

## Town of Conklin Zoning Board of Appeals – November 7, 2017

**MEMBERS PRESENT:** William Northwood, Chairman; Art Boyle, Elizabeth Einstein  
Paul Schofield, Hal Cole, Tom Kelly, Norm Pritchard

**ABSENT:** **Attorney, Willie Platt (Town Board Liaison)**

**ATTORNEY:** **absent**

### **ALSO**

**PRESENT:** Mary Plonski, Secretary  
Nick Vascello, Code Enforcement Officer

**VISITORS:** Dell Boyle (Town Board Member)

**7:07 P.M.** Chairman Northwood called the meeting to order

**Agenda Item #1** Chairman Northwood called the meeting to order. It was explained that there were no cases to be heard tonight and this was not an official meeting but that they were coming together to discuss Solar Energy.

Chairman Northwood handed out Personal Training Record reporting sheets for January- December 2017. Please complete and give back to Sherrie Jacobs (Town Clerk) by December 31, 2017.

Chairman Northwood explained that he was informed that the attorney would not be attending meeting unless there was a case to be heard.

Chairman Northwood went on to say that he and Supervisor Dumian had a conversation that the board be downsized from 7 members down to 5. He went on to explain that it is only an issue when members are sick or out of town and Broome County (239 comments) disapprove and have a negative response that you need a majority plus one to override. That has only happened a couple times in the past that a Super Majority was needed. Since there have not been as many cases as there had been in the past, having only 5 members would not be an issue. Until told otherwise the board will continue to meet monthly.

The discussion began on Solar Energy. Paul Schofield asked if we were discussing Individual Residential or Solar Farms.

Liz asked what the Comprehensive Plan said concerning Solar Energy.

Hal referred to the **2014 Comprehensive Plan Energy Development**

Vision Statement Energy Development that states Develop and implement plans to enable responsible energy development (e.g. solar, wind, natural gas) that will have only positive or neutral effects on the natural resources, residents, aesthetic aspects, public utilities/transportation infrastructure or the economic status of the town of Conklin.

### Zoning

Review/modify and develop new zoning ordinances to support the plans in all areas of the Comprehensive Plan.

Liz asked the Code Officer Nick Vascello if solar panels are allowed per our code. Nick explained that it is not a permitted use. A number of people have called and asked if Solar Panels are allowed so he felt that it was an issue that the town would be getting more questions on.

Hal had gone on the internet and found there were a number of sites concerning Solar Energy. He printed off different articles on Solar Energy. There are definitions and ordinances already in place that the Town could extract and use. That would be for the attorneys to handle. It mentions four different Uses. Solar Farms, designed to generate enough electricity to power thousands of homes and businesses. Accessory Use, the homeowner is using for themselves. Secondary Use, the homeowner is using and is also selling it. And Special Use, there are a number of different definitions for this section.

Hal had a booklet of NYS Model Solar Energy Law. It is designed to assist in zoning provisions and outline technical details related to zoning.

Nick mentioned that the 2018 ICC (International Code Council) have a book on just Solar. Hal felt we need to understand all the regulations associated with solar energy. Liz agreed that the attorneys should be the ones to come up wording and definitions. She felt that we should come up with the reason we feel the town should have solar laws or regulations, or maybe why we don't want to allow them at this time.

Bill felt we need to keep up with the times. There has been talk of longevity of the system. Who will be responsible for the abandonment and removable of the system when it is no longer in working order? Paul felt there were a number of concerns such as decommissioning, chemical cleaners, runoff and other factors that need to be looked into.

Liz questioned if a permit should be required and perhaps the fire dept. be notified in case of a fire.

Paul was also mentioned aesthetically how the solar panels may look on a roof. Neighbors may have a problem with how they look. Hal referred back to the Comprehensive Plan under Energy Development, Investigate the potential of developing new zoning ordinances and local town laws to safely develop energy sources compliant with all federal, state and county laws and consistent with our local vision defined in the Comprehensive Plan.

Hal suggested based on information we have reviewed, if someone came in front of the board now we would have to deny them.

After a lengthy discussion on solar energy it was suggested that a recommendation be given to the Town Board.

### **Recommendation to the Town Board.**

The Town Board should check with the town attorney as to what would be required to satisfy the new zoning ordinances and local town laws concerning solar energy to be compliant with all federal, state and county laws.

The Town Board should address whether Solar Panels should be an accessory use and if installation should require a building Permit.

### **Next Zoning Board Meeting will be held on Tuesday, December 5, 2017.**

Chairman Northwood closed the meeting at 8:30 p.m.

*Respectfully Submitted,*

*Mary Plonski – Zoning Board Secretary*