

**TOWN OF BARRE  
PLANNING BOARD  
OCTOBER 12, 2020**

**CALL TO ORDER:** 6:32 PM

**BOARD MEMBERS PRESENT**

Tom Keeler	Wes Miller
Jean Depatie	Kurt Dudley
Stephen Harling	Kirk Mathes
Jean Peglow	Dr. George McKenna (Alt.)

**ABSENT BOARD MEMBERS**

Eric Watson (Alt.)

Others present: Tom McCabe, Sean Pogue

Present by phone: Dave Herring (Barre Stone Products), Adam Winegard (AES), Teresa Bakner, (Whiteman Osterman & Hanna LLP) attorney for AES

**I. APPROVAL OF MEETING MINUTES**

Mr. Mathes made a motion to approve the September 14<sup>th</sup> minutes with no corrections. Motion was seconded by Mr. Harling and carried.

**II. NEW BUSINESS**

An application for a Special Use Permit from Pat's Long Bridge Repair was received. The special use permit is contingent per the sale of purchasing the property going through. The sections of the law were reviewed with a consensus being it would fall under any other uses similar in nature. The action would not be considered spot zoning with the possible positive Business District expansion, special use permit renewed yearly and depending upon any conditions set. Mr. Keeler mentioned that the application did not have the current owner's permission letter attached. Mrs. Preston stated that it came in afterwards and was emailed out to the members. The applicant is already doing business at a different location. They are keeping the property in good condition with only a few vehicles around. Some observations of the application were:

- Well is out front of the building and they would be using that
- Are no public bathrooms
- Location of the sign
  - 350-29 sign should be no larger than 30 square foot
  - Do both sides of the sign count for the size?
  - Sign location is 30 foot from the street line or public right of way?

- Application will have to go to the County Planning Board as the location is on a state highway
- Map should be to scale and should show all dimensions
  - including front and side setbacks
  - scale on map.
  - Parking with dimensions and what the surface is made from. In the general business district, the surface is listed as a hard surfaced and members feel it should be the same as the General Business District since the location is very close to the proposed change
  - Show building height
  - Show sign location and dimensions
  - County would need to see these on the map
- What is the width of the five acres that they are purchasing?
- What is the existing sign location and size?
- SEQR questions 5a and b should be corrected and/or filled out
- Application is marked for a zoning board use variance application

**Resolution 15-2020**

Introduced by: Jean Peglow  
 Seconded by: Jean Depatie

**Whereas,** The planning board has reviewed the application of Pat’s Long Bridge Repair for the first look and

**RESOLVED,** To table the application until corrections and map additions are completed.

**UPON ROLL CALL VOTE:**

- Mr. Keeler – Aye
- Mr. Miller – Aye
- Mr. DePatie – Aye
- Mr. Dudley – Aye
- Mr. Harling – Aye
- Mr. Mathes – Aye
- Mrs. Peglow – Aye

The resolution passed.

Before the Town Board can act upon the proposed wind ordinance, there has to be a recommendation from the Planning Board. Dr. McKenna stated that four members can not vote. He contacted the State and said those members can’t participate in discussions either. He also stated that the University of Buffalo report did not give good guidance and changes came from Heritage Wind. We should do due diligence yourselves. No date was decided on until a final copy is available after the Town Board reviews the ordinance following their next meeting Wednesday. The Planning Board only reviews the actions and makes recommendations to the Town Board. Dr. McKenna’s concerns are sound, setback for ice throw, and decommissioning as far as having enough money to do so.

### **III. OLD BUSINESS**

Mr. Keeler stepped out of the room during discussion of Barre Stone Products. Mr. Miller stated that the application was sent to the County Planning Board. They concluded that this was the next logical step for Barre Stone and approved the application with no conditions.

#### **Resolution 16-2020**

Introduced by: Kirk Mathes  
Seconded by: Jean Peglow

**Whereas,** The planning board received an application from Barre Stone Products for a modification on their Special Use Permit, was sent to the County Planning Board and they gave their approval with no conditions attached

**RESOLVED,** To approve the modification special use permit with no conditions.

#### **UPON ROLL CALL VOTE:**

Mr. Keeler – Abstained  
Mr. Miller – Aye  
Mr. DePatie – Aye  
Mr. Dudley – Aye  
Mr. Harling – Aye  
Mr. Mathes – Aye  
Mrs. Peglow – Aye

The resolution passed.

Mr. Keeler returned to the meeting.

Mr. Winegard has sent in modifications to their application making the changes requested at the meeting last month. The modifications also include an updated decommissioning plan with a five year relook, engineering plan. The 95-1-61-12 property will require an access road and a storm water basin still in the business district. They are needed to meet code. Adam Winegard clarified to be specific that the R1 to A/R for the southern property but the infrastructure to support the project would be in the General Business District. They would like to leave both properties out of the general business district. Ms. Bakner stated that all has to be in the same district. Leaving it out of the general business district could be considered spot zoning. General business wording could have other uses with a use variance. Section 350-24, depends upon how its interpreted. Ms. Bakner and Mr. Winegard would like confirmation that it's the business use of the A/R zoning district. We could have Mr. Mark, town attorney look at it also. There is a much simpler map as well. A permit from the state would be needed for the access road onto the road. It was noted that we have to be consistent to the comprehensive plan and not for a project.

The energy storage unit law and tiny home issues on the agenda were tabled with all in agreement. Mr. DePatie did ask why it was not allowed to park a motor home on a slab thinking

of those that go to Florida for the winter and here for the summer. One reason would be a taxing issue, they would not be paying their fair share.

As a point of reference, the business district expansion and the zoning change from residential 1 to agriculture/residential will be presented to the Town Board at their October 14<sup>th</sup> meeting.

## **VI. COMMUNICATION**

### **ORLEANS COUNTY PLANNING BOARD**

There were six referrals at the County Planning Board:

- Town of Gaines request for a site plan review and special use permit for construction of addition at monument business on Ridge Road in residential/agricultural (RA) district was approved with the Gaines Town Planning Board satisfied with all town special permit are met.
- Town of Clarendon's request for amendments to zoning ordinance of adding regulating utility grad solar energy generating and solar energy storage systems and revising those sections of permitted uses was approved stating that it was a timely and appropriate update of the Town Solar Energy Systems law.
- Town of Albion's request for a site plan review and special use permit for a wedding and events establishment with a bed and breakfast on West County House Road in agricultural residential (AR) district was approved with conditions of
  - Town satisfied both businesses comply with NYS Fire Prevention and Building Code
  - Town planning board satisfied that requirements for bed and breakfast along with lighting and signage requirements are met
  - Prior to start, applicant shall obtain all necessary permits from any required town and/or state agencies
- Town of Ridgeway's request for a site plan review and special use permit for construction of a pond on Ridge Road in agricultural/residential (AR) district was approved
- Town of Shelby's request for an area variance and site plan review for expansion of Ethanol Plant on Bates Road in industrial (I) and agricultural residential (AR) districts was approved with conditions of
  - Zoning board approves the area variance
  - Shelby's engineer shall be satisfied one acre or less area is used. Thereby not requiring a SWPPP
  - Planning board satisfied that an Agricultural Data Statement has been completed
  - Prior to operation, applicant shall obtain all necessary permits from all town, state, and federal agencies

**VII. ADJORNMENT**

Mrs. Peglow made a motion to adjourn the meeting at 8:57 pm; seconded by Mr. Miller and carried (7-0).

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Lee A. Preston, Clerk