

## **Town of Fenner Planning Board Minutes: 10/4/2023**

Present: Monica Cody, Andy Stone, Sue Yanulis, Andre Schokker, Pete Snyder, Judy Carmon

Community Members: Dave Jones, Beth Powell

Andy Stone called meeting to order at 7:30 pm.

### **Discussion of meeting minutes from 8/16/2023:**

Motion to approve the meeting minutes from 8/16/2023 by Andre Schokker, seconded by Pete Snyder. Motion carries.

### **Preliminary discussion of Setbacks and Viewsheds for Cypress Creek Solar Panels**

Last week, Andy Stone, Dave Jones, Hannah Strack, the town attorney (Nadine Bell), EDR reps and the Cypress Creek attorney met to discuss screening/fencing, and panel locations. Andy showed the Planning Board maps and screen schematics proposed by Cypress Creek. The location of the screens (hog panels or chicken wire type fence, 6 foot high) would act as a snow fence and is noted at 25 feet to the center of the road. Pushes and plantings were discussed as noted in the "Common Planting Constraints" document.

The Planning Board was asked to evaluate the proposal and recommend changes. The following list of items was discussed by the planning board as being needed from Cypress Creek to propose appropriate setbacks the ensure safety, preserve viewsheds, and fit the comprehensive plan for the town of Fenner.

1. A winter study of wind speeds and snow drift heights (current and proposed) should be modeled for all roads in the subject area. The results of this study should be reviewed with the Town of Fenner Planning Board and transportation resources (for schools, town, and county) to confirm appropriateness of recommendations and their impact on roadway travel by car, bus, buggy and horse.
2. DOT, Town, and County reports of snowbank cut downs and push backs should be compiled and reviewed for worst case winter loading (1999, 1993, 1998 Labor Day storm, 2013? Tornado, etc.). These cutbacks should be built into the proposed setbacks to ensure town/county will not be liable for damages incurred to fencing, panels, or viewshed screens due to public safety requirements during extreme (or typical, in this case) weather conditions.
3. Review Caz Republican and weather history data for reports of snowstorms and windstorms and confirm that panels can withstand snow loads and wind speeds. Potential damages incurred and a risk assessment of liabilities should be clearly outlined if the panels as designed cannot meet historical weather events. This information will then be built into additional safety factors for setback requirements.
4. Receive testimony from school bus drivers (all impacted school districts) and milk truck drivers for areas of concern with current white out conditions during winter driving, and assess the impact solar "snow blinds" will have on increased snow days due to the inability to keep roads

clear and safe for student, truck, and Amish community transportation. The concern is that the solar panels and screens will exacerbate already difficult travel situations, and to mitigate those concerns with appropriate physical controls and setbacks in the site design.

5. Test proposed plant species for appropriateness of plantings due to varying soil types, planting depths, animal feeding damage, and planting zones on the proposed solar array perimeter. Several species noted in the proposal by Cypress Creek have been planted and do not withstand a single winter. The concern is that the proposed screen designs are not appropriate for the microclimate and terrain of the impacted area, a growing zone that can modulate down to 3a conditions.
6. A study of the environmental impact on surrounding landowners after the clear-cutting of 140 acres of old growth trees should be done, including a reassessment of wind speed impact on neighbor properties currently protected by the existing trees, and impact on windmill productivity. The concern is that removing the large area of trees will modify the existing wind patterns and negatively impact homes, structures, wind erosion on prime farmlands and the existing windmills.
7. A computer model should be generated for typical and extreme weather conditions, including sudden wind direction changes, and the impact on county and town roads due to wind pattern changes. (ie. Additional white out snow locations, noise vibrations from windmills traveling differently over 140 acres of cleared land, displaced wildlife, etc.). This information will be used to build additional safety factors into the setback requirements.
8. Model requested for water flow/runoff impacts on clear-cut 140 acre area and impact on neighboring properties, snow mobile trails, etc. A proposal for corrugated drainage pipes to mitigate issues is requested, or proposal for modification to tree cutting plan that does not alter existing wind and water patterns. This information will be used to build safety factors into the setback requirements to ensure appropriate permanent vegetative buffers are in place to handle additional water and wind loads.
9. Current deer/porcupine/bear/etc. population assessments with mitigation strategies for the displaced animal population's impact on neighboring lands, livestock, and domesticated animals is requested. This information will be used to build safety factors into the setback requirements to minimize impact of animal habitat being pushed onto neighboring properties.
10. Compile the quantity of deer-car accidents and model increases due to displaced deer population once fence is installed. This information will be used to build safety factors into the setback requirements and buffer zone planting density to provide appropriate habitat and food sources to keep animals off roadways.
11. Assessment of economic impact for displaced or relocated snowmobile trails on Cazenovia and Chittenango, and Canastota. Mitigation strategies for increased snowmobile traffic accidents due to road riding is requested. This information will be used to build safety factors into the setback requirements to relocate snowmobile trailways and minimize economic impact on surrounding communities.
12. Routine water sampling requested for monitoring of contamination due to changed ground water flows into Munger Brook, Canaseraga Creek, Canastota Creek, and associated tributaries to ensure current users are not impacted. Note that Munger Brook is a certified trout stream

and EPA should be included in determining sample requirements. This information will be used to build additional safety factors into the setback requirements for appropriate permanent vegetative buffers to capture groundwater during periods of frozen grounds.

13. Viewshed simulations must be provided, as previously committed to. Viewsheds should be modeled both during and after corn harvest and autumn leaf fall. Setbacks must account for viewshed lines. It is not possible to take this into account until the simulations that were previously committed to are made available to the Town of Fenner Planning Board.
14. Model requested of ice throw from windmills with newly installed blades, to confirm panels are outside of the ice throw zone. The concern is that ice throw will break solar panels, releasing possible contamination to the surrounding grounds and waterways/wells during periods of snow melt, or shattering sharps into prime soils that could be re-farmed at a future date. Evidence shows that current ice throw goes beyond the existing windmill setbacks. This information will be used to build additional safety factors into the setback requirements around windmills.
15. Trees used as visual screens must be mature at the time of installation. Waiting 15 to 20 years for an effective visual screen is not acceptable. Trees should also be non-deciduous to ensure winter visual screen.

In the absence of this information, if Cypress Creek is unable or unwilling to provide the appropriate required information to propose acceptable setbacks, the default would be 1000 feet from a dwelling, roadway, or property line to the security fence, and 500 feet from windmills to security fence. In regards to construction within public right-of-ways, all requirements in Chapter 32 of the 2020 Building Code of NYS must be met for public safety, or the above default distances, whichever is greater.

Motion to close by Pete Snyder, second by Andre Schokker at 9:16PM. Motion carried.

Respectfully Submitted,

Monica Cody