



Town of Canaan

Planning Board Regular Meeting Minutes – APPROVED

November 19, 2018

Present: J. Pierre Gontier, Chairman
Chad Lindberg, Deputy
David Birch, Planning Board Member
Jens Braun, Planning Board Member
Mark DeSanctis, Planning Board Member
Marlene Tuczinski, Planning Board Member

Absent: Jeffrey Sotek, Planning Board Member

Others Present: Eli Vanhooser, Wendy Dwyer

I. Call to Order

Chairman J. Pierre Gontier called the Regular Meeting of the Planning Board to order at 7:00 p.m. Chairman Gontier asked all present to stand for a moment of silence for the previous Planning Board Clerk, Tammy Flaherty.

II. Regular Meeting

Love's Travel Stop #611 (70.-1-7)

The Applicant is requesting site plan review to install a proposed addition on their property located at 12845 Route 22.

Eli Vanhooser appeared on behalf of the Applicant, having previously submitted an Authorization to Represent.

Chairman Gontier confirmed that public notice of the meeting had been given. Initially, there were two agenda items; however, one item was removed because of a lack of application. (They will more than likely appear at the next meeting.)

Chairman Gontier said they were going back and forth with Love's about this project, which was intended to designate space for a coin-operated laundry and two additional showers. The project was initially going to fall within the existing footprint of the building; however, the Applicant then decided they needed to make a minor expansion of the building footprint to provide for these changes, and they were advised that they would need to appear before the Planning Board for site plan approval.

An amended site plan review was conducted for the minor adjustment to the main building to accommodate the addition of the coin-operated laundry and the addition of two showers, one being ADA. Eli Vanhooser presented the revised plans to the Board and explained the project which is expected to cost \$300,000-\$400,000. The amended site plan provides for a nine-foot expansion of a wall in the tourist travel information center to allow the Applicant to add two more showers (one being ADA) and a coin-operated guest laundry facility. Mr. Vanhooser

identified the location of the showers and the laundry facility to the Board. There is already one ADA shower in the facility; the project will add a second one. Construction will bump out from the present footprint by 9' 9-1/4". The Applicant reviewed the updated site plan with the Board Members, showing where the proposed changes are located.

Member Braun asked where the plumbing lines are located. Chairman Gontier said the water lines were moved from their original location by the Health Department. Mr. Vanhooser said the Applicant has a testing company which will be onsite and which will monitor the entire project. He then mentioned that should the Board ever see anything that they think should be done at the site, they should notify the company which will be responsive. The company takes a lot of pride in how they interact with the various communities.

Chairman Gontier advised the Board that the original application for site plan review had been reviewed by the Columbia County Planning Board ("CCPB"). Upon receipt of this minor change to the Application, Chairman Gontier contacted the County to find out whether its approval was required, and it was determined that because the change was so minor, additional review by the County was not necessary. The County suggested that Chairman Gontier discuss the matter with the Town Attorney, Andrew Howard, and Attorney Howard advised that since the change was so minor, if the Planning Board determined that there would be little impact, they could then vote not to refer the matter to the County for further review.

Chairman Gontier made a motion that the Planning Board not refer the amended site plan to the CCPB because the impact was minor and didn't change any water course or drainage or any other prior approval by the CCPB and, therefore, the Planning Board could take action on the Application. The motion was seconded by Member Tuczinski, and the vote carried as follows:

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
David Birch	Abstain*
Jens Braun	Aye
Mark DeSanctis	Aye
Jeffrey Sotek	Absent
Marlene Tuczinski	Aye

**Member Birch abstained because he had not been present for the entire discussion.*

Chairman Gontier asked the Board if they had any questions or issues and since no one did, he made a motion to approve the site plan as presented and without any conditions since the impact would be minor. The motion was seconded by Member DeSanctis, and the vote carried as follows:

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
David Birch	Aye
Jens Braun	Aye
Mark DeSanctis	Aye
Jeffrey Sotek	Absent
Marlene Tuczinski	Aye

[Chairman Gontier reminded Mr. Vanhooser that the \$75 Application fee was outstanding; therefore, Mr. Vanhooser ran to an ATM and obtained the fee prior to the end of the meeting.]

Chairman Gontier then stamped and signed multiple copies of the amended site plan.

III. Minutes Review/Approval

Chairman Gontier said there were no minutes from October to be approved as the meeting had been cancelled.

IV. Additional Items:

Commercial Solar Law:

The Town Board met last Monday and the Town Supervisor asked that the Planning Board look at the Commercial Solar Law and amend it to allow for an over-production in the Commercial Zone. The change would only be in the C-Zone and involves remote net metering. The change to the Zoning Law itself would not be that great, and it would also afford the Board the opportunity to address the issue that Member Braun brought up at the last meeting concerning the restriction on construction of solar equipment to 110% of the site, so they would be able to change that as well. Chairman Gontier said he had been unaware that in 2011, the State changed the ruling to allow for net metering which is simply when you have a commercial business that you can have an output of 200K, and there are a couple more restrictions, but if you have any overage of this output, you can have up to 40% of it credited to another property that you own that is within a short distance.

Member Birch asked what the rationale was for limiting production. Chairman Gontier said the law limits production under net metering and is based on federal legislation from the 1970's. There's a breakdown between originally a startup where some people/companies saw an opportunity to make a few bucks and set up solar farms. Member Birch why the Town would object to that. Chairman Gontier said the power companies objected to it. If you're a power company or a provider receiving electricity from a company, they would object because they're paying twice the cost for the electricity generated when they could purchase it from Canada at half or a third of the cost, and that's the reason why they adjusted the amount of money that the local energy producer was producing. In return, it was being passed on to all the subscribers. Member Braun said at the same time, the technology is changing. One acre is producing quite a bit more and the cost has been going down. Chairman Gontier said he sees it continuing to go down, and he expects it is going to go down even further because it's getting more efficient. The remote metering for the Commercial Zone makes sense and he fully supports writing that into the Town Code.

Member Braun asked if the Code has changed to allow the guy who put solar panels on a storage unit and then sold the electricity to a school in Averill Park. Chairman Gontier said he's in trouble. If he had another business under the same code in another location, he could do it, but it has to be in the same geographical location. Member Braun said that's a local requirement; Member Birch asked if that's a state requirement and Chairman Gontier confirmed it is.

Chairman Gontier said remote net metering was approved by NYS in June, 2011. The State approved remote net metering for renewable energy systems to allow electricity generated to be distributed among multiple utility accounts. Utilities must now allow farm and other customers the ability to apply excess net metering credits earned to other accounts they own. The renewal energy account is called the host account and must be a commercial or a farm account. Where the commercial business is located has the solar panels on it, and this is the only time you can apply those credits to residential property. In addition, all the accounts must be in the same name of the same service utility and located reasonably close to each other. Chairman Gontier said the State can set limits and the State preempts local law.

Member Braun asked if they don't have some other business to distribute that electricity, are they not allowed to do that? Deputy Lindberg said he doesn't think commercial business should limit that. The Town doesn't allow solar farms. Chairman Gontier said this is for solar panels that are mounted on a structure and has nothing to do with ground installation. The statute is located in the State Public Service Law, dated June 1, 2011. The State can set limits and their law preempts local law.

Chairman Gontier said remote net metering must meet the standard of the Public Service Law and will change automatically with it. He finds it very discouraging how the State has changed as far as interacting on issues like this - if it wasn't for the research he did, with the application coming before them next month, and the Supervisor requesting the Planning Board review this. Chairman Gontier asked if everybody is in favor of allowing remote net metering. You can't really restrict it to the rooftops. You can do it on the side of the building. The condition is it has to be attached to the structure.

Chairman Gontier made a motion that the Planning Board recommend supporting the revision to the Solar Law affixing the net metering to the rooftops. He also asked if the Board would accept changing the Solar Law to allow construction of solar equipment be restricted to 110% of the residential. The limit they can install is 200K. Chairman Gontier feels they should allow the State requirement of 200K as opposed to 180% of use. The Zoning Law as it stands now restricts it to the lesser of the output for 12 months of use. Chairman Gontier supports removing the restriction on the commercial above 110% and he also supports net metering. After discussion amongst the Board members, it was decided they would recommend limiting the number to that provided by the State who has the power to regulate. The Board doesn't have any interest in overriding the State requirement.

Deputy Lindberg made a motion to allow a change to the Town Solar Law to the allowable limit provided under existing NYS law. Member Braun seconded the motion, and the vote carried as follows:

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
David Birch	Aye
Jens Braun	Aye
Mark DeSanctis	Aye
Jeffrey Sotek	Absent
Marlene Tuczinski	Aye

V. Other Business:

Chairman Gontier asked if the Board is agreeable to having this Clerk distribute meeting minutes and the agenda via email in advance of each meeting, and everyone agreed. Member DeSanctis said it would help if the Board members received the documents a few days before the meeting so they would have time to review them. Chairman Gontier said anything that is coming has to be sent to the people 11 days before the meeting.

Member Birch made a motion to adjourn the meeting at 8:10 p.m., which motion was seconded by Member Tuczinski. The motion carried as follows:

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
David Birch	Aye
Jens Braun	Aye
Mark DeSanctis	Aye
Jeffrey Sotek	Absent
Marlene Tuczinski	Aye

Respectfully submitted,

Donna M. Gedeon

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Planning Board Clerk