

**Town of Groveland
4955 Aten Rd.
Planning Board Minutes
April 27, 2020 Meeting
7:40 to 8:40 PM**

Members Present:
Seth Burnette, Chair
Mitje Raschi
Frederick Ingalls, Jr.
Kathleen Gurak

Code Enforcement:
Ron Maxwell

Others:
Supervisor Carman
Kimberly Burgess, Town Clerk

Excused:
Randy Clymo

1. CALL TO ORDER:

The regularly scheduled April Planning Board meeting was opened at 7:40 PM by Seth Burnette, Chair. The delay was to allow for attendees to call in to the meeting via phone. Randy Clymo was excused. There was a quorum present and all attendees on the call introduced themselves with their phone numbers.

Kim Burgess, Town Clerk, explained that she was present on the call due to the prevalence of hacking recently 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.

2. REVIEW OF FEBRUARY 24, 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 February 24, 2020, Planning Board minutes as presented.

Mitje Raschi SECONDED the motion.

All in favor: Seth Burnette, Mitje Raschi, Kathleen Gurak, and Frederick Ingalls.

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 (see attachment) had been emailed to Planning Board members by the Secretary; the Town Board felt it required clarification. Supervisor Carman spoke and said a definition of what agricultural transition development is needed. He discussed this with those present as to what it actually means. Does it need to be there in the zoning?

Chair Burnette said he does remember looking at the Town map during the discussion of that part of the zoning code. Considered were Agricultural and some Light Industrial zoning. CEO Maxwell said he will review the Farmland Protection Plan and report back as to whether it is covered there; he will email what he finds to members. Chair Burnette said he preferred that this topic be postponed until next month's meeting to allow for further discussion.

Kathleen Gurak made the motion to table discussion of this topic until the May 26, 2020 Planning Board meeting.

Frederick Ingalls, Jr. seconded the motion.

All in favor: Seth Burnette, Mitje Raschi, Kathleen Gurak, and Frederick Ingalls.

Opposed: None.

Abstained: None.

MOTION CARRIED.

4. LARGE SCALE SOLAR BATTERY STORAGE.

This subject was continued from February's Planning Board meeting. Examples from York and Leicester were sent to Planning Board members in preparation for discussion. Supervisor Carman said these were originally sent in order to provide examples to the Planning Board of what such a law could look like. Kim Burgess, Town Clerk, said that meanwhile the Town Board had set a Public Hearing for a moratorium on the above tentatively for May 14, 2020 at 6:30 PM (ZOOM recorded). Afterwards the Planning Board will have six months to develop a new law. (The time can be extended as long as work on developing it continues.)

Leicester already has such a large-scale solar battery law in effect. Mitje Raschi asked whether Groveland was to develop an amendment to existing zoning or a new law such as Leicester. Chair Burnette said Ron Niedermaier suggested it be a separate law when he attended the last meeting and that had come from the Town Board. Both the Town Clerk and Town Supervisor said the Town Board also wanted the Planning Board to consider incorporating the large-scale solar battery storage into the existing Solar Law. This is to begin as soon as possible.

There was then additional discussion among those present. Supervisor Carman said the storage facility does not need to be on site. However, Mt. Morris will have theirs on site. CEO Maxwell will check with the Town of York also. An update may mean updating the Town's Solar Law, said Supervisor Carman.

Planning Board members will begin to review large scale battery storage options and whether to add it to the existing zoning code or to add it as a new law. They will start this in preparation for the May 26th regular meeting.

Kathleen Gurak made the motion to table further discussion on this topic. However, research on large-scale battery storage and whether to incorporate this into the existing Solar Law versus creating a new stand-alone law. This will continue in preparation for the May 26, 2020 Planning Board meeting.

Mitje Raschi seconded the motion.

All in favor: Seth Burnette, Mitje Raschi, Kathleen Gurak, and Frederick Ingalls.

Opposed: None.

Abstained: None.

MOTION CARRIED.

5. TOWN MASTER PLAN and FARMLAND PROTECTION PLAN continued.

Chair Burnette reviewed the reasons behind this topic. It has to do with lands in the Conservancy and those possible effects on agricultural land development in the future. During the February 24 Planning Board meeting it was suggested that members put together a list of questions/comments to be presented to Matt Halladay at the Conservancy. Some were:

M. Raschi said her question at that meeting was *"In whose name is the deed? The Conservancy or the landowner? It seems that in Groveland it was said that the Conservancy holds the deed."*

K. Gurak questions the quote, *"Don't worry until 50% of the town land is in the Conservancy. Why wait that long?"*

Chair Burnette said he thought, *"... waiting until 50% would result in 'catch-up.' "*

M. Raschi wishes to know *"...what is the source of the 50%? Who says this?"*

CEO Maxwell brought up *a discussion at a previous meeting about Highgrove's plans for five acres of commercial zoning. The Master Plan does not show this zoning.*

M. Raschi asks, *"Isn't it the duty of the Planning Board to determine zoning for conservancy land in Groveland?"* Supervisor Carman said, *"It is set by the Agricultural Farmland Protection Board, but town law takes precedence."*

Chair Burnette said, *"Town Law and the Master Plan need to be made clear to farmers who wish or already have their land in the Conservancy. Town Law and Master Plan first need to be made clear, so the Conservancy understands."*

Discussion continued about the fact that it appeared that Highgrove invested quite a bit of time developing plans for their conservancy land, and where they would put commercial acreage, without presenting it to the Planning Board first. CEO Maxwell said the landowner can select what lots they wish to build on, or keep for a residence, but that does not guarantee town approval.

In an effort to prevent the Town appearing in a bad light, Chair Burnette requested that members work on the exact wording to present to Matt Halladay. This will be especially important next time the Planning Board is asked to support land for the Conservancy. Wording needs to be developed by the Planning Board to this effect.

Mitje Raschi made the motion to table further discussions on this topic (including Town Law, the Master Plan, and Farmland Protection Plan) and various questions until the May 26, 2020 meeting.

Kathleen Gurak seconded the motion.

All in favor: Seth Burnette, Mitje Raschi, Kathleen Gurak, and Frederick Ingalls.

Opposed: None.

Abstained: None.

MOTION CARRIED.

6. CEO REPORT.

Chair Burnette requested CEO Maxwell's report.

R. Maxwell said there are three houses that have been gutted and he is reviewing major remodeling plans. One set is the house between the two Macauley's on E. Groveland Rd. Another is the Teeter house and an addition is being added presently due to a structural issue at the back of the house. Also, Lee Sargeant's house has been gutted and there are plans for that. He met with the McTarrigans regarding their plans for a new house. The Partridge house plans for a modular have been issued; their house construction is on hold by the factory. There are decks going in on the lake, plus the usual inspections this time of year. During COVID-19 only the contractor and the owner are allowed on site during construction. Permits can continue to be issued.

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.

Kathleen Gurak made the motion to adjourn the meeting at 8:40 PM.

Mitje Raschi seconded the motion.

All in favor: Seth Burnette, Mitje Raschi, Kathleen Gurak, and Frederick Ingalls.

Opposed: None.

Abstained: None.

MOTION CARRIED.

Respectfully submitted,

Diane McMullan, Secretary
Planning and Zoning Board

dmm

Attachment: ATD District portion of proposed zoning code

N.B. This meeting was audio recorded via ZOOM.

Aug. 2019 ~~July 2018~~ version

F. AGRICULTURAL TRANSITION DEVELOPMENT USE DISTRICT (ATD DISTRICT)

The ATD Districts shall consist of all those lands bounded and described as follows:

On the west by properties abutting the route 63 right-of-way from approximately one thousand feet south of Wise Road, on the east by properties abutting Church Street west of Groveland Hill Road, and abutting Scottsburg Road to the Groveland-Sparta Town Line.

G. CONESUS LAKE SHORE RESIDENTIAL USE DISTRICT (LSR DISTRICT)

The LSR Districts shall consist of all those lands bounded and described as follows:

On the north by the Geneseo-Groveland Town Line; on the east by the high watermark of Conesus Lake; on the south by the Conesus-Groveland Town Line; on the west by the center line of the West Lake Road.

H. CONESUS LAKE RESIDENTIAL USE DISTRICT (LR DISTRICT)

The LR Districts shall consist of all those lands bounded and described as follows:

On the north by the Geneseo-Groveland Town Line; on the east by the center line of the West Lake Road; on the south by the Conesus-Groveland Town Line; on the west by a line two-hundred (200) feet west of and parallel to the center line of the West Lake Road.

SECTION

2-3 TOWN OF GROVELAND LAWS AND ORDINANCES NOT COVERED IN THIS ORDINANCE.

- A. MOBILE/MANUFACTURED HOME PARKS are not provided for in this Ordinance at this time. Provision may be considered for amendment at a later date upon proper application.
- B. JUNK YARDS are not provided for in this Ordinance.
- C. DOCK AND MOORINGS are not provided for in this Ordinance. Please see Town of Groveland Dock and Moorings Law, Local Law Number 1 of 2018.
- D. REGULATION OF WIND TOWERS/ENERGY CONVERSION SYSTEMS are not provided for in this Ordinance unless otherwise noted. Please see Town of Groveland Regulation of Wind Towers/ Energy Conversion Systems Local Law Number 1 of 2006.
- E. NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE is not provided for in this Ordinance. Please see Town of Groveland New York State Uniform Fire Prevention and Building Code Local Law Number 1 of 2007.
- F. EROSION AND SEDIMENT CONTROL is not provided for in this Ordinance. Please see Town of Groveland Erosion and Sediment Control Local Law Number 2 of 2007.
- G. OUTDOOR FURNACES are not provided for in this Ordinance. Please see Town of Groveland Outdoor Furnace Law Number 1 of 2008.