

**Town of Canton
Regular Board Meeting
Wednesday, June 14, 2023
In Person and Video Conferencing
Minutes**

Present:

Mary Ann Ashley	----	Town Supervisor
Jim Smith	----	Council Member
John Taillon	----	Council Member
Bob Santamoor	----	Council Member
Randy Brown	----	Council Member

Also Present: Town Clerk Heidi L. Smith, Assessor Cindy Brand, Code Officer Michael McQuade, Highway Superintendent Steven Smith, Historian Linda Casserly, Confidential Secretary/Bookkeeper Shelby Bacon (zoom),

Absent: Recreation Director Meghan Richardson, Economic Developer Leigh Rodriguez

Public/Zoom Attendance: Jeffrey Beri, Margaret Mauch, Leslie Clark, Cathy Strady, Ethan Townsend, Tracy Sheesley, Carol Sheesley, Michael Heaney, Debra Bridges, Ryan Hayes, Monica Ryan, River St. (zoom) Paul Mitchell North Country This Week, Tom Graser Watertown Daily Times, Solar Attorney Bill Buchan (zoom), John Casserly (zoom) Jonathan Geldard-EDF (zoom), Laura Darling (zoom), Ryan Peters (zoom), Jack Honor-EDF (zoom),

Public Hearing #1 – NOTICE IS HEREBY GIVEN that the Town Board of the Town of Canton will hold a Public Hearing before its regular Board Meeting on June 14, 2023, at 5:15 PM, at the Town Hall for the purpose of considering a local law regulating all Anaerobic Digester development in the Town of Canton, County of St. Lawrence, and State of New York.

Supervisor Mary Ann Ashley called the public hearing to order at 5:15 PM.

Eric Gustafson explained that the Anaerobic Digester Local Law was designed to regulate Anaerobic Digester in the Town of Canton. The Local Law contemplates a simplified procedure for smaller digesters that are used for processing on farm waste to generate electricity primarily for on farm consumption. Not completely but primarily for on farm consumption. It also contemplates a more rigorous process for large digesters. The Town would consider a farm aggregating waste from a variety of sources, turning it into biogas, then processing that biogas into a product that can be delivered to a commercial gas pipeline. Eric believes this is an opportunity for the Town to develop these processes and the local law is based on models used for wind and solar development.

Eric added that comments have been received from Liberty Utilities (local gas supplier), the County Planning Department, and CWL Alexander (potential developer).

Supervisor Ashley opened the public hearing for public comment.

No public comment.

Council Member Jim Smith recommended extending the moratorium through August 31st to incorporate comments into the Local Law.

Council Member Bob Santamoor agrees with Jim Smith's recommendation.

Supervisor Ashley closed the public hearing at 5:24 PM.

Public Hearing #2 – NOTICE IS HEREBY GIVEN that the Town board of the Town of Canton will hold a Public Hearing before its regular Board Meeting on June 14, 2023, at 5:25 PM for the purpose of extending the Moratorium in all Anaerobic Digester development in the Town of Canton, County of St. Lawrence, and State of New York.

Supervisor Ashley call the public hearing to order at 5:24 PM.

No Public Comment.

The recommendation is to extend the moratorium to August 31st.

Supervisor Ashley closed the public hearing at 5:26 PM.

Public Hearing #3 – NOTICE IS HEREBY GIVEN by the Town Board of the Town of Canton, that pursuant to the provisions of the Town Law of the State of New York, a public hearing will be held at 5:30 PM on the 14th day of June 2023 to consider the adoption of a local law entitled Local Law Amending the Town Zoning Law and Other Land Use Laws. This proposed Local Zoning Law would repeal and replace the existing Zoning Law and Zoning Map of Chapter 70 of the Town of Canton Code.

Supervisor Ashley called the public hearing to order at 5:30 PM

Supervisor Ashley received three written submissions that were given to the Town Clerk for the record.

Public Comment:

Tracy Sheesley – 90 Judson St

Tracy asked, "will the zoning law changes affect the already approved solar project?"

Supervisor Ashley commented that she does not believe so.

Eric Gustafson commented that there is a concept in New York law called grandfathering. Already approved projects would not be affected by changes in the law.

Tony Yvonne – Senior Vice President of Development for SolAmerica Energy (zoom)
Tony's concern is that the proposed changes will affect the solar projects. The position of SolAmerica is that since they obtained all the required approvals and move forward in those approvals and that those projects be substantially prejudiced by an effort to stop our projects and that they acquire the right to continue to build and then operate those projects. So, there is no misunderstanding Tony asked the board to clarify that the proposed amendments are prospective, only applicable to those projects which have not received approval as of the effective date of the amendments.

Supervisor Mary Ann Ashley stated they are grandfathered in.

Jonathan Geldard -EDF Renewables based out of Rochester, NY (zoom)
Jonathan commented on the Rich Road Solar Project and that they have been working with the Town on site design for a road layout as well as visual screen mitigation with the existing solar law. EDF has developed the application for 94-c that has been submitted to the State and is currently under review. The State will not deem us grandfathered into the respective zoning application, or which ones would apply to the law until we are deemed complete, which is not forecasted until fall of this year. EDF's concern is that without written clarification of how the new zoning law would apply to projects not under review currently by the State in a formal, permanent process. This could reset the efforts in progress and potentially restart the conversations to comply with the new zoning law. Written comments have been submitted. Jonathan asked that those comments be reviewed. Laura Darlings, Youth Summer Counsel for the project submitted the comments. Comments have been entered into the record.
See attached written comment.

Margaret Mauch – 32 Janes Rd, Canton
Margaret asked the board to consider a proposal and reasons of delay in regard to kennels, rescues, shelters, and animal hospitals. On December 15, 2022, the New York State passed a law that regulates kennels, shelters, and rescues. Margaret believes it would be advantageous to learn what these new laws are and to incorporate them into the proposed code. Margaret stated that the definitive language in the Canton Draft Code is confusing and needs to be clarified. Margaret stated there may also be conditions that the town would want to address that are not part of the new State regulations that would be unique to the Town of Canton. Kennels, rescues, shelters must be in compliance by December 15, 2025. Margaret asked: Doesn't it make sense to align Town Code Laws with State regulations? In consideration of the lack of clarification and the New York State Shelter Regulations Chapter 683. Margaret is requesting that the Canton Town Board initiate a moratorium on a draft code until substantive language regarding kennels, rescues, shelters, animal hospitals, etc. can be incorporated into the new law that better protects the Town or delay voting on the proposed code until the next board meeting, in order to review the new State law applicable to this section or if the code is passed to include an exception, to not put into force that section of the code until language is examined and determined to be in compliance with the State standards. The email was sent to Supervisor Ashley, the email was

submitted for the record.

See attached email.

Leslie Clark – 411 Meade Rd, Canton

Leslie seconded the proposal from Margaret Mauch.

Supervisor Ashley received a written comment from Ruta Ozols who was unable to be at the meeting due to other commitments. In the comments submitted Ruta urges the Canton Town Board to seriously consider tabling the kennel portion of the proposed zoning code until the Ag & Markets law takes effect. Supervisor Ashley read Ruta's comments out loud. The comments were submitted for the record.

See attached written comment.

Debra Bridges – 6232 CR 27, Canton, and Co-owner of Maple Ridges Kennels

Debra addressed the concerns that have recently been raised and clarify the current plans. Styles and Debra are owners and Jeffrey Beri is operator of Maple Ridge Kennels (MRK). They will be submitting a Site Plan Review application for adding permitted uses only. Previous applications have been withdrawn. MRK currently operates as a kennel, providing boarding & breeding and animal day care services. MRK is requesting to add the permitted uses of Vet Clinic and animal shelter. No additional buildings or increase in current capacity is being requested. There is no Special Use Permit requested. Debra also went over the capacity, transportation, disease, waste, traffic, and sound concerns that have been raised. There has been improvement going on over the last couple of months. Such as additional staffing, sound barring fencing enhancements to fencing that existed prior and recently every space has been individually enclosed along with an exercise area. Debra hopes that based on this additional information and clarification that any future discussions is limited to the only question, that will be coming to the planning board, that is expanding the allowed uses for Vet Clinic and Animal Shelter.

Supervisor Ashley closed the public hearing at 5:57 PM.

A. Call Meeting to Order/Welcome

Supervisor Mary Ann Ashley called the regular meeting to order at 6:00 PM.

B. Public Comment

Ethan Thompson, Old Rte. 11, Canton

Ethan commented regarding the codification of Complete Streets. Ethan was disappointed that there was no further discussion or continued on the agenda. Ethan commented that the idea of Complete Streets really exists beyond the Village, and it is important beyond the Village. It's not just about riding bikes comfortably around a tight nit community. It's about riding bikes and recreating and using the roads that we all use and pay for throughout the Town. Ethan believes that this is something that needs to be considered.

Cathy Shrady – Canton Sustainability Chair – Rensselaer Falls

Cathy commented as the Canton Sustainability Chair. Cathy wanted the board to know that if there are any questions or concerns in regard to the sustainability committee the committee is happy to address them if made aware.

Supervisor Ashley stated for the record that any board member can add an item to the agenda and share the reason why.

Toby Iven, Irishsettlement Rd, Canton

Toby commented as the Chair of the Complete Streets Task Force. Toby commented on the positive things about the community. Toby stated he has the upmost respect for the Town Highway Superintendent and believes he is doing an excellent job with the resources under his supervision. Toby stated that Complete Streets is trying to foster a better discussion between the Highway Superintendent and the Town. The Highway Superintendent cannot do anything unless he has money. The board helps make the decision by controlling the purse. Toby added that the Complete Streets Task Force is composed of people from the Town and Village who are actively engaged in trying to do better for the Town roads from a safety perspective and trying to present a uniform approach to the many difficult road conditions. Toby asked the town board to work with the Complete Streets Task Force and have communication. Toby suggested that two board members be assigned to meet with the task force to have a discussion on the draft law. There are a number of issues that need to be addressed such as the Thompson Court Plan. It is expected that the Task Force be actively engaged in helping. There are new problems in Town such as electronic bikes and there needs to more visibility of both State and Sheriff police presence.

Michael Heaney, Potter Rd, Canton

Michael has concerns with bringing homeless dogs into Canton when Canton has their own homeless dogs. Michael has concerns with No Dogs Left Behind coming to Canton with no permits, the noise, the feces, and property values. Michael feels that No Dogs Left Behind is a bad fit for Canton.

C. County Legislator Representative(s)Update(s)

None

D. Approval of Minutes

Clerk Smith asked that the special meeting minutes from 5/2/2023 be tabled due to an error.

A motion was made by Council Member John Taillon and seconded by Council Member Bob Santamoor to approve the Joint Meeting 3/23/2023, Joint Meeting 5/4/2023, and Regular Meeting 5/10/2023 minutes.

All in favor. Motion carried.

E. Correspondence

#1-Excellus Health Insurance Letter-Proposed requested premium rate change of an increase of 9.7%. Excellus requests the change to the NYS Department of Financial Services. Supervisor Ashley will be writing a letter opposing the increase.

See attached.

#2-Angelina Black-SLC Health Initiative Action Program Coordinator-Inquiring if the Town wants to do a joint sun protection policy with the village.

Supervisor Ashley asked the board if they are interested in doing a joint sun protection policy with the Village. Ashley stated there is funding available to get supplies for the departments. The policy is to help prevent cancer.

The board agreed to put this item on the joint meeting agenda for further discussion.

#3-FISU World University Games-Thank you card/picture.

#4-FEMA Determination Memo-In January 2021 we submitted a \$7,509.45 reimbursement request for COVID expenses. (Personal Safety supplies; envelopes, webcam, zoom costs, laptops) After several emails and calls to and from Martin Hassett; after several letters required justifying the expenditures, they have denied \$4,714.35 worth of requests and we will be getting \$2,795.10 We can appeal the determination. Having said that-we have spent way more than \$7,509.45 of staff time.

The board agreed not to appeal this.

F. Town Financial Reports

Angela Gray, Gray & Gray gave a Town finances report year to date. The board was given the financial report prior to the meeting.

Angela drew attention to the general fund, page one in the financial report line A-1042 (Justice revenues). Year to date the Town has collected \$21,000. This line item was discussed during budget time and using this number to support the corporations but also bring the budget to balance. Angela pointed out that last year at this time \$42,850 was collected. This is a significant variance year over year.

Supervisor Ashley added that a refund check was sent to SolAmerica for the Judson Street Solar Project in the amount of \$51,509.40.

Angela Gray gave the Town Clerk's finances report for the month of May. The Town

Clerk's report was given to Clerk Smith and the board prior to the meeting. Angela stated everything is balanced.

G. Audit Committee

"A" General Fund	----	\$34,244.00
"B" Town Outside Fund	----	\$3,506.35
"DA" Townwide Highway	----	\$10,851.52
"DB" Town Highway	----	\$12,326.06
"SF" Special Fire	----	\$58,650.00
"SL" Special Lighting	----	\$271.47
"T&A" Trust & Agency	----	\$25,204.21

A motion was made by Council Member Bob Santamoor and seconded by Council Member Randy Brown to approve the June expenditures.

All in favor. Motion carried.

H. Acceptance of Department Reports

Town Clerk

Clerk Smith reported that May was a very busy month. Smith added that she is done collecting Town and County taxes and is waiting to close out with the County Treasurers Office.

Historian

Historian Casserly reported that Frank Whites 105th birthday party was a success that was held at the historian's office. Casserly also stated she is having difficulty with the new one drive and submitting her monthly report on time. Casserly stated the historian's office is busy.

Code Enforcement Officer

Code Office McQuade reported he issued 20 new building permits, one new residential new construction, one building permit for Judson St. Solar, and four work without permits. McQuade attended the St. Lawrence County Fair Housing Task Force Quarterly Meeting and attended the St. Lawrence County IDA public hearing on the Pilot Agreements for three of the seven solar developments in the Town. McQuade also assisted the Assessor and Town Clerk on three FOIL requests.

Assessor

Assessor Brand thanked Historian Casserly for putting on Frank White's 105th birthday party. Brand reported that the corrections were handed into the County. The Final Assessment Roll will be run soon. The equalization rate has dropped to 74.

Highway Superintendent

Highway Superintendent reported they are getting ready for paving. The CAT Loader did

sell for \$70,000 on the online auction and was picked up. Smith submitted the first CHIPS reimbursement for 2023 and should expect to see \$281,157.58 by June 29th. That leaves \$240,902.67 left for reimbursement this year, which should be eligible for the next round.

Smith also reported the Michal's has moved out of 12 Stiles Ave.

Recreation

Recreation Director Richardson was unable to attend the meeting. Richardson submitted updates to the Supervisor prior to the meeting. Supervisor Ashley forwarded the updates to the board members.

A motion was made by Council Member John Taillon and seconded by Supervisor Mary Ann Ashley to accept department reports as presented.

All in favor. Motion carried.

I. Committee Reports

Communication & Technology Committee

John reported that the committee has started filling out the questionnaire for the new website that needs to be completed prior to the kickoff meeting. The regular committee meeting is scheduled for June 28th. Clerk Smith added that the committee is also working on finding a solution for the acoustic in the court room for the board meetings.

Insurance Committee

Mary Ann reported that the committee met with CSEA union, there was a presentation to look at the different plans. The union is not interested in changing insurance at this time.

Complete Streets

Mary Ann attended the Complete Streets Committee meeting in the absence of Randy Brown.

J. Old Business

1. Housing Fund

Supervisor Ashley reported that since 2013 the Town has been sitting on \$46,937.89. There are no records except that the Town has received this money. Supervisor Ashley recommends that the money be utilized in funding the Miner Street Project.

Council Member Santamoor stated that it is his understanding this is CBDG money. Santamoor believes that using the money for the Miner Street Project is a good use of the money but is concerned because CBDG money is supposed to be used for moderate to low-income individuals. Santamoor realizes that know one is exactly sure where the money came from, but it is his understanding that it did come from CBDG.

Supervisor Ashley argued against that this money has been sitting for the six years that

she has been in office and no one has come asking for this money.

Santamoor asked that this be tabled to find out more information and make sure the Town is spending the money the way it should be.

Attorney Gustafson stated that it does make him nervous to spend the money not knowing what the appropriate requirements are.

2. American Rescue Plan Report

Supervisor Ashley stated with the help of Angela the report was submitted to the Federal Government. The Town has heard nothing back about the expenditure. The Town received \$434,665.36 with a remaining balance of \$17,822.12.

3. EcoAdapt Workshop-Climate Change Impact/Climate Adaptation

Supervisor Ashley stated that she and Mike McQuade attended this three-day workshop. Supervisor Ashley supplied the board and department heads with a worksheet of the data in years to come.

K. New Business

1. SEQRA Part 3 Zoning Update

Monica Ryan stated that the part 3 of the SEQRA review is the determination of significance. The determination of significance is the narrative that goes along with the determination of part two. Approving that there is no negative impact of the environment. The last step would be to contact the DEC through their environmental notice bulletin that the Town conducted SEQRA and issued a negative declaration.

A motion was made by Council Member Bob Santamoor and seconded by Council Member Jim Smith accepting SEQRA-Adopting Negative Declaration and Determination of Significance in Relation to a Local Law Amending Chapter 70 Zoning of the Town Code Resolution.
All in favor. Motion carried.

See attached Resolution.

2. Proposed Zoning Update Law

Council Member Jim Smith asked if Solar Attorney Bill Buchan can comment on the Solar concerns that were brought up and if Monica Ryan can address the other concerns.

Monica Ryan responded to the Solar concern that there is language in the code if someone who already has a building permit can move forward. There is an option to add additional language that any project that has a site plan approval can also move forward. Monica stated this is currently not in the code, but it can be added.

Monica is not familiar with the new kennel laws that were just adopted. It sounds like they do not go into effect until 2025. Monica asked that someone forward the law to review.

Monica stated that if there is anything in the code that is less restrictive than State Law, State Law applies. If your law is stricter than the State Laws, then you follow the Town Laws.

Supervisor Ashley will forward the kennel law to the board, Eric, and Monica for review.

Bill suggested that this be tabled to discuss the written concerns that were submitted to be addressed formally, specifically with EDF.

Monica added that there needs to be a Public Hearing to amend Chapter 9.

A motion was made by Council Member John Taillon and seconded by Council Member Bob Santamoor to table this item.

All in favor. Motion carried.

3. Extension of Moratorium on Anaerobic Law

A motion was made by Council Member Jim Smith and seconded by Council Member Bob Santamoor to extend the Moratorium on the Anaerobic Digester Law.

All in favor. Motion carried.

4. Proposed Anaerobic Law

Taken off the agenda because a motion was made to extend the moratorium.

5. Pilot Consent Resolution Grasse River Solar, LLC

A motion was made by Council Member John Taillon and seconded by Council Member Bob Santamoor to pass Pilot Consent Resolution Grasse River Solar, LLC.

Roll Call Vote:

Jim Smith	----	Aye
Bob Santamoor	----	Aye
Mary Ann Ashley	----	Aye
John Taillon	----	Aye
Randy Brown	----	Aye

All in favor. Motion carried.

See attached Resolution.

6. Miner Street Road Project Bids (C1001636-Miner Street Trail Connector Grant)
Council Member Smith stated that there were two bidders for the Miner Street Project, one from Sheehan Construction for \$358,700.00 and one from T.J. Fiacco Construction for \$385,700.00 . It is the recommendation to go with Sheehan Construction. Not only did they come in at a lower bid, but they also have a prevision clause to waive out the bonded.

A motion was made by Council Member Jim Smith and seconded by Council Member John Taillon to contract with Sheehan Contracting for the Miner Street Project.
All in favor. Motion carried.

7. Sustainability Committee

Council Member Bob Santamoor asked that this be put on the agenda. After hearing Cathy during public comment Bob asked that this be tabled. Bob will follow up with Cathy.

8. Town Clerk's Annual Board Review

Council Member Randy Brown and Council Member Jim Smith performed the annual review for the Town Clerk and Tax Collector. Council Member Jim Smith stated that Clerk Smith did a good job at presenting the information asked for in review. Based on the questions asked, and the information provided everything appears to be in order.

9. Court Security Village of Norwood MOU and Hourly Rate Increase

Supervisor Ashley thanked Eric for all the work in creating an MOU. The MOU is in Norwood and the board is waiting to hear back from Norwood. Another request that was made is for an increase of hourly rate.

A motion was made by Council Member John Taillon and seconded by Council Member Bob Santamoor to increase the hourly rate from \$21.53 to \$24.00 an hour.
All in favor. Motion carried.

10. 2024 Budget Calendar

Supervisor Ashley gave a budget calendar to the board members and department heads. Department packets were handed out.

L. Public Comment

None

Executive Session: Upon a majority vote upon a motion that identifies the subject to be considered, the Council may conduct an executive session to discuss and of the issues identified as proper by Public Officer Law 105(1)

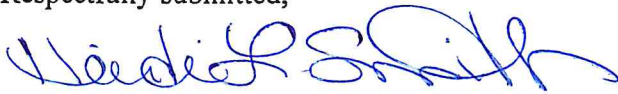
A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Bob

Santamoor to go into executive session for the purposes of [F] matters pertaining to employment history of a particular person and [D] discussions regarding proposed litigation.
All in favor. Motion carried.

A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Bob Santamoor to come out of executive session at 8:27 PM.
All in favor. Motion carried.

A motion was made by Council Member Bob Santamoor and seconded by Council Member John Taillon to adjourn the regular meeting at 8:27 PM.
All in favor. Motion carried.

Respectfully submitted,



Heidi L. Smith
Town Clerk

Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

Writer's Telephone: 249
ldarling@youngsommer.com

June 14, 2023

Town Board
Town of Canton
60 Main Street
Canton, NY 13617

***RE: Proposed Rezoning and Changes to Town of Canton Local Law to
regulate Solar Energy Facilities***

Dear Town Board Members,

As you know, the EDF Renewables Development, Inc. ("EDF Renewables") team has been engaging for many years in good faith with the Town of Canton regarding the Rich Road Solar Energy Center ("RRSEC"), a 240 megawatt ("MW") solar electric generating facility with energy storage ("Rich Road Facility") proposed in the Town of Canton ("Town"). Over the past year in particular, the RRSEC team has met several times with representatives from the Town to discuss the Town's Current Solar Law (Local Law Number 3 of 2019) and Current Battery Energy Storage System Law (Local Law Number 1 of 2021) and their applicability to RRSEC, as well as potential provisions of these laws from which RRSEC may need to seek relief. Relying on these discussions, EDF Renewables' subsidiary, Rich Road Solar Energy Center, LLC submitted its Application to the Office of Renewable Energy Siting ("ORES") on March 31, 2023.

However, RRSEC only recently learned that the Town was undertaking a rezoning effort, repealing the Solar and BESS Laws upon which RRSEC relied, and codifying substantively revised versions of these laws in the Town Zoning Code (collectively "Zoning Amendments")—the subject of the public hearing being held tonight. We were surprised and concerned because these changes were not raised in the years-long discussions the RRSEC has had with the Town, and because these changes, if applied to the RRSEC project, appear to prohibit solar in approximately one third of the RRSEC project area, and impose other substantive requirements that would necessitate either substantial changes to the project or else significant additional waivers from ORES of the Town's laws.

It is unclear from the text of the proposed law whether the Town intends the Zoning Amendments to apply to RRSEC. In informal discussions our team has had with the Town, it was

suggested that the Town did not intend these changes to apply to RRSEC, which has already applied for a Section 94-c Permit from ORES, however the text of the enactment does not make that clear, and the structure of the ORES regulations will exacerbate this lack of clarity later in the Section 94-c permitting process. For that reason, we respectfully request that, if the Town decides to adopt these changes, the Town Board include language in its enactment making it clear that these changes apply prospectively to projects which apply for permits in the future, and not to projects which have pending applications before the Town or ORES.

Aside from this procedural point, there are substantive changes made in Zoning Amendments which would significantly harm RRSEC if applied to the Rich Road Facility at this late stage. In particular, the proposal rezones numerous project parcels along Route 11, Old Route 11, and the Route 68 end of the Irish Settlement and Old Dekalb Roads from Rural zoning (R) to either Residential Agriculture (RA) or Mixed Use (MU). Under the Current Solar Law, Canton allows large-scale solar projects such as RRSEC in the R and Commercial (C) zones. All of the RRSEC project is proposed in the existing R and C zones, where it is presently a permitted use. However, the proposed Zoning Amendments will prohibit large-scale solar in the C zone (where it is currently permitted), as well as the newly created RA and MU zones. As a result, several of the RRSEC solar arrays (Arrays C, H and I, and portions of Array G located within the C zone), as well as the Facility's substations¹ would appear to no longer be permitted uses under the Zoning Amendments (see attached Figures 3-1 and 3-5 from the RRSEC Section 94-c Application). It is unclear why these parcels are being rezoned, whether the landowners are aware of the proposed changes or how they may affect the landowners' rights to lease land for solar development. Moreover, the proposed legislation does not include an explanation of why the Town is reducing the zones where large-scale solar uses are permitted, and whether that change is consistent with the Town's comprehensive plan.

Of particular concern beyond the use prohibitions are the Zoning Amendment's changes related to wetlands and agricultural soils. The Current Solar Law does a good job of steering development to minimize impacts to these resources, without imposing arbitrary caps or prohibitions which may be unworkable for many projects, depending on other resource constraints or on-site conditions. We question the utility of some of the changes proposed in the Zoning Amendments, particularly where they impose new restrictions which are wholly inconsistent with what New York State or federal agencies recommend or require, and where they create new and unnecessary barriers to solar development in a Town which has encouraged well-sited renewable energy to date.

The addition of a wholesale prohibition on siting solar in state or federal wetlands (Section 70-72(E)(3)(h)(4)), for example, is inconsistent with both state and federal regulatory approaches to this topic. In general, the Town does not have jurisdiction over freshwater wetlands, which fall under the jurisdiction of U.S. Army Corps of Engineers (USACE) and/or the State, either through ORES or the New York State Department of Environmental Conservation (NYSDEC). At the

¹ The Facility's Battery Energy Storage System (BESS), which would be considered a Tier 2 BESS under the Town Code, appears to be allowed in the new RA zone where it is proposed if the Town considers a BESS component of a Solar Facility to be allowed as proposed under that separate use category. If the Town were to treat the BESS as part of the broader "Solar Energy System, Large-Scale" use, such a use would not be permitted in the new RA zone, and the BESS may be prohibited under that interpretation.

federal level, the USACE does not prohibit siting of solar in wetlands and does not consider placement of solar panels within federally regulated wetlands to be a loss of those wetlands. In fact, solar panels are permitted in federally jurisdictional wetlands if the panels are installed by driving piles. State and federal regulations provide for resource and activity-based reviews that results in best protection of the resources without blanket and arbitrary setbacks, which strikes the appropriate balance between protection of wetland resources and encouragement of renewable energy generation which is desperately needed to combat climate change and its effects on natural resources, including wetlands. Adopting a wholesale prohibition ignores the various nuances allowed at the federal and state levels and ignores the potential ecological benefits to wetlands and soils which can result from solar development. Therefore, we strongly urge that this section be removed, and the Current Solar Law's provisions on wetlands be retained.

For further example, section 70-72(E)(3)(a) puts a cap of 35 percent on the use of any Prime Farmland, Prime Farmland if "well-drained" or Farmland of Statewide Importance on "the entire lot" (though the concept of "lot" is not defined—it's unclear whether that refers to the entire Facility, or each individual tax parcel, a concern RRSEC has raised with the Town in relation to other provisions of the Current Solar Law). In our experience, flat percentage caps on the use of these classes of farmland are not helpful for a number of reasons—first, because those classifications are based purely on soil composition, and disregard the actual agricultural use of the land, but only where the land is proposed for solar use. This means that the law may prohibit the use of land which is not farmed and has not been farmed in decades for solar energy, while still allowing development of that land for other non-agricultural uses which may be more incompatible long-term with agricultural use or protection of soil resources, such as housing developments, commercial strip malls, big box stores or warehouses. Further, the provision goes far beyond restrictions endorsed even by the New York State Department of Agriculture and Markets, which focuses on prime farmland only, and not the other two categories.

Other provisions of concern include, but are not limited to:

- Section 70-40 does not define what is meant by "ecological system" which seems like a vague term inadequate to give notice of what is being regulated
- Section 70-51 on BESS systems does not distinguish between participants and non-participants for setbacks (such as the 200-foot setback to a residential lot) and does not define "prevailing wind patterns" which RRSEC has raised previously as a vague term which does not adequately explain the requirement
- Inverter provisions are not explained and are overly restrictive, particularly the requirement that string inverters must be used and that central inverters are not permitted. Solar technology is constantly evolving, and flexibility is critical to ensure that developers can use the technology that offers the lowest impact to the community and other resources. The ability to use technology such as central inverters in certain projects or locations may be the best and most economical means of minimizing impacts to the community and the environment, such as noise and visual impacts. As written, the Town's prohibition on the use of certain technologies will significantly hamper a developer's ability to minimize these impacts and design the best Facility for the community, which is contrary to the community's interests.
- Section 70-72(a) design standards are vague on how height restrictions are meant to

be applied.

- Section 70-72(f)(2) requires screening from all streets and adjacent residences, apparently irrespective of participation status or reasonableness of screening requirements in certain locations. This will hinder the ability of developers to focus screen plantings on the resources of greatest concern, such as locally important viewsheds or vistas, because of the need to screen everywhere even where screening is not necessary.
- Section 70-72(f)(3)'s requirement that plantings be 6 feet at the time of planting is burdensome and may not make sense for certain species or mitigation planting approaches.

Lastly, we note that several procedural provisions in the Zoning Amendments purport to place additional restrictions on projects permitted by ORES, such as Section 70-72(G)'s requirement on fees, which is in conflict with and preempted by State law.

We appreciate the opportunity to submit these comments and urge the Town to consider including clarifying language in these enactments regarding their applicability to the Rich Road Project, or any other project which has pending applications before state or local bodies. Overall, RRSEC has appreciated the Town's thoughtful and cooperative participation in the pre-application review of the Rich Road Project and respectfully submits that these changes, if they apply to RRSEC, require further discussion before the Town takes any action on this proposal. More generally, there are numerous substantive provisions which require further consideration and thought to the extent they diverge significantly from the Town's Current Solar Law and to the extent they do not provide a benefit to the community or otherwise create barriers to well-sited solar in a counterproductive manner, such as those provisions identified above. Given that it is unclear at this time whether these substantive changes to the Town law are meant to apply to RRSEC, we respectfully reserve our rights to provide further comments or feedback on the proposed Zoning Amendments once that clarification is provided by the Town.

Respectfully submitted,



Laura Bomyea Darling, Esq.
Young/Sommer LLC
Attorneys for EDF Renewables



Mary Ann Ashley <mashley@cantonny.us>

Request re: Draft Zoning Code

1 message

Margaret Mauch <mmauch@mac.com>

Wed, Jun 14, 2023 at 4:34 PM

To: "bsantamoor@cantonny.gov" <bsantamoor@cantonny.gov>, "jsmith@cantonny.gov" <jsmith@cantonny.gov>, "jtaillon@cantonny.gov" <jtaillon@cantonny.gov>, Mary Ann Ashley <mashley@cantonny.gov>, "rbrown@cantonny.gov" <rbrown@cantonny.gov>

June 14, 2023

I understand that the Zoning Board and the Town Board have worked diligently and with much deliberation to produce a comprehensive new Town of Canton Zoning Code. I would assume that you are eager to finalize this project.

Before there is a final vote on the Code in entirety, I would ask that you consider a proposal and reasons for a delay in regards to kennels/rescues/shelters/animal hospitals.

On December 15, 2022, NYS passed a law that regulates kennels/shelters/rescues. It would be advantageous to learn what these new state laws are and to incorporate them into the proposed Code. The definitive language in the Canton draft code is confusing and needs to be clarified. There may, also, be conditions that the Town would want to address that are not part of the new State regulations that would be unique to the Town of Canton. Kennels/rescues/shelters must be in compliance by December 15, 2025. It would be helpful to any proposal for a kennel/rescue/shelter/animal hospital to have the Town and State laws consistent with each other. Doesn't it make sense to align Town Code laws with state regulations at this time?

In consideration of the lack of clarification and NYS Shelter Regulation Chapter 683, I am requesting that the Canton Town Board initiate a moratorium on the Draft Code until substantive language re: kennels/rescues/shelters/animal hospitals, etc. can be incorporated into new law that better protects the Town. Or delay voting on the proposed Code until the next board meeting in order to review the new state laws applicable to this section. Or if the Code is passed, to include an exception to not put into force that section of the Code until language is examined and determined to be in compliance with the state standards.



Mary Ann Ashley <mashley@cantonny.us>

Kennel zoning code

1 message

Ruta Ozols <rutaozols@gmail.com>

Wed, Jun 14, 2023 at 9:28 AM

To: Mary Ann Ashley <mashley@cantonny.gov>, townclerk@cantonny.gov

Hello Mary Ann & Heidi,

Attached is my statement with concerns regarding the proposed zoning code for kennels.
Due to another commitment, I will not be able to attend tonight's Board meeting. However, I did want to share my thoughts with all of you.

Thank you,
Ruta



Kennel Zoning Code.docx
17K

Throughout my 30 plus years at 405 Meade Rd., I have dealt with the annoying barking from Maple Ridge Kennels. The kennel has now become a residence for a very large number of imported dogs. The barking is now ear piercing and heart pounding. Working in my gardens, which should be calming and enjoyable, has become nerve wracking. The barking is so intense that it invades my home as well. A simple meal is sullied by obnoxious barking.

Along with the overwhelming barking noise, fear has been introduced into our neighborhood. Before No Dogs Left Behind came to Maple Ridge Kennel, I was never afraid of dogs escaping. Even if they did escape, I knew the dogs were someone's pets and did not pose a risk. The dogs at the kennel now, come from outside the U.S. and could have diseases that are unknown in United States. The dogs may have been vaccinated for rabies, but that does not ensure that the dogs are free of pathogens and parasites. If the dogs are diseased, this will have negative and possibly deadly impact on our pets, livestock and ourselves. I am not trying to be an alarmist. We are all aware how a virus from a foreign country has gravely affected our lives over the past 3 years. Recently, two dogs escaped from the kennel. The public has been warned not to approach these dogs. We don't know if these dogs are aggressive and/or diseased. This is alarming to me.

Businesses have a right to operate and thrive. Businesses do not have the right to impose themselves in our homes and negatively impact our health and daily lives. To allow Maple Ridge Kennel/No Dogs Left Behind to continue and possibly expand without proper noise mitigation and government oversight of their operation is very concerning. The health and welfare of our domestic animals, our wildlife and our community is at stake.

The proposed Canton zoning code regarding kennels does not address my concerns regarding noise, environmental impact or the health and wellbeing of our community.

It may be in Canton's best interest to table the kennel portion of the proposed zoning code until the new Ag & Markets law takes effect in 2025. The new Ag & Markets law addresses not only my concerns, but also includes the proper care of animals that have found themselves in less than

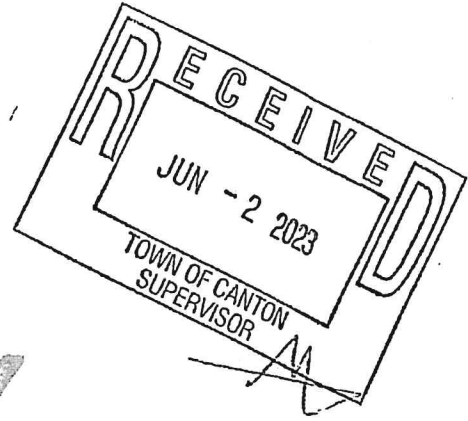
favorable circumstances. Should Canton pass the proposed zoning code for kennels, it could pose a liability to the town, as in the case of animals escaping, that have the potential to damage property or harm to members of the community. Under the Ag & Markets law, a kennel must abide by set rules and regulations and it is important to note that Ag & Markets will be responsible for kennel oversight, not local municipalities.

Again, I urge the Canton Town Board to seriously consider tabling the kennel portion of the proposed zoning code until the Ag & Markets law takes effect. A lot can happen in 18 months that can have a negative impact on our community.

Ruta Ozols

1739
TOWN OF CANTON
60 MAIN ST MUNICIPAL BLDG
CANTON, NY 13617

COPY





165 Court Street
Rochester, NY 14647

A nonprofit independent licensee of the Blue Cross Blue Shield Association

May 2023

7738

TOWN OF CANTON
60 MAIN ST MUNICIPAL BLDG
CANTON, NY 13617

COPY



Re: Notice of Proposed Premium Rate Change

Class C001 - C001/COBRA Bill-To-Group All Actives

Plan Description

SimplyBlue Plus Platinum 2

HIOS ID

78124NY0980025-00

Dear Group Administrator:

Excellus BlueCross BlueShield is filing a request with the New York State Department of Financial Services (DFS) to approve a change to your group premium rates for 2024. New York Insurance Law requires that we provide a notice to you when we submit requests for premium rate changes to DFS.

DFS is required by law to review our requested rate change. DFS may approve, modify or disapprove the requested rate change.

Proposed Premium Rate Changes

Class C001 - C001/COBRA Bill-To-Group All Actives

Plan: SimplyBlue Plus Platinum 2

If approved, the percentage change to your group's premium is 9.70%

Please note that while we try to provide you with the most accurate information possible, the final approved rate may differ based on the benefit plan design and other features that you select on renewal. Also, the final approved rate may differ because DFS may modify the proposed rate.

Why We Are Requesting a Rate Change

As you know, changes in medical costs, population characteristics and other factors have an impact on projected health care costs. To account for these changes, Excellus BlueCross BlueShield modifies rates annually. DFS's view of these matters may differ. If you look below, you can find links to a more complete explanation of why the rate adjustment is being requested. The links to the health plan and DFS websites will connect you to a narrative, written in plain English, that explains this in greater detail.

30-day Comment Period

You can contact us or DFS to ask for more information or submit comments to DFS about the proposed rate changes. The comments must be made within 30 days from the date of this notice.

You can contact the Plan for additional information at:

- P.O. Box 21146
Eagan, MN 55121
- 1-855-374-7462
- www.excellusbcbs.com/contactus

Comments or requests for more information on the proposed rate change may be submitted to DFS by visiting the DFS website or via standard mail as follows:

DFS website: https://www.dfs.ny.gov/consumers/health_insurance/health_insurance_premiums

United States Postal Service:

NYS Department of Financial Services
Health Bureau - Premium Rate Adjustments
One Commerce Plaza
Albany, NY 12257

If you choose to submit comments to DFS, please include the following information:

1. The name of your insurer, which is Excellus BlueCross BlueShield
2. The name of your plan as listed on your identification card
3. Indicate you have Small Group coverage
4. Your HIOS identification number, which is:

Class C001 - C001/COBRA Bill-To-Group All Actives

Plan Description

HIOS ID

SimplyBlue Plus Platinum 2

78124NY0980025-00

Written comments submitted to DFS will be posted on the DFS website without your personal information.

Plain English Summary of Rate Change

We have prepared a plain English summary that provides a more detailed explanation of the reasons why a premium rate change is being requested. You can find this information at the following websites:

Excellus BlueCross BlueShield website: <https://excellusbcbs.com/employer/rates>

DFS website:

https://www.dfs.ny.gov/consumers/health_insurance/health_insurance_premiums

Notice of Approved Premium Rate

After DFS approves the final premium rate, which may differ from the requested rate noted above, you will receive final rate information at least 60 days before your 2024 renewal date.

Thank you for trusting us with your health care coverage.

Best in health,



May 2023

7737

TOWN OF CANTON
60 MAIN ST MUNICIPAL BLDG
CANTON, NY 13617

COPY



Re: Notice of Proposed Premium Rate Change

Class A001 - A001/All Actives

Plan Description

SimplyBlue Plus Platinum 2

HIOS ID

78124NY0980025-00

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Thank you for trusting us with your health care coverage.

Best in health,



RESOLUTION No. 20

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) - ADOPTING
NEGATIVE DECLARATION AND DETERMINATION OF SIGNIFICANCE IN
RELATION TO A LOCAL LAW AMENDING CHAPTER 70 ZONING OF THE TOWN
CODE**

WHEREAS, The Town of Canton Town Board has introduced a Local Law Amending the Canton Town Code by Repealing Chapter 70 (Zoning) and by Replacing Same with New Chapter 70 (Zoning Law); and

WHEREAS, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

WHEREAS, the Town Board of the Town of Canton declared itself Lead Agency for the environmental review of said Local Law; and

WHEREAS, the Town this project is Type 1 action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, based on its consideration of the proposed Project, its review of the Environmental Assessment Form and all other supporting information submitted in connection with the proposed Project, and the criteria set forth in 6 NYCRR § 617.7, the Town of Canton Town Board, as lead agency, has identified and analyzed the relevant areas of environmental concern to determine whether the proposed action may have a significant adverse impact on the environment; and

NOW, THEREFORE, IT IS RESOLVED, that the Town Board hereby finds and determines that the proposed Project will not have any significant adverse impacts on the environment and therefore issues a Negative Declaration of Environmental Significance pursuant to SEQRA for the reasons set forth in the attached Determination of Significance and Parts 2 and 3 of the EAF, all of which is incorporated herein by reference and the reading all of which are waived.

6/14/2023
Date

Wendell R. Smith
Canton Town Clerk