

## Zoning Commission

October 23, 2024

Present: Thomas Angell, Stephen Gotovich, Don Smith, Wendy Burton, Steven Horowitz, Barbara Warren

Absent: Chris Flynn

Meeting begins at 7:02 PM

### Previous Meeting Minutes

Mr. Smith motioned to approve the September 19 meeting minutes as written. Mr. Gotovich seconded. Wendy Burton and Barbara Warren abstained. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Mr. Horowitz. Motion carried.

### Zoning Commission Consultant

Ms. Burton announced that the Town secured \$750,000 a year for the next 3 years in donations for ambulance services. Ms. Burton explained that because of that donation there is some funding available to rework into the budget for \$100,000 for a Zoning Commission consultant to go before the Town Board instead of the original \$50,000 that was available. Ms. Burton reached out to Nina Peek, who was the consultant for Comprehensive Plan and has experience working with the Town Board. Ms. Burton asked Ms. Peek to attend the November meeting with the objective of having Ms. Peek, an Amenia resident, explain what she does and how it could align with the Zoning Commission's needs. The Commission agreed that she would be a good fit based on her previous experience with the Town of Stanford without interviewing a second candidate. Mr. Angell pointed out that she is not an attorney, so he would like to ask her how far she can bring the material before an attorney gets involved. The Town Board would establish the contract for her. Mr. Horowitz would like to create a draft list of priority items to present to her at some point too. Mr. Gotovich expressed concern that money could be spent on a product that potentially could not get adopted for political or technical reasons when the Commission has been making progress without a consultant. Mr. Angell and Ms. Burton countered that a consultant would be able to work on items that the Zoning Commission cannot address. Mr. Gotovich said he felt there is no rush, but Ms. Burton countered that there is money in the budget for a consultant that will not be rolled over. Mr. Gotovich would like a fee schedule for her as well. Next meeting is scheduled for Tuesday, November 19, and Thursday, November 21 as backup.

### Solar Energy Generation

Mr. Angell said that right now a Town can regulate projects for solar energy generation that are 25 Megawatts or less, which is approximately 125 acres of solar panel. Anything bigger than that is regulated by the State. Mr. Angell said the Town passed an ordinance about 8 years ago. Mr. Horowitz had questions he wanted to look into after the previous meeting but has since reviewed the information and is content to keep the current Town ordinance. Mr. Gotovich motioned to recommend that the existing code remain as it is. Mr. Smith seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Ms. Warren, Mr. Horowitz. Motion carried.

### Right to Farm Ordinance

Mr. Angell said the County replied to the questions from the previous meeting. He explained that the Ag Data Statements that have to be sent to the County Committee is just practice, not a requirement. Mr. Angell suggested not to add that practice because it adds more bureaucracy to the process and the Committee does not meet that often. The second question he asked the County was about having both the State agricultural district distinction and ag assessment, and they replied there is no law, but it has to do with what a farm operation is, but our ordinance defines a farm operation based off the state definition. Mr. Angell and Mr. Gotovich explained that it is not an accurate statement because ag assessments are voluntary. Mr. Angell suggested no changes be made based on the replies from County Planning. The Town Board will have to send the draft to County Planning to review once it goes to the Town Board. Mr. Angell summed up that the Right to Farm draft will include notice provisions, dispute resolution, and updated town ordinances that were set prior to the state Right to Farm laws. Ms. Warren clarified that AOD (Agricultural Overlay District) is a new column on the schedule use table because it was not there before, but the Commission changed the name based on the County suggestion. Ms. Warren commented that 164-13 is redacted because it is mentioned elsewhere in the draft. Mr. Gotovich motioned to recommend the Town Board adopt the Right to Farm draft. Mr. Smith seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Ms. Warren, Mr. Horowitz. Motion carried.

Mr. Horowitz did research on issues regarding farmworkers' housing and decided it is a topic separate from the Right to Farm ordinance draft, and it can be discussed at a later time to address.

### Battery Storage Units, Solar Arrays, and Wind Energy Generation

Mr. Angell explained that a Town can permit solar arrays anything below 25 Megawatts, anything above 25 Megawatts is state regulated. Mr. Angell did some research on wind

energy and said an average wind turbine produces 3.4 megawatts, approximately 7 turbines, so that is what the Town could regulate. Mr. Angell circulated an example from the Town of Tully where the ordinance only permits wind turbines for personal use, where the property owner primarily powers their own property. Mr. Angell said 1 Megawatts is enough to power about 200 homes.

Mr. Angell explained that alternative energy is stored when the sun is not shining or wind is not blowing, so the energy is stored in large battery facilities. Right now, the State has the power over Towns to place battery storage. There are private and commercial storage, but there is no state licensing for Battery Energy Storage, the state currently has the power to license these large facilities. Facilities that have had fires and can be very dangerous. Mr. Angell asked the County if it can be restricted and mentioned that a Town like ours with a small, volunteer fire department might have incentive to restrict these facilities. Ms. Burton asked if the State could override the Town laws, Mr. Angell said it is unclear at this time. Mr. Angell said NYSERDA has very clear wind and solar megawatt regulation, but nothing on battery storage. Mr. Angell asked the County if a Town could restrict battery storage, and they said yes, but the Town should check with NYSERDA.

Mr. Angell asked each member's opinion.

Mr. Horowitz stance was that the issue is more about the willingness in tolerating the commercial expansion with these facilities, while also keeping in my mind there should be good fire safety laws with these battery storage facilities. Ms. Burton brought up that at one point the Association of Towns tried to stop the State from passing some similar large projects, but the State overruled, and could that happen again. Ms. Burton asked if it would create revenue for the Town, Mr. Horowitz thought it would be more likely to create revenue for the property owner. Mr. Horowitz would like to keep the solar, wind, battery projects consistent with their regulations. Mr. Horowitz would favor having them at some point on a smaller scale and regulated.

Ms. Warren would like to investigate surrounding Towns for ordinances. Ms. Warren said they may need more resources to see the pros and cons, so people can make a decision based on data. Ms. Warren said in terms of battery storage there should be a delineation between personal and commercial use. Ms. Warren said the FDNY and NYS Office of Fire Prevention and Control are working hard to create stronger regulations on battery storage which should help.

Ms. Burton said she understands that people may not like the turbines in the landscape and that they could hurt bird populations, so there would be a lot of pushback from the Town, but she likes the idea of energy generation. Ms. Burton likes the idea of smaller personal use for wind energy, but large-scale battery storage seems unsafe based purely on the size of them.

Mr. Smith said there is a lot of work being done to create safety for large battery

storage. Mr. Smith agreed with Ms. Burton's statement that it would be a hard sell for this community for large battery systems and turbines. Ms. Warren said there have been many incidents of fires in large battery storage. Mr. Smith gave an example of a personal use battery storage request in Town and he had asked the contractor to put it in a fireproof room, but the contractor asked where he was getting that requirement, so Mr. Smith sent him the Fire Code, but there is nothing specific in the Town Code. Ms. Burton said there is moratorium for commercial wind and battery storage system before the Town Board in November, and personal use was removed. The Commission will have a year to come up with an ordinance.

Mr. Gotovich would like the difference between commercial and private uses to be obvious. Mr. Gotovich said he has heard of systems that produce only 90% of their needs for a stipulation for private use so it doesn't overproduce, and that might be a good way to go. Mr. Gotovich likes the idea of generating energy for personal use. Mr. Gotovich mentioned that Pine Plains put in a large solar farm and was curious if there is a battery system in place. Mr. Gotovich said commercial uses should be regulated similar to Town solar laws. Mr. Gotovich favors limited personal use.

Mr. Angell said he could go either way, but his main concern is whether the fire department can deal with large battery storage incidents or the change of landscape from wind turbines.

Generally, the Commission agreed that allowing battery storage for personal use, but not commercial use based on the size and potential danger of fire at this stage in regulations.

County Planning gave contact information to Mr. Angell for a representative from NYSERDA, and he will ask someone to come present to the Commission for December meeting.

#### Event Venue Ordinances

Mr. Angell sent out 3 ordinances from surrounding Towns. The Town of Stanford limits mass gatherings to 3000 people. There have been times where people have asked if they can turn their properties into wedding venues and so far it had been decided that multiple events for business reasons were not permitted. The surrounding Towns do not have cut and dry answers. Our Town does not have any "wedding venue" or "event venue" code to reference. Ms. Burton said this could be a good project for Nina, but Mr. Angell and Ms. Warren agreed that it usually is beneficial to work it out ourselves first because you get more input from the people working through it. This is not an item in the Comprehensive Plan, but the Commission agreed it should be addressed at some point.

Next Meeting Agenda Items:

Nina Peek

Home Occupations

December Meeting Agenda Items:

NYSERDA

Mr. Gotovich motioned to adjourn the meeting. Mr. Smith seconded. Meeting adjourned at 9:00 PM