and Onondaga County Departments of Transportation early in the planning process to coordinate on any plans regarding driveway access to the site.

2. The New York State and Onondaga County Departments of Transportation have determined that the applicant is required to complete a traffic study, including a gap analysis at AM/PM peak hours, for full build-out relating to the proposed action to meet Department requirements and is required to coordinate with the Departments to determine the scope of the study; the applicant must submit the traffic study to the Departments for approval and complete any appropriate mitigation as may be determined by the Departments.

3. The municipality must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the New York State and Onondaga County Departments of Transportation early in the planning process for approval and complete any appropriate mitigation as may be determined by the Departments.

## **FINDINGS**

An environmental assessment indicates that this action will not result in any significant or adverse environmental impacts.

This action is consistent with the Town's Comprehensive Plan.

This action is consistent with the Town's current zoning ordinances.

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the Departments.

This action will cause no adverse effects on the public health, safety and welfare in the neighborhood or district.

RESOLUTION #4 -- Motion by Corey, Second by Hickey

RESOLVED, that a Public Hearing having been held and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, Final Plat approval for a two (2) lot subdivision application by SonByrne Sales for property located at 9255 Oswego Road, Phoenix, New York, Tax Map No 017-03-30.1, as shown on a map dated October 27, 2016, prepared by Douglas Reith, CNY Land Surveying, is hereby approved.

7 Ayes -- 0 Noes:

RESOLUTION #5 -- Motion by Corey, Second by Lester

RESOLVED, that in granting a subdivision to SonByrne Sales for property located at 9255 Oswego Road, Phoenix, New York, the Planning Board invokes its right to impose a fee of \$150.00 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

0 Ayes -- 7 Noes

The lot being created is not considered a residential building lot and the remnant piece is under agriculture.

Mr. Brunelle thanked the board for their time.

IV. OTHER BUSINESS

1. Information Only—Suggested changes to proposed On-Site Solar Energy Systems.

John Corey, Chairman, stated that back in April 2016 the Town Board requested that the Planning Board prepare a recommendation on Solar Energy Regulations for the Town of Lysander. That was done and presented to the Town Board. Subsequent to that there was a meeting held between the Joe Saraceni, Supervisor and a representative from OneEnergy Corporation, to discuss the issue of Solar Commercial Farm's in Lysander. As a result of that meeting at some point he has seen portions of the draft legislation recommendation that was given to the Town Board and came back and responded with suggested changes to that draft.

SUGGESTED CHANGES

AR-40, Section 139-95:

**To first sentence, revise to say “shall be permitted in the Agricultural (A) and Agricultural-Residential 40,000 (AR-40) Districts, provided that Solar Farms and Solar Power Plants located in the AR-40 District shall be limited to fifteen (15) acres per project and a town-wide cap of sixty (60) acres, as an “Electric Generating....”**

**Setbacks, Section 139-95 B:**

**Revise to reduce all setbacks to 100' with visual screening from adjacent properties and public roads. Proposed language: "All solar panels and related equipment shall be set back at least one-hundred (100) feet from all property lines, public roads, power lines, and preexisting structures, unless a landscape buffer of four-season evergreen species is provided as a visual screen from adjacent properties and public roads. At the Planning Board's discretion, setbacks may be either increased to the extent required to provide for public safety, health, and welfare or decreased in cases where the applicant can demonstrate that reduced buffers would not diminish an adjacent property owner's ability to develop his or her property for purposes allowed within the Town's Zoning Law."**

**In addition to these two suggested changes, OneEnergy would like to offer the following:**

**Section 139-95(C), reduce the fence height to be compliant with National Electric Code, which requires either 6 feet with 1 foot 3-strand barbed wire or 7 feet with no barbed wire. 8.5 feet is unnecessarily high for public safety and will only increase opposition to solar farms in the area.**

**Section 139-95(J)(3), clarify that a surety bond is an acceptable form of security. Surety bonds are industry standard.**

Mr. Corey, on his own behalf and not the Planning Board members, made the following comments with regard to the proposed changes back to the Town Board members:

1. Section 139-95(C): No issue with changing the height requirements for the fencing. The only issue here is the appropriate fencing to control unauthorized access is in place.

Bill Lester, stated that he sees no reason to change it.

Steve Darcangelo stated that the intent of the fence is security. Mr. Corey concurred stating that it has to be a 'controlled site'. It's required by law.

Hugh Kimball stated that he believes it has to do with how high deer can jump.

2. Section 139-95(J): I have concern that a Surety Bond will provide the Town with the protection it needs re: removal costs once the site is no longer in operation. Surety Bonds are only good if the entity offering the Bond survives. There is a real issue/concern in this area given that the only reason such a project can be undertaken is the large amount of subsidies provided through tax payer monies. Studies evaluating the return on the investment for solar energy farms in the Northeast, show it is a marginal investment at best. Once the positive impact of the subsidies on the energy company's bottom line run out, the odds are many of these sites will be closed.

Al Yager, Town Engineer, stated that the Town required a Performance Bond, the Surety Bond is the suggestion of OneEnergy.

Mr. Darcangelo questioned if something could be put in the Code that any solar panels not in service for a period of 24 months shall be removed within 9 months by the property owner?

Mr. Yager stated that the draft intension was rather than put the burden on the 'Lessor', if you have a performance bond from the Lease you're not putting the burden on the person who leased the land to the power company. All of the burden stays with the power company.

Mr. Darcangelo questioned who gets the bond.

Mr. Yager stated that the Town gets the bond.

Mr. Darcangelo reiterated that you have a relationship between an energy company and a private property owner and there's a bond issued to us to perform a portion of the contract. We're a third party, not part of the contract. I guess I'm not familiar with other circumstances where that's the case.

Jim Hickey stated that that's in the event they don't remove the panels and the insurance company says we're going to pay to do it. Has the board consulted with a surety expert on how that really works.

Karen Rice, Clerk, stated that that's how we currently do it with cell towers now.

Mr. Darcangelo stated that he's just not familiar with a bond being issued to a third party. Usually a bond is given by one person within the contract to another person in the contract. If legally we can make it work and it provides us with the insurance that's fine.

Mr. Lester stated that there's a fair amount of expense to provide such a bond I'm sure.

Mr. Hickey stated that he believes it's 10% of the cost of the project.

Mr. Lester read into the record what the law says now:

In addition to the reclamation bond in the amount of no less than \$50,000, the actual amount to be determined during the Controlled Site Review, shall be filed with the Town Clerk to cover the cost of reclamation of the solar system. In addition should the solar system be nonoperational for any continuous six month period or if the bond expires and it not renewed approvals granted will be deemed void and the solar system shall be decommissioned subject to the new approval under this Section. Such bond shall be in place prior to the issuance of a building permit.

Mr. Hickey stated that the key word is 'non-operational'. Just because they're not selling electricity doesn't mean they're not operational. If you're going to try to decommission something, the lawyers will pick up on the language as it's not inexpensive to remove these.

Joe Saraceni, Supervisor, stated that 'non-operational' and 'continuous' should be defined in the regulations.

Sections requiring clarification:  
Section 139-94, Paragraph G  
Section 139-95, Paragraph J(1) (2) & (3)

Mr. Darcangelo asked that the Performance Bond issue be looked at as we're trying to carry the liability of a private property owner who is establishing a contractual relationship with an energy company.

Mr. Saraceni concurred stating that the legislation should mandate that in any agreement there needs to be that provision. We're doing our part to protecting the landowner to make sure that any company they're doing business with has to do right by them when the 'go away'. How do we get onto private property to even do the work...we'd need a right-of-way to access the property to dismantle it.

Mr. Corey stated that we have been pursuing this on the basis of the Town going to somehow protect our community by ensuring the appropriate removal of this, when in fact we don't own it and we don't have access to it. I would suspect most farmers, as part of the lease they sign to get their money; they are burdened with the responsibility of clean-up. They're going to look at these things totally different than they're looking at them today because that's not part of the deal now.

Fred Allen, CNY Crops Plainville, questioned if the Board has seen any of the material Cooperative Extension and NYSERTA put out on solar leases. First of all there are zoning problems because if you have agricultural land and you put one of these things on it, all of a sudden it's commercial. Who's paying the agricultural assessment to give back? All of a sudden their land is worth a whole lot more and there's a lot more taxes on it. Both Cooperative Extension and NYSERTA said that these companies are a lot better at writing a one sided contract than you are at reviewing them. It's a one way deal. They were very negative on the whole thing.

Mr. Saraceni stated that they have been so cautious about this growing industry that we sent our Assessor to a special school. They spent a whole day just talking about assessment values to property owners who engage in solar energy generation. That's something that the landowner needs to consider...before you jump into anything, you've got to figure out what's it going to do to my property value; what's the return on lease agreement; how's it going to impact tax wise... For this municipality being very far in front of this is a testament for our concern for our constituents.

Joanne Daprano stated that the other thing is perhaps the property owner won't even care if it's non-operational. What if it's some elderly, 95 individual...does he care, he wouldn't care. Does he care that it's going to be left there? He's already made his money, what's he care??

Mr. Saraceni stated that the 95 year old may have three children who no longer want to engage in the farm I've run for 85 years. I might look at that as an opportunity to enhance the value of my property and leave something to my kids. What we've got to consider here is, we're writing legislation to cover all ages, the Town of Lysander, every demographic, every zone....

Mr. Corey stated that the practically is that we probably shouldn't care about whether the farmer is 35 or 95. The practical reality is we've got to make a decision about solar commercial farms. The rest of the law is good...solar commercial farms are a different animal. You've really got to decide whether you even want those animals. Do they fit your CLUP; do they fit your zoning, rational behind your zoning; do you want these things here because they don't provide the Town and residents anything.

Jerry Hole stated that he believes there's a State law that was written in that by 2030 half of our power has to come from a 'renewable' resource? Is this not one of the reasons this is a big push now?

Mr. Corey stated that he doesn't believe the Law says that each township has to have half of its power. When we're writing this law we can't suggest that we're going to cover every possible situation that could come up and make it available to every possible person who might want to do it on his farm. You have to look at this is and say, what is it we want in this township as far as development goes? Remember, you're not talking about 15 acres of lovely new homes on whatever acre lots here, you're talking about a monolith that covers literally every square inch of 15 acres and its there. This brings us to the next point where they suggest that we site these in the AR-40 District (See Chairman's response in No. 4 below.

3. Section 139 B: The proposed language "unless a landscape buffer of Four-season evergreen species is provided as a visual screen from adjacent properties and public roads" should not be added. It was/is the intent of the Planning Board that such screening shall be required even with the appropriate setbacks.

Mr. Corey stated that he doesn't personally have a problem with saying at least 100 feet; I do have a problem with them inserting the phrase "unless screening"; because that basically allows you to move it in very close.

The Board Members concurred with Mr. Darcangelo adding that any solar farm that's going to be worthwhile has to be large. I'm not sure changing the boundary from 200 to 100 makes it economically efficient for them, but it certainly does decrease the aesthetic appearance bringing it another 100' closer to the road. If they can establish that the 100' makes the project more worthwhile the board should take that under consideration.

Mr. Corey concurred, however the reality of reading this is like saying, "you've got the fox to help the farmer design the chicken coop". This appears to be one of the most self-serving responses I've ever seen from somebody, but having been in his position in a former life I understand where he's coming from. This is not a criticism of the process that he's involved in, it's just an observation.

Mr. Hickey stated that the Planning Board needs the discretion with a buffer and a setback depending on the grade of land. I'm ok with the 100' with the appropriate screening, but it depends on things. I would like the Board to give that discretion based on a particular lot. For example...if you're running 2000' down a road and you take 100' out, that's a lot of panels. It could actually make a big impact; but again it depends on the site.

Mr. Corey stated that the Planning Board has that latitude and discretion in the site plan review process.

Mr. Hickey stated that he just wants to make sure they don't conflict.

Mr. Corey added that by saying at least 100' you have the discretion to go beyond that depending on topography, etc...

4. Section 139-95: Now for the real issue. We did not include AR40 Districts in our recommendation primarily because, given the location of these Districts today, it would be inconsistent with the CLUP and its objectives and these districts were "not" zoned for

industrial applications in the first place. Placing large scale (i.e. 15 to 20 acres) industrial/commercial operations in areas targeted for residential development, where substantial residential development already exist, does not seem to make sense. More than 60% of Lysander is zoned Agriculture, thus providing opportunities for siting solar farms without imposing them onto residential areas. We urge the Board not include AR-40 Districts for potential siting of commercial solar farm.

Mr. Corey stated that he had the most trouble with this recommendation, to allow commercial solar farms in an area so close to residential character. I can't see why we would open up that can of worms.

Mr. Kimball added...in a relatively smaller area. I don't even know how it would be profitable.

Mr. Lester stated that they're talking about taking up to 15 acres of AR-40 land.

Mr. Kimball stated that that puts them, in most places, near somebody's house.

Mr. Lester concurred adding that the reason it's AR-40 is because it's residential as well as agricultural. I don't think we want solar farms in a potential residential area.

Mr. Saraceni asked the board to consider this...as obtrusive as a solar farm may seem to be to a home, a home may be just as obtrusive to a farm operation.

Mr. Kimball stated that solar 'farms' are not 'farms'.

Mr. Saraceni stated that AR-40 considers a wide swath of land in Lysander. To think that every zone/lot that is AR-40 is going to be homes is....

Mr. Corey...no, but our goal is smart development, which is to keep open space. It's not to fill that up with big blocks of metal.

Mr. Hickey stated that they're suggesting a town wide cap of 60 acres.

Mr. Saraceni stated that that's the most self-serving part that he picked up on.

Mr. Corey stated that it just so happens that the individual that wrote these suggestions has three potential projects which total 58 acres.

Karen added...two in the AR-40 District.

Mr. Saraceni stated for openness and clarity, the meeting that I had with the company Karen was also present at the meeting and John was brought in on a conference call. I don't want the Board to think this was some special interest guy who's trying to sweep me off my feet with this solar thing. The other thing is...it is allowed to be considered in AR-40 right now, in the Incentive Zones. My recommendation to the Town Board would be that the Incentive Zone areas be taken out. The Incentive Zone is an overlay district in the AR-40. I don't think that 'this' fits in the Town...I think those areas were masterfully planned out and put where they were because of infrastructure needs that I don't think solar complexes serve. The other place they potentially be allowed are in PUD's (Radisson & Timber Banks). I will also recommend to my Board that they be taken out of consideration. All I am asking the Board to consider is to think about the wide swath of property that is covered by AR-40 and that 15 acres is a big chunk of

land. I'm not going one way or the other with this. All I want to do is stimulate conversation with this and hear what you think. What opened my mind to the consideration of AR-40 is allowing solar commercial development may alleviate development pressures in our Town if a landowner has the ability to generate revenue on his property without having to consider selling to a developer. In that instance it might serve the CLUP well.

Board members concurred with Mr. Hole reiterated that if I put 15 acres of solar on my back farm to make an income greater than I make from agriculture would make the rest of the farm sustainable and it would take that out of the potential for Timber Banks expanding into my back lot and buying that land from me and putting houses on it.

Mr. Hole further stated that NYS Ag & Markets may think that if you're allowing it in Agricultural then it should be allowed in an AR-40 (Agricultural and Residential) District. Say you have an individual who has always been agricultural and maybe he's part of an Ag Taxing District and you hold him out by saying you can't have it in the AR-40, push will come to shove and he will win. If you're allowing it in the Agricultural zoned land in one side of the Town but you're telling the AR-40's who meet all the other requirements of being a farm/agricultural, you can't. If that individual took it to the NYS Ag & Markets he would have a precedent setting case to turn that over.

There was considerable discussion with regard to other areas of the State where solar farms are allowed; Holland Patent, Amsterdam, Geneva.

Mr. Lester stated that there is a solar farm between Amsterdam & Ballston Spa. There is a huge one that just grew up...it is ugly. It takes away the character of the land. Totally, completely gone.

Mr. Hickey stated that the vegetation is gone.

Mr. Lester stated that the site views, the landscape is gone. If we aren't careful with what we do with this particular law and the zoning requirements we could be in a pickle. If anyone wants to take a road trip...

Mr. Yager stated that there is one outside of Rome, right by the Griffiss Technology Park, Holland Patent, between Routes 365 & 49. It's at least 15 to 20 acres.

Jim Stirushnik, Dinglehole Road, stated that there's a big one on Route 14A south of 5 & 20 in Geneva.

Mr. Darcangelo stated that isn't the argument that it's ugly a difficult position to take.

Mr. Yager stated that it is subjective, yes.

Mr. Darcangelo stated that you could take the position that retail development along Route 31 is ugly, you'd be hard pressed to say it's not, but it's allowed because there seems to be a demand for it and the property is zoned for it.

Mr. Hole added that some people who say they are ugly cover their roof with solar panels.

Mr. Darcangelo stated that there should be different reasons than ugly because you may find yourself in trouble with that.

Karen...not aesthetically pleasing.

Mr. Lester stated that when we were working on the Land Use Plan we asked the residents what kind of things attract and keep them in the community. Farmland and open space was the number one or two answers. The river system was right up there and so was our education.

There Board revisited the concern of the performance bond and the reclamation of the land.

Mr. Hickey stated that if the goal of the Town is to assure restoration the bond needs to be in the name of the Town.

Mr. Kimball stated that any farmer that's thinking about solar farms has to be well aware of any taxing concerns. The word 'farm' and solar 'farm' are not one in the same. A solar farm is not agricultural. That would seem to me to be higher taxes over the land. The term 'farm' is a misnomer when it comes to Solar Farm. The benefits they get now go away when they are no longer in agriculture. Everyone needs to be well aware of that.

Mr. Saraceni stated that he may ask that the Assessor invite the farmers in the Town and share what she learned at the schooling in terms of the ramifications of hosting a site.

Mr. Allen stated that he has 120 landlords, 20 to 30 people have called us to tell us they have been asked to put in a solar farm. We have several people who have signed leases. The general person who is granting the use of their land hardly has two nickels to rub together and they're looking at the \$1,500 per acre per year and saying this is how I'm going to live the rest of my life. We had one guy that looked into it...he had a high-priced lawyer look at it who said walk away; there's never a time that you're going to make a dime because of the way the contracts are written. They aren't thinking about having to pay the taxes on the increased value of the land, pay back the ag tax, go through the rezoning process...once the thing folds and goes away and they have to try to get it back into agriculture. There's not a chance...if the Town doesn't do it....

Mr. Hole concurred...we have to protect them from themselves. We have to help protect the landowners from making a grave mistake.

Mr. Hickey stated that as a business owner nobody is out there protecting him. I don't have Town's coming in...if I don't protect myself, well shame on me. I think there's a slippery slope if you start to go down a path of 'we've got to manage people' in their business.

Mr. Kimball and Ms. Daprano contradicted that the Town doesn't want to get stuck with the clean up because nobody else, the Lessee or Lessor are going to be around when the thing is no longer working.

Mr. Hickey stated that the bond is your answer, but trying to educate people on what's a good business decision or not...

Several people talking at once.

Mr. Saraceni stated that the Town is not in the business to advise, just let them know how it may affect their assessed value.

Mr. Lester stated that that is why these things can only succeed with subsidies.

Mr. Corey suggested adding a definition for Solar Farm under Section 139-91.

The discussion got back around to allowing solar farms in the AR-40 District.

Mr. Hole suggested that it be reviewed on a case by case basis where you double the setback, or whatever...you can buffer that up because it is in a residential area; or make it a smaller size where you're not disallowing it completely.

Mr. Saraceni asked if there was any other limitations that the Board would like to see in the Code

Mr. Corey stated that if Jerry is correct about Ag & Markets it doesn't matter what legislation you write.

Mr. Saraceni stated that we can still steer it. Don't just throw your hands up and say go at it. We still have control. I want to get ahead of it. I want to know what you propose...

Mr. Corey stated that their proposal is to include AR-40.

Karen stated that one of the sites being considered is prime riverfront property in the AR-40.

Mr. Kimball stated that he doesn't think that would be the highest use available for the land.

Karen stated that it's on both sides of River Road, the east and west.

Mr. Saraceni stated that one of the parcels backs up to the Riverknoll Apartments, the other is across the street, in close proximity to Timber Banks.

Mr. Saraceni questioned maximum lot coverage percentage wise.

Mr. Corey stated that the recommendation was 50%.

Mr. Saraceni stated that that would be your control because there are only certain properties that could accommodate more stringent...

Mr. Hickey stated that there is a phrase in there..."consider the aesthetics of the neighborhood". That too gives you a lot of control.

Karen added that we use 'the character of the neighborhood' in our findings.

Mr. Saraceni thanked the board for their time.

Mr. Hickey questioned what the tax difference be to the Town. What would the incentive be from a monetary standpoint be to allow this.

Mr. Saraceni stated that he believes its marginal one way or another. It doesn't add a lot, it doesn't detract a lot. It's a tradeoff I think for the most part.

Mr. Kimball stated that you'd get some more tax dollars.

Mr. Yager stated that actually they're exempt. There's an exemption similar to agriculture on the solar.

Mr. Saraceni added...unless the Town adopts a certain Local Law to opt out.

Mr. Yager...which allows you to negotiate a pilot, but if you opt out you're opting on residential and commercial.

Mr. Saraceni stated that in considering this, it's not so much how the government benefits in generating more cash revenue. It's how this impacts our residents in all areas. It's an opportunity for people all across this Town to benefit from a potential revenue source. I'm not saying it's great. I haven't analyzed it.

Mr. Hickey questioned what's the revenue once it's installed. They're bringing in outside people to install it.

Mr. Saraceni stated that you're already seeing these things...they're going up. Some corporation somewhere has seen the light and they're putting money into these facilities and like it or not it's a reality. We're trying to get ahead of it so we can manage. This discussion was very important for my board to hear and understand the concerns from the Planning perspective. Now we have to take those very good comments and immigrate them to the best of our ability into this Code. Again, I really appreciate it.

Mr. Corey thanked the Board members, Al & Karen for all of the hard work we've had this year. We got into some new areas of adventure for the Planning Board and we've learned a lot. Thank you all and I wish you all a very Merry Christmas and a Happy New Year!

V. ADJOURN

RESOLUTION #6 -- Motion by Hickey, Second by Daprano

RESOLVED, that the December 8, 2016 regular meeting of the Town of Lysander Planning Board adjourned at 8:37 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk