

**TOWN OF BARRE
PLANNING BOARD
OCTOBER 8, 2018**

CALL TO ORDER: 6:34 PM

BOARD MEMBERS PRESENT

Tom Keeler	Wes Miller
Jean Depatie	Kurt Dudley
Kirk Mathes	Jean Peglow
Wilford Wraight	Stephen Harling

BOARD MEMBERS EXCUSED

Darryl Sanford

Others present: Ben Yasman, Mike Quill, Joe Quill, Laura Bomyea (Yang/Sommer LLC), Brittany Maxwell (SunSpin Media), Alice Mathes, Robin Nacca, George McKenna DM, John Metzler, Unreadable, Larry Gaylard and Shellye Dale-Hall .

Mr. Keeler started the meeting stating that the planning board is an advisory board for the town board on the proposed wind law. We will not be having a public hearing but the town board will be holding it. The proposed law will have to go to the County planning board before a public hearing will be held. There will not be recommendations made tonight.

I. APPROVAL OF MEETING MINUTES

Mr. Keeler wanted to add that the solar zoning progress so far will be on the website. The proposed zoning wind law by Heritage Wind with copies available to pick up at the Town Hall. Dr. McKenna also said it should be Dr. instead of Mr. McKenna. Mr. Dudley made a resolution to approve the meeting minutes of September 10th with the changes. Seconded by Mrs. Peglow and carried (7-0).

II. OLD BUSINESS

Heritage Wind's proposal for changes to the current wind zoning was discussed. A question was asked again about conflict of interest for those that have signed leases. Mr. Keeler stated that by reviewing the Short Course a New York State training manual and Mr. Lance Mark the members may participate but cannot vote or advocate for the project. The resident stated that by the Barre Code of Ethics the members should not even be on the board. Mr. Mark stated that he had also looked into and said that they could be on the board. Mr. Keeler was asked if he had signed a lease and he said no he hadn't. Another comment made was if a member worked for or currently works for a current lease holder they are also disqualified from voting. Mr. Mark stated that that

was not true. The response time of 45 days was discussed. Ms. Bomyea stated they would not hold the Town to the 45 day time limit but would like an idea of time when it would be expected. Mr. Keeler hopes to be able to send the recommendations to the town by the end of the year. We also need to take into consideration of the several proposals from residents received.

- Our current zoning was established in 2008.
- Mr. Mark was asked if the planning board's interpretation/legal advice is confidential. He will look into it however it won't be until next week
- Set up workshops to work on the various proposals?
- Did the resident proposed changed follow the submittal procedures?
- Were copies of resident proposals received by all members? Mrs. Preston stated that all were scanned and emailed to members.
- Mr. Miller is working on taking each issue, putting it on a spreadsheet which includes current zoning, Heritage's proposal, and resident's proposals.
- Mr. Yazman stated that their proposal is aligned with the Cassadaga project.
- Currently zoning is restricted to one parcel but would like to combine adjacent parcels if one owner owns both parcels.
- With some proposal changes agreed upon between Mr. Mark and Ms. Bomyea, Heritage will resubmit their proposal. Mrs. Preston will not post the version in play this evening on the website or have copies available until the new proposal is received.
- Section 350 5 B – with 70 lease records gives Heritage permission to made a proposal to change zoning.
 - A letter was read from Mike VanLieshout supporting Heritage Wind
- Article 10 supersedes however it still requires compliance with local laws or receive waiver.
- Section 350-98 contains definitions or terms
- Section 350-1033 is standards
- Section 350-103 (A) (4) is mainly a language change
 - What is a hazard
 - Consider parachutists, air crop sprayers
 - Heritage accept FAA rules
- Section 350-103 (A) (6) add - or required
- Section 350-103 (H) who determines “to the extent possible”? Sighting board does.
- Section 350-104 deals with land owners rights.
- Section 350-105 & 106 deals with decommissioning
- Should protect both participating and non-participating residents.
- Review complaint process of other towns?
- What if someone else needs to decommission?
- Lean on property owner or tower? A bond is held by the Town. This is revisited periodically.
- Lean situation is very detailed per Ag and Markets.
- Mr. Mark we did not have to respond to every inquiry as we are not obligated to.
- Sighting board will also review a lot of concerns of noise, shadow flicker and setbacks.
- Dr. McKenna stated that Clear Skies above Barre will be submitting a proposal as well.
- Has anyone been on a tour of a wind project?
- Where the proposal information are being obtained from and explain it.

- Will there be a letter to each residence on where we are and how the proposal stands?
- A deadline was discussed for submittals of proposals was discussed. Mr. Depatie made a motion to set a deadline of November 1st at the end of the day to receive any additional proposals. Seconded by Mr. Dudley. Motion was carried with 2 abstaining (Mrs. Peglow and Mr. Mathes).
- Mr. Yasman would like to be copied in with any new proposals to be able to speak to them.
- Mrs. Bomyea would like to go on record that they will not force the issue of 45 days but will if no decision is made by the end of the year.
- A link to the Cassadaga Project should be added to the town's website.

A work meeting was scheduled for October 22 at 6:30 pm with part of the meeting being public and part executive.

Mr. Wraight made a motion to table solar zoning and subdivision. Seconded by Mr. Depatie and carried.

III. NEW BUSINESS

An application has been received from Joseph Quill for a site plan review and special use permit. The location would be 4627 Oak Orchard Road. He would like to open a vehicle repair/maintenance shop. He will be leasing the building to start with the possibility of purchasing the property in the future.

- The current owner has given permission for the business to occur
- Property is land locked
- Access to the property will be with a right of way. A portion of the deed was given stating the access.
- Is the right of way for multiple users?
- Can't tell if the right of way is on the map itself
- A survey would clarify the right of way
- Mrs. Dale-Hall recommended 30' be deeded to become a flag lot
- If the property is purchased would Mr. Quill have to come back?
- What happens if the road/right of way is damaged?

Mr. Mathes made a motion to send Mr. Quill's application to the County planning board. Seconded by Mr. Wraight and carried (7-0).

The SEQR form was completed.

Resolution 10-1018

Introduced by: Jean Peglow
Seconded by: Jean Depatie

Whereas the SEQR portion of the application of Joseph Quill were asked, the application was declared a negative declaration.

Upon the vote, the resolution was thereupon duly adopted.

The attendance record for 2018 to date was distributed.

Mr. Keeler stated that the board members have a 4 hour of required training per year. There is a land use training on October 30th at NCCC 5 pm – 9:30 pm. The Fall Regional Local Government Workshop is November 14th at the Quality Inn in Batavia 9 am – 5 pm.

Mr. Keeler moved to go into executive session at 9:26 pm to discuss personnel issues.

The board came out of executive session at 10:01 pm.

IV. COMMUNICATION

ORLEANS COUNTY PLANNING BOARD

The September meeting was cancelled.

V. ADJORNMENT

Mrs. Peglow made a resolution to adjourn the meeting at 10:04 pm; seconded by Mr. Wraight and carried (7-0).

Lee A. Preston, Clerk