

DRAFT
Pittsford Planning Commission Meeting
August 24, 2023

Board Members Present: Kevin Blow, Rick Conway, Derek Blow, Chuck Charbonneau, Donna Wilson, Mike Norris, Robb Spensely

Others Present: Jeff Biasuzzi, Mark Winslow

1. Meeting - Call to order

The meeting was called to order at 7:00PM by Kevin Blow – Chair.

2. Approval of Meeting Agenda

A motion was made by Robb Spensely and seconded by Donna Wilson to approve the agenda. **The motion passed unanimously.**

3. Approval of Minutes

. June 15, 2023

A motion was made by Rick Conway and seconded by Chuck Charbonneau to approve the June 15, 2023 Planning Commission Special Meeting minutes. **The motion passed unanimously.**

4. Public Comment

There were no public comments.

5. Old Business

Kevin Blow asked Mark Winslow to provide an update on the Select Board's decision to open the Town Plan. Mark Winslow reported the Select Board asked Dave Atherton, Town Manager, to determine if the Energy Plan could be a separate document. The Select Board had been working on expanded verbiage. Devon Neary of the RRPC has indicated there needs to be a full energy plan and provided information to the Select Board that included a Municipal Plan document and Energy Planning Standards for Municipal Plans. At that point, this item was tabled until the documents can be reviewed. Mr. Winslow noted his interpretation in reviewing the energy standards is that it is forcing the Town to take action that he does not agree with in order to be allowed substantial deference for solar or wind. There are a lot of regulations to impose on citizens and there has been previous debate about this subject. Submitting a municipal plan is entirely voluntary, but if a town does not do it, substantial deference cannot be obtained or compliance with the State's energy goals. Substantial deference would provide the Town with more say in the PUC's approval process for solar projects if there is a project the Town does not agree with. Mr. Winslow reviewed a sample of the requirements that include the Town reducing its greenhouse gas emissions by 26% before 2025, having 25% in-state renewable supply by 2025, and reducing fossil fuel consumption across all buildings by 10%. The plan would require a shift to purchasing electric municipal vehicles, requires a commitment to reduce sprawl and an evaluation of forest blocks or habitat connectors. Mr. Winslow noted these are some items outlined and that is why there was an issue with developing a plan before. Mr. Winslow suggested this should not be considered until the Planning Commission updates the Town Plan. It was the consensus of the previous Planning Commission that an enhanced energy plan is over the top and would tie the Town's hands in a lot of areas. Mr. Winslow noted that at this point, the Select Board is reviewing the documents. It is not something the Town is required to have, but the Town will not meet the criteria under Act 174.

Rick Conway reported Butch Shaw had indicated that this had to be done. Mr. Conway noted the RRPC had done mapping for solar. The Pittsford Planning Commission then produced an energy guidance form that is provided to potential contractors since the RRPC already had an energy plan in effect and it was thought that duplication was not needed since the RRPC already had standing. The Town Plan would need to be opened up and receive approval from the RRPC and it is thought the Town's upland conservation would satisfy some of the criteria. Mr. Winslow stated the Select Board just received the information and were advised by Devon Neary of the RRPC that a solar plan could not be developed without an energy plan in place, but there are many things that are required.

Mike Norris asked what happens if the Town does not have an energy plan and does not comply. Mr. Winslow stated the Town could have verbiage but will not have substantial deference with the PUC. It was noted if this is tabled too long, there will be no recourse for any proposed projects. Mr. Winslow advised that the Select Board will be discussing this topic and the comments of this meeting are his personal comments. He noted the Town could have a stand-alone language without opening the Town Plan but it would not do any good. Mr. Conway noted concern with the new legislation with regard to the validity of the Town's zoning as of 2024 with the new zoning allowing up to five dwellings on one-acre of land. He also noted the Town Plan would need to be opened up and that language changed. These changes will need to be put into zoning. Mr. Conway noted that the Planning Commission was originally working on adopting subdivision regulations and he was going to have a discussion with the Select Board. If zoning regulations need to be readopted, they cannot be in conflict with the town plan. Mr. Winslow advised the Select Board is in the midst of going through this information from multiple sources and there is nothing the Planning Commission needs to do at this time. The Select Board will be working on this item and will come back to the Planning Commission. Mr. Winslow noted that the Select Board is trying to work through this issue for the best results for the citizens of Pittsford. Mr. Conway suggested legal assistance will be needed if the Town Plan has to be opened on the premise the State has changed the housing regulations. Jeff Biasuzzi reported there are only two towns in the area, Hubbardton and Brandon, who have enhanced solar energy policies that allows them substantial deference. There has been a level of activity for the 2.3 megawatt and lower projects, and a few projects that have been opposed have nothing to do with an enhanced energy policy. The Brandon enhanced energy policy has not been tested to this point. When solar developers call the Town, he explains the Town is solar-friendly and the Town reserves the option of being active in participating or reviewing commercial scale projects. It appears the Town does not have the appetite, nor is there likely the demand for an enhanced solar plan but agreed with what Mr. Norris has provided. Mike Norris stated there is the idea that something is going to be put into print that will have a direct effect, but at this time it is not working that way and suggested the Planning Commission should stop looking to create something that will be guaranteed, as regulations are not on solid ground. Rick Conway noted he does not like regulations that developers have to fight in court.

6. New Business

Jeff Biasuzzi reported the Town has until February 2026 to update the Town Plan but would require the plan to be completed for the renewal process by December 2025. The readoption of a town plan is usually a 2-year process and Act 47 changed this. There are multiple deadlines and some came into effect July 1, 2023. with the housing laws coming into effect July 1, 2024. It is being determined whether state law overrides current local regulations. Mr. Biasuzzi noted with Pittsford's zoning, a lot of the current state law is not applicable. One of the requirements is adequate sewer and water, but Pittsford does not have much sewer and water outside the village district. Rick Conway stated there is legislation outlining affordable housing. Mr. Biasuzzi advised that Pittsford has some rules that complicate the issue. Mr. Conway asked what this would do to set back requirements as the intent was to avoid the overcrowding of land and this is all being removed. It was noted that the federal government is addressing affordable housing where there is town water and sewer. Mr. Biasuzzi provided an example of issues of setbacks and heights from another town for the Planning Commission's information and noted that conditional use rules still apply. Mr. Biasuzzi stated the law was passed at the end of the legislative session but did not indicate if towns have to update the zoning regulations before applying the law. Mark Winslow stated much of the Town Plan was previously gone through in depth and encouraged the Planning Commission to review the Town Plan and choose the areas they would like to update. Mr. Biasuzzi stated wastewater is completely different from the town plans. Donna Wilson asked if the Town's infrastructure would be able to achieve what the legislation requires. Mr. Biasuzzi advised the Town has plenty of capacity for water and wastewater. Chuck Charbonneau noted the Sewer Department is in a deficit and expressed concern with increasing the wastewater capacity. Mr. Biasuzzi provided information on two prime sites for additional

housing and noted long-term planning is needed for developing an infrastructure plan for future housing. Mr. Conway noted after relining the sewer on Plains Road, it is still not working and it seems there are more obstacles. Mr. Biasuzzi also asked what the Planning Commission wants to do about subdivisions. Mr. Conway suggested the Planning Commission members read the Town Plan for a discussion at a subsequent meeting. Mr. Biasuzzi suggested the Planning Commission ask the Town Manager to apply for a planning grant to assist with this process.

Jeff Biasuzzi noted that the budget season for the Town is December and is when he requests funding for education and legal expenses.

A motion was made by Mike Norris and seconded by Rick Conway to authorize Robb Spensely to have a discussion with the Town Manager regarding planning grants, and to speak with Alicia Malay of the Pittsford Select Board concerning the reinstatement of legal expense funds to the Planning Commission's budget. **The motion passed unanimously.**

Jeff Biasuzzi reported with regard to Boondock, Act 250 is going to have a hearing on this application sometime this year. Mr. Biasuzzi provided a historical outline of Boondock's zoning violations.

Chuck Charbonneau reported the bridge project has gone out to bid.

Kevin Blow advised that as of October, he will be stepping down as Chair of the Planning Commission for personal reasons but will remain on the Commission.

7. Next Meeting

September 28, 2023, 7:00PM at the Pittsford Town Office

9. Adjournment

A motion was made by Mike Norris and seconded by Derek Blow to adjourn the meeting at 8:19PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

The Pittsford Planning Commission