

Regular Meeting of the Great Valley Planning Board
Zoning Board of Appeals
April 14, 2021
corrected May 12, 2021

Present: Chris Schena (chairperson)
Amy DeTine
Al Puszcz
Jeff Ramsten
Don Roll
Steve Ward

Others: Jake Alianello
Dan Brown
Marcy Brown
Sandy Goode
Becky Kruszynski
Rich Rinko
Peter Sorgi
Kevin Everett
Ray Schroeder – Airosmith Development - virtually
Kurt - Armstrong Telephone Co. - virtually
Jason Harden – Armstrong Telephone Co. - virtually
Kate OStricker
Ashley Smith
Derah Day

The public hearing for **Armstrong Telephone Co.** was opened by Chris at 7 PM. Armstrong Telephone Co. is seeking a setback variance from 30' to 20' for the construction of a fiber optic hub site in the Southern Tier West parking lot (tax map no. 73.004-1-8.1). There were no comments and the public hearing was closed.

The Zoning Board of Appeals meeting was opened by Chris with the Pledge of Allegiance.

Jake had reviewed Part I of the SEQR and Part II was completed by the board. A motion to accept the SEQR of a negative declaration was made by Steve with a 2nd by Jeff. All in favor. A motion to grant a variance from 30' to 20' was made by Steve with a 2nd by Jeff. All in favor. Chris will do Notice of Decision.

A motion to accept the minutes from the March 10, 2021 meeting as submitted was made by Amy with a 2nd by Steve. All in favor.

The Zoning Board of Appeals meeting was closed.

The public hearing for **Armstrong Telephone Co.** for a special use permit was opened. There were no comments and the public hearing was closed.

The Planning Board meeting was opened by Chris at 7:06 PM.

Feedback received from the county in regards to the Armstrong Telephone Co. project indicated that there was no landscape plan. A landscape plan that includes dwarf pines was submitted. Chris asked when the project would begin. Ray told him that they need approval from the Planning Board, a building permit, and coordinate with the property owner. He is hoping it will start this year. As soon as the site is done, weather permitting, the landscaping will be done. Armstrong Telephone Co. was told that the building permit, special use permit, and the site plan approval would be good for 1 year. If the project is not done in a year they would have to apply for an extension. The board approved each of the 5 Findings in Article 8.4 of the Zoning Code for granting a special use permit. A motion to approve the special use permit and the site plan was made by Steve with a 2nd by Amy. All in favor. Chris asked Armstrong Telephone Co. to keep him informed. Chris will do Notice of Decision.

Kevin Everett presented his plan for an event center in his barn at 5099 Rt. 98 (tax map no. 65.002-1-17.1) last month. This parcel is 102A and is zoned AR. He would use 5A for his event center. Also included in the plan are 2 existing cabins. The small one would be for a couple (honeymoon cabin) and the large one would be for 8-10 people. Peter wanted to know about his plan so he could determine if there was existing code because a special use permit can only be granted for what is in the code. Steve wanted to know more about the portable bathrooms that Kevin talked about last month. Kevin told him he is looking at purchasing travel bathrooms or possibly putting bathrooms in the barn. If he chooses travel bathrooms he would have a truck come in after each event to pump them out or truck them someplace to have them pumped out. If he has them built into the barn he would have to deal with water and a septic system. He will do whatever is the most cost effective. Chris told him the county health department would have to approve restrooms and drinking water for the site.

Peter told him there is nothing in the code for an event center and can't be considered a hotel because people sleeping there is not the primary use. Kevin was told he could petition the board to change the zoning law to allow for an event center. It would also have to go before the county planning board. The town planning board would present the proposal to the town board. The town board would vote on it after holding a public hearing. This would be a multi month process. If approved, Kevin would need a site plan for which he would need an engineer. Steve asked Peter if just the 5A could be rezoned and Peter told him no spot zoning. Peter told Kevin that there are several government agencies that would have to be involved. All should be investigated first and if Kevin wants to proceed he should get the zoning code changed. Dan said the town changing the code is the minor part. Kevin was told that because the location is on a state highway he would also need a DOT permit. Also, the health department regulates rentals for 10 or more people. Kevin was told he could apply for a temporary use permit and do a couple of events to see it is feasible. Kevin said he had talked to 2 of his neighbors and they are OK with his plan.

Don recused himself because he is a neighbor and encouraged the board to do a drive by.

Peter talked to the board about solar energy. There is individual solar and utility scale solar. Until 2015 it was all individual solar. Since then there has been a lot of changes to utility scale solar. Control has been removed from towns and villages and given to the state. There is a limit on solar companies allowed in a town. The town is exempt from zoning – they don't have to follow their zoning laws.

The town was approached by a solar company to put solar panels on 10-15A of town property. This property includes the gravel pit, the dump, and some contiguous property owned by Gernatts that the town would lease. All this land would be compensated for but only a portion of it would be used. The dump closed in the 70's and the gravel pit has a short term left. The dump would need DEC approval so the contiguous property would be needed. The term would be for 25 years at \$1000 per acre per year and lower energy costs. The town has approved the solar company to look into it but has not yet approved the project.

The following amendment was submitted to the planning board:

2021 Amendment

Exemption for Utility Scale Solar Systems on Government Owned Property and Contiguous Property or Properties as Part of the Utility Scale Solar System on Government Property: Notwithstanding anything contained in the Great Valley Town Code to the contrary, Utility Scale Solar Systems are expressly permitted on any government owned property and on any property or properties contiguous and a part of any Utility Scale Solar System on government owned property provided that said contiguous lands cannot be prime agricultural land. Site Plan Approval shall be required for all such Utility Scale Solar Systems on government owned property and contiguous properties as part of the same project, except for property owned by the Town of Great Valley and contiguous properties which will be exempt from site plan review.

Steve asked why this is exempt from a site plan and was told because the town owns the property. Chris asked if the project were to go bigger would they have to tell the planning board and was told yes. The benefits to the town are rent, electric reduction, and town residents' electric reduction. Peter told the board they could vote in favor of, against, or modify the amendment.

A motion to approve the 2021 amendment to solar law was made by Steve with a 2nd by Amy. All in favor.

The code should be looked at every 5 years. The last change was 2011 and there has been 3 revisions since. When revised the code should be updated. It was decided to hire Gary Palumbo to dissect the existing zoning code and comprehensive plan. There will be a committee made up of the planning board, Dan Brown, Becky Kruszynski, and Rich Rinko. After Gary submits his findings the committee will hold work sessions and then the code will be updated. Dan will contact Gary.

Ashley Smith, Gobike Buffalo, did a presentation on the proposed Southern Tier Trail that would include the town of Great Valley. At this time she is only introducing the project. This is a regional project that will include the 9 counties of Western New York and will promote

community wellness. This would be more than a bike trail. It could also include hikers, walkers, winter uses, horseback riding, etc. She is working with towns to get them on board and went over some of the preferred and alternate routes in the town. There will be opportunities for community input in the future. 80% of the cost would be covered and the remaining 20% could include Ralph Wilson funding and state and federal grants. Amy remarked that there could be a problem with people and equestrian on the same path. Ashley said there would be separate side paths. Dan asked about liability on town roads and who would be responsible for maintenance. Also, what stops traffic from using the side paths. Ashley stated that these are all challenges that would be addressed and this is all very preliminary. Construction would only happen if there is public support.

Don moved to adjourn at 9:45 PM with a 2nd by Jeff. All in favor.