

MINUTES OF A MEETING AS HELD BY THE
TOWN OF AURORA PLANNING & CONSERVATION BOARD

JANUARY 4, 2017

Members Present: Donald Owens, Chairman
Timothy Bailey
Douglas Crow
Laurie Kutina
David Librock
Norm Merriman
William Voss

Alternate Member: Jerry Thompson

Absent/ Excused: Richard Glover

Also Present: Patrick Blizniak, Superintendent of Buildings
Greg Keyser, GHD
Charles Snyder, Town Councilman

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 300 Gleed Avenue, East Aurora, New York. William Voss led the recitation of the Pledge of Allegiance to the Flag.

Chairman Don Owens wished everyone a Happy New Year and welcomed Bill Voss back to the Planning Board.

Tim Bailey made a motion to accept the minutes of the November 4, 2016. The motion was seconded by Doug Crow. Motion carried.

New Business:

Olean Rd Rezoning Request for SBL: 188.01-1-13.3 referral from Town Board. Michael Gish appeared as applicant.

Don Owens noted that this parcel is located near the exit of the north bound lane of the 400. The parcel was partially filled with the construction of the 400 expressway. The parcel is located on the west side of Rt 16.

Mr. Gish is the owner of MPG Properties, LLC. Also in attendance is his wife Jill Gish and father, Phil Gish. MPG Properties is residential and commercial property Management Company. They manage properties that they own in the Southtowns and they also manage properties for owners who have property in WNY but live abroad. They maintain licenses in property management, general contracting, and heating and cooling. Their office is currently located in West Seneca and their warehouse is in Orchard Park. Five out of six employees are East Aurora residents and they want to consolidate their location for operational efficiency. The 5 acres they own on Olean is not tillable land and they would like to build an office and warehouse facility on the property.

Doug Crow asked about the warehouse.

Mr. Gish stated that they would need a shop for construction, storage for heating and cooling equipment, furnaces, plumbing supplies, space for vans. They would dispatch from this location. Right now it's not very efficient to dispatch through text messaging.

Don Owens mentioned that this would mainly be for operations. He asked if customers would visit the site.

Mr. Gish noted that there shouldn't be a lot of traffic. But they would like to have their customer come to them and they would also like to have a sign on the property.

Jerry Thompson asked how long they have owned the property.

Mr. Gish stated they have owned it three and a half to four years.

Jerry Thompson noted that this parcel was denied a rezoning request previously but doesn't recall the details.

Don Owens didn't recall either and asked for documentation.

Norm Merriman noted that the property was filled and asked how long ago.

Jerry Thompson stated years ago when the 400 was constructed.

Norm Merriman indicated that it has been filled in since then, within the last 25 years. He asked if the planned on slab on grade or a basement.

Mr. Gish stated that they do not plan to have a basement.

Dave Librock asked about the size of the building.

Mr. Gish stated that the building would be about 4000 sqft with 800 sqft of office space.

Jerry Thompson noted that the property is currently zoned A. He asked what B zoning would be appropriate.

Pat Blizniak indicated that a warehouse could be in a B1.

Doug Crow noted that there are some businesses south that are zoned B2 and a couple that are B1.

Mr. Gish stated that they looked into the residential aspect but with the exit ramp right there, it would be beneficial to have a commercial entity there. He mentioned the Maple Rd exit where there are commercial buildings at the exit ramps.

Don Owens noted that on the other side of the 400, under the bridge, is a NYS DOT highway facility.

Doug Crow noted that the requested had been before the Town Board and asked if it had been to the Zoning Board for their input.

Mr. Gish stated no.

Pat Blizniak stated that this request wouldn't go to the Zoning Board.

Jerry Thompson stated that this is a rezoning request.

Pat Blizniak noted that this is an unlisted action and that the applicant filled out the Short Environmental Assessment Form.

Jerry Thompson asked if neighbors have been notified yet.

Mr. Gish stated he has submitted a list of neighbors and that the Town Clerk told him that the neighbors would be notified for the next Town Board meeting.

Jerry Thompson asked if the Town Board will hold a public hearing.

Tim Bailey stated he thought they have to.

Jerry Thompson asked if the Planning Board has to hold a public hearing too.

Pat Blizniak stated no, that the Planning Board would send their recommendation to the Town Board who will take it from there.

Jerry Thompson noted times where the Planning Board does hold public hearings on projects and then makes recommendations.

Doug Crow mentioned during the subdivision approval process.

Jerry Thompson asked if this requires site plan review.

Pat Blizniak noted that for the commercial application it would require a site plan review.

Jerry Thompson stated that a site plan review triggers a public hearing for the Planning Board.

Pat Blizniak stated that the rezoning is a separate issue that has to be settled first.

Jerry Thompson confirmed that if the property is rezoned, before anything happens on the property the owner would have to complete a site plan review where he would have to meet the codes and address drainage and all the other requirements.

Bill Voss asked what is between this property and the trailer park.

Mr. Gish stated that there are two houses. He further noted that they are separated from the houses by a wooded area and a ravine.

Jerry Thompson noted that this makes sense but because of the previous denial he is wondering what the neighbors across the street would think of it.

Don Owens noted that the neighbors did not agree with the previous rezoning request.

Jerry Thompson stated that if the property were rezoned to B1 it would look like spot zoning, since the properties would move from B1 to A to B2.

Doug Crow noted that it looks more like extending the B zone, with the 400 to the north.

Greg Keyser indicated it is spot zoning, but the Planning Board must determine if it is valid or invalid spot zoning.

Pat Blizniak suggested looking at if the change is a logical transition.

Doug Crow agreed and mentioned that areas north and south of the 400 to Blakeley are zoned business.

Jerry Thompson pointed out the R2 areas on Olean around the 400.

Don Owens noted that this corridor is going toward commercial, more than any other corridor in the town.

Doug Crow noted concern about what the neighbors think.

Jerry Thompson indicated this is not an obtrusive business.

Don Owens mentioned that the previous rezoning request was for a 600 person banquet hall.

Members recalled this earlier request and denial.

Jerry Thompson restated concerns about which SEQR action this is, if there is a site plan review required, and neighbor notification.

Don Owens asked if the lights will be directed downward.

Mr. Gish agreed.

Dave Librock asked if there will be outdoor storage of bulk mulch or stone.

Mr. Gish stated they would not have outdoor storage.

Doug Crow noted that the facility would be for equipment storage and the trucks.

Mr. Gish confirmed and stated that the trucks will pull in during the morning and load up according to work orders.

Don Owens asked if there would be screening or landscaping between neighbors to the east.

Mr. Gish indicated that they could.

Doug Crow noted that the rendering of the building doesn't look industrial.

Mr. Gish stated that they would like high bay doors and that the building will basically be a Morton building.

Jerry Thompson noted a similarity to the Town of Aurora DPW building. He also asked about the number of vehicles for the business.

Mr. Gish stated that they have 6 vehicles and the employees take them home at night. Jerry Thompson asked if there have plow trucks.

Mr. Gish stated that they have one plow truck.

Laurie Kutina asked which Business classification is appropriate.

Members reviewed the Table of District Regulations.

Jerry Thompson and Bill Voss indicated B1.

Laurie Kutina mentioned that they should be able to operate in a B1 but noted that she didn't want to limit anything they plan on doing.

Doug Crow discussed the uses of the property which would include offices, storage, and supplies.

Laurie Kutina noted that it could also be a B2 due to the custom shops for cabinetry, electrical HVAC.

Bill Voss asked if the HVAC work is just for their properties.

Mr. Gish said no and that they are licensed with the City of Buffalo.

Laurie Kutina suggested the property should be a B2 because B1 is more of an office setting and the area is more B2.

Doug Crow agreed that the areas north and south that are Business zoned are B2.

Laurie Kutina mentioned that because of the shop part of the business it should be B2. The area is conducive to B2.

Jerry Thompson asked Pat Blizniak what he thought the property should be zoned.

Pat Blizniak stated that he felt that the proposal is more closely related to B1. The B2 businesses are more obtrusive than B1. He further noted the presence of B1 properties further south on Olean.

Don Owens again noted the neighboring B2 areas.

Laurie Kutina restated that the property should be rezoned to B2.

Doug Crow noted that this fits within the general migration seen in this area toward lighter businesses, not obtrusive businesses. He felt the precedent has been set and that they should be supportive, especially in this particular location.

Laurie Kutina noted that the property is off the exit ramp of the 400. She also mentioned that if the property were rezoned to B1, businesses like art galleries, Doctor's offices, professional office won't want to be there.

Laurie Kutina moved to recommend to the Town Board that they approve the Olean Rd (SBL: 188.01-1-13.3), Town of Aurora NY, rezoning request from A to B2.

Seconded by Doug Crow.

Upon a vote being taken:

ayes – seven

noes – none

Motion Carried.

Draft Solar Code review referral from the Town Board.

Chuck Snyder mentioned that after the moratorium was enacted, a resident called about installing a 21 acre solar farm.

Doug Crow asked if that was a personal or industrial farm.

Chuck Snyder indicated that it would be an industrial farm.

Laurie Kutina stated that she would mark up her copy of the draft code with track changes so that the board could see it. Laurie indicated that she has been involved in the planning of these projects and some have been extremely large. She noted that a project over 25MW would be an article 10 and so the Town Board won't get involved at all. It is evaluated at the state level.

Chuck Snyder asked if the town could restrict the district the project is put in.

Laurie Kutina indicated that it may be possible. She noted that similar to the process of approving the National Fuel pipeline, it is handled at the state level.

Greg Keyser noted that it is public service regulations.

Laurie Kutina expressed concern about restricting solar panels for people who want them installed.

Doug Crow noted that he is concerned about requiring the consumer who has solar panels on their roof inform the Town within thirty days that the panels are no longer in use. He expressed concern that this is intrusive and that the panels aren't hazardous waste.

Laurie Kutina agreed with this concern.

Doug Crow indicated that this requirement makes sense for an industrial/large scale application but for personal use it seems intrusive.

Laurie Kutina noted that it's important to not be too restrictive or unfairly restrictive. Consider the 3' limit on height roof installations. She asked if there is a 3' height limit for rooftop HVAC systems, or parapets.

Don Owens stated that this has to be consistent.

Chuck Snyder noted that he thought this restriction was from the State code.

Greg Keyser indicated that this is a safety concern.

Jerry Thompson discussed the restriction that the panels can't face your neighbor. This could limit half the town.

Doug Crow clarified that the code doesn't say face, it says directed at; so that if the panel is at an angle, it may not be directed at the neighbor. This would have to be clarified.

Bill Voss asked if the question is about it facing the neighbor or the reflection.

Members agreed that the concern is about reflection.

Laurie Kutina expressed concern about the definitions used and wants to see the code consistent with NY laws including: net metering, ground mounting, roof mounting, utility scale, on-site only.

Doug Crow noted that in the draft code, the definitions for roof, ground and building mounted panels use the word "solely" and in the model code Laurie provided earlier [see Exhibit A] the word used is "primarily". He further stated that if he needs 10MW for his house but that 20% of the time he sells back to the utility, this will now not be allowed as it will be utility based. Many solar companies, i.e. Solar City, don't do this type of net metering because of cost and equipment requirements. He suggested changing the word "solely" to "primarily."

Laurie Kutina stated that net metering is the law in NYS.

Tim Bailey discussed the new solar shingles Tesla has developed. It doesn't look like a panel and is installed as the roof.

Jerry Thompson noted that the code doesn't reflect this application.

Doug Crow indicated it would be a roof mounted system.

Laurie Kutina suggested this application would technically be building integrated solar.

Doug Crow noted that based on the definitions in our code, if it's on the roof it is roof mounted solar. If it is not on the roof but attached to the building, it is building mounted solar.

Chuck Snyder discussed that the limit of private solar to 20KW should be enough to power all but the largest of houses. He indicated that the intent for the homeowner if he doesn't use the 20KW, the excess should have a place to go.

Doug Crow agreed and noted that because the definition states "solely" then the homeowner would not be allowed this option. He reiterated changing the word "solely" to "primarily".

Jerry Thompson asked if a homeowner puts panels on his property does he sell it to the grid and then the utility gives it back to the homeowner.

Doug Crow indicated that it would depend on the system. You would install the panels (roof/building/ground) it will supply your house. You would need to have additional wiring and an agreement with the utility to have the excess go to the grid. Some homeowners don't have the ability to sell back to the grid because they don't have the extra equipment. He further noted that it's cheaper to install panels which are only for the use of the homeowner.

Bill Voss indicated there has to be an automatic shutoff. He also asked about the batteries and wondered if the cutoff and batteries needed to be reviewed by the FD. He asked if there is code that covers this.

Chuck Snyder indicated he thought it is in the state code.

Doug Crow recalled reading that it would need to be compliant with NYS Fire Code.

Laurie Kutina noted that there are standards that have to be met that are listed in NYS Building Code and the Town doesn't want to cover that information with local laws. She further noted that the Town Code needs to refer back to the NYS laws.

Don Owens mentioned the risk to fire fighters if there are roof mounted solar panels.

Chuck Snyder noted that this is why the code requires a path around the panels will need to be kept clear for fire access.

Laurie Kutina indicated that because of that requirement we may see more ground-mounted systems.

Dave Librock asked if there are concerns with banks because owners are leasing these systems.

Doug Crow indicated there are concerns. 30 years ago owners would purchase the system and pay a company to maintain it. But now the companies, such as Solar City, retain ownership of the system, lease it to the homeowner and record a mortgage against the property. This would be a second mortgage, subordinate to the homeowner's bank. The bank has to be in first lien position or the homeowner won't get a mortgage. This is an individual consumer problem. If the homeowner wants to get a mortgage, or refinance an existing mortgage the solar provider has to subordinate or they can't refinance.

Jerry Thompson asked if the R1-R3 districts have to have 2 acres to have solar panels installed.

Bill Voss and Chuck Snyder noted that for ground mounted systems they do.

Laurie Kutina expressed concern about this requirement. She asked why a solar panel is any different from a satellite dish, shed, RV, or any other ancillary structure in a back yard. She also noted a concern about having twice the setback requirements. She noted that she would prefer there not be more restrictive setbacks based on the fact that it is just a solar panel.

Doug Crow noted that the likely reason for the setbacks is because of the reflective nature of the panels.

Laurie Kutina stated that the reflective issue is addressed in requirement that it is not allowed to be directed toward a neighbor's house. She noted that the unique characteristics to the panels need to be addressed, but didn't feel that the double setback requirement is fair.

Jerry Thompson posed the question that he wants to put solar panels in the yard, assuming he has the required acreage, and he brings the information to the building department. The code states that he can't direct it at a neighbor's house and in this instance there is a house to the south. Because of his property he can't install the panels, because it has to be oriented to the south. You are eliminating possibly 50% of the property owners of the town as a result.

Bill Voss noted that this is for ground-mounted systems.

Laurie Kutina suggested that this could be carefully worded so that it isn't just because it's facing you. It's not about what you're looking at but it is about the reflection.

Doug Crow discussed that the angle of the reflection from the panel even though it is facing a neighbor would have to be determined. This should be ok, but he noted that the wording doesn't necessarily say this.

Jerry Thompson noted that the code shouldn't be open to interpretation but that it should be very specific.

Doug Crow suggested wording this along the lines of: a line from the outside edge of the panel perpendicular to that panel would not intersect any other building. This should cover it.

Don Owens posed another question. There is a vacant parcel next to yours. You install ground-mounted panels and they direct toward the vacant parcel. Someone wants to build next to you. He asked how the system on your property impacts the vacant parcel.

Doug Crow noted that it is possible that you have infringed on or taken away rights from that parcel by having your solar panel face the vacant parcel.

Bill Voss noted that the new house could be built to block the sun.

Laurie Kutina noted that there are zoning rules out there that say you are not allowed to block the sun.

Chuck Snyder stated that issues like these are the reason for the larger lot sizes and setbacks.

Bill Voss also noted that the neighbor could plant trees and block the sun.

Doug Crow mentioned that with industrial systems, an owner would have to get air rights to prevent this.

Chuck Snyder clarified that this isn't a requirement and also noted that the Town will not be involved in air rights.

Doug Crow indicated that this is clear in the code.

Bill Voss mentioned that neighbors of private systems should be notified that they can't plant trees that would impact the panels.

Doug Crow noted that today, homeowners don't install panels themselves. Now professional installers evaluate each property for potential issues like trees. With homeowners leasing the systems and not purchasing them outright, if there are any installation issues it's not on the homeowner. He mentioned that companies like Solar City and Tesla have been using this leasing model and installations utilizing this model will likely be the majority of what we see.

Laurie Kutina stated that installers are savvy about what does and doesn't work.

Laurie Kutina indicated she would like more review on the requirement for stamped engineering plans for all systems. She agreed with the requirement for a utility scale system you would want that. One of the reasons for installing a ground mounted system is to avoid roof installation.

Chuck Snyder mentioned that there are many advantages to ground mounted solar, such as easier to move and clean.

Laurie Kutina expressed concern about the 20KW cutoff. She wondered if the Town wants to be involved in any business that wants to install a building/ground/roof mounted system that would be over 20KW. She asked what the Town is going to do if the system is over 20KW.

Chuck Snyder indicated that they would look at where it is going to be located, what direction it will face, and what is required to install the system.

Jerry Thompson suggested that an ordinance which specifies those details could easily handle the process, rather than going through a public hearing to answer those questions. The Town Board has enough to deal with without having to hold public hearings for solar installations when it could be handled in an ordinance. The Building Department would then issue a permit if there is an ordinance and the applicant meets the code.

Chuck Snyder mentioned that it isn't a problem to have one discussion at a work session to have the questions answered and decide whether this is a good or bad idea for a business to do this.

Jerry Thompson noted that this is why you are writing the code.

Laurie Kutina stated she would recommend not putting a KW limit on a system but instead set reasonable setbacks and that it is appropriately sized.

Chuck Snyder asked if a resident should be allowed to put on as big a system as they want, without a limitation.

Laurie Kutina mentioned that if the owner of 300 Gleed wanted to put panels on the building, it would be over 20KW.

Chuck Snyder stated that it would then be a utility scale system; that over 20KW is utility scale.

Lurie Kutina stated no and that is not the definition of utility scale. She further mentioned that the system E &E is a 22KW system. If the system for on use and also set up to be a net-metering system, any business that has one will be over 20KW, but that is not a utility scale system. A

utility is when you sell it to the grid and that is the large scale system. She stated that you could have a 15MW utility scale system. If you are utility selling to the grid, that is a large scale system. It's different than if you are powering your own home or business.

Laurie Kutina stated that this is where the definitions can cause problems.

Doug Crow asked if the Town should treat a 25MW system on a business differently than a 25MW utility scale system.

Laurie Kutina stated that this is how the code reads. She would like the code to not be too restrictive for a business to install a system.

Chuck Snyder noted that he would look into this.

Laurie Kutina indicated that the size of a system is dependent on how much energy a building uses.

Chuck Snyder mentioned that the size is based on a specific time of day and the excess generated will be sold to the grid.

Laurie Kutina agreed and noted that this is part of the net metering. This is not a utility scale system.

Dave Libroch asked if a utility scale system is a solar farm.

Laurie Kutina stated yes and that a utility scale system is a part of the utility market. The sell back on this scale is cheaper than net metering.

Dave Libroch asked why the solar installation companies don't buy the property, they only lease it.

Laurie Kutina noted this is a good question.

Dave Libroch further questioned who gets the permit – the landowner or the solar company who is only leasing the property.

Jerry Thompson suggested that solar companies may lease instead of buying because these companies aren't sure what's going to happen to the solar panels in 40 years and they might not want to be responsible for them. If they own the land they would have to fix them, if they only lease the land or go bankrupt, then they can walk away.

Norm Merriman noted that they can't have a lien placed against them.

Doug Crow noted that the solar panels have to be scrapped once they reach their life, especially the industrial scale.

Laurie Kutina noted the conditions for this in the code.

Doug Crow indicated that the conditions are well thought out. It is important to make sure people are on notice that if the decommissioning plan is not completed, the Town will do it and place a lien on the property.

Tim Bailey asked what if the property is leased.

Doug Crow stated that the landowner would have to be ok with the fact that he may have a lien on his property if his tenant goes away.

Tim Bailey noted this is why there is bonding.

Doug Crow indicated it is the land owner who would require the bond.

Tim Bailey suggested a bond be required of the solar installation company.

Pat Blizniak stated that those working on this code were told the Town can't require a bond.

Tim Bailey asked why.

Pat Blizniak indicated he didn't know. He further stated that a bond is required for a communication tower, but can't be for a solar panel installation. He stated this is why there are decommissioning requirements.

Jerry Thompson stated that the municipality should set the law to require a bond.

Chuck Snyder noted that they were informed this has been shot down in a court.

Jerry Thompson suggested making the law anyway and see what happens.

Chuck Snyder clarified a point on the 20KW requirement. He stated that it's not that a system that is over 20KW is a utility scale it just requires a site plan review and Town Board approval.

Laurie Kutina asked why.

Chuck Snyder stated that a site plan review would be a good idea so that the board can see where it is going, how it's going to look, whether roof or building or ground mounted.

Laurie Kutina stated that the site plan review requirement seems arbitrary for a slightly bigger system.

Chuck Snyder noted that an improvement on a commercial property, whether it is an addition or accessory building, would require a site plan.

Pat Blizniak confirmed.

Don Owens stated that a business would be different than a residence.

Chuck Snyder stated that a residential system under 20KW could be issued a permit from the Building Department with all the necessary documentation.

Pat Blizniak noted that a residence would not likely hit 20KW.

Laurie Kutina agreed and stated that other than the residential setback requirements for ground mounted systems, the residential requirements are fine.

Doug Crow agreed that the requirements are reasonable.

Laurie Kutina expressed concern about slowing down the process for a business that wants to put in a system that would be over 20KW and having to jump through the site plan review hoops.

Jerry Thompson indicated that the code doesn't restrict the business from installing the system, but that there is a further process.

Laurie Kutina restated her concern regarding the definitions and their use of the phrase "solely for the use of the building" and changing that to "primarily."

Greg Keyer suggested there should be a definition for net metering. He asked what if a resident came in with a design that was disproportionate to what their property uses.

Laurie Kutina mentioned that with net metering, the electric company has to agree to buy back the electricity at the same price they are selling it to the homeowner. She felt this would be a siting issue and self-correcting problem.

Jerry Thompson questioned the use of the word "cumulatively" in the definition of utility scale solar energy system on page 2 beginning with, "any solar energy system that cumulatively on a lot..." He wasn't sure what that meant exactly and suggested a review so that it is clear.

Jerry Thompson also asked about where the numbers came from for both the 800 sqft limit for R1-R3 and also the 5% of acreage limit.

Chuck Snyder noted that the model for this code is the Town of Clarence.

Laurie Kutina noted that the 800sqft is in the range of an 11-13KW system.

Jerry Thompson noted that you couldn't put a 20KW system on a small residential lot.

Laurie Kutina agreed.

Jerry Thompson asked if that is adequate.

Chuck Snyder stated that it would depend on the size of the house you have.

Laurie Kutina asked if an owner could request a variance, if necessary.

Chuck Snyder indicated an owner could.

Laurie Kutina stated that in terms of a limit these numbers make sense and she stated she didn't think we would see systems this big.

Doug Crow noted that this is not very restrictive.

Laurie Kutina noted that a clarification may need to be made with the acreage limit. She noted that with 2 acres you can have 2000 sqft, but over 2acres it's 5%. And at 2.2 acres you are less than 2000 sqft. She indicated she would run some numbers.

Bill Voss asked what happens when a company, such as Solar City, goes bankrupt.

Doug Crow stated that once the company goes bankrupt there won't be any more maintenance on the panels. It would be up to the homeowner to find someone to maintain them. He noted that what Tesla is trying to do is take the right to receive the income from the homeowner (leasing right) along with the obligation to maintain the system and turning it into a mortgage backed security. So in this instance, theoretically if the company goes bankrupt the owner of the security could hire another company to maintain the system. This is years from being mature.

Jerry Thompson asked if the system is a residential use, why the size of the panel is limited.

Laurie Kutina suggested that 20 years from now we may need 3 times the amount of power that we use right now and the systems might be such that they can produce it.

Laurie Kutina further asked what we are trying to limit. She asked if we don't want the systems to be too big.

Chuck Snyder and Pat Blizniak stated yes.

Laurie Kutina noted that having the size limit makes sense.

Jerry Thompson questioned why there is also a sqft limit in the R districts if you're limiting the KWs they can install. There are two standards here.

Doug Crow noted that we are more concerned about the size and obtrusiveness and less about KW, so maybe the size requirement is the one we want to keep.

Chuck Snyder noted that if you have a 10 acre lot zoned Residential there would be limitation on KW and size.

Laurie Kutina noted that net metering solves the problem [of disproportionate systems]. The power company is not going to let you put in a system that is twice the size of your house because they don't want to pay for that excess energy.

Bill Voss noted that the power company doesn't want to pay full rate.

Dave Libroek mentioned that a solar company declined the project at the Rink because of the size of the roof and the fact that they don't use enough power in the summer. They didn't want to buy back the energy all summer long.

Laurie Kutina asked about the application and annual fees.

Doug Crow noted that this only applies for industrial scale systems.

Laurie Kutina asked what other businesses are charged an application fee of \$2,500 and an annual fee of \$1,000 to operate their business. She asked if it anyone has checked to see if this is fair.

Greg Keyser suggested cell towers.

Chuck Snyder noted that they reviewed fee schedules of other towns.

Greg Keyser stated that the fee schedule should be reflective of the amount of work involved to review the application package.

Chuck Snyder noted that every year the Town will receive and need to review engineering documents regarding the system.

Laurie Kutina asked what taxes they would collect on these systems.

Jerry Thompson indicated that this would be a good question to ask the Assessor. As far as residential values are concerned he could probably not find comparable to add an assessed value increase for solar panels.

Doug Crow mentioned that it may be easier to find a value for a utility scale system.

Greg Keyser made the suggestion that for the SEQR language be changed for systems that require a special permit. He suggested the following: for roof mounted, building mounted, and ground mounted systems the special permit will be processed in accordance with SEQR.

Laurie Kutina asked if this for all systems.

Greg Keyser stated that this requirement is only for those systems that require a special permit (above 20KW).

Laurie Kutina noted that those require site plan approval and asked if that's what kicks it into SEQR.

Greg Keyser agreed and stated that if an application comes in and it is a Type II action then the applicant won't need to do SEQR. We don't want to force the applicant to go through SEQR if the State doesn't require it.

Laurie Kutina agreed.

Greg Keyser suggested a requirement for a Type I action and the long form for utility scale roof mounted, building mounted, and ground mounted systems.

Pat Blizniak noted that it isn't listed as a Type I action.

Greg Keyser stated that the Town has the ability to classify the utility scale systems as a Type I action with the long form. That way it is not open to interpretation.

Laurie Kutina added that this would helpful to the applicant because it is clear.

Laurie Kutina stated that she would put together her changes and send them to everyone.

Chuck Snyder would like a recommendation as soon as possible.

Don Owens noted that the Planning Board would review the changes at the February meeting.

Correspondence:
None

A motion was made by Norm Merriman and seconded by Bill Voss to adjourn at 8:51PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY February 1, 2017 AT
7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**