

**TOWN OF BARRE  
PLANNING BOARD  
FEBRUARY 8, 2021**

**CALL TO ORDER:** 6:39 PM

**BOARD MEMBERS PRESENT**

Tom Keeler  
Jean Depatie  
Stephen Harling (by phone)  
Jean Peglow  
Dr. George McKenna (Alt.)

Wes Miller  
Kurt Dudley  
Kirk Mathes

**ABSENT BOARD MEMBERS**

Eric Watson (Alt.)

Others present by phone: Joshua Watkins, Adam Wingard (AES), Teresa Bakner (AES Attorney), Andrew Gordon (AES)

YouTube Channel attendance: 4

**I. APPROVAL OF MEETING MINUTES**

Mr. Dudley made a motion to approve the January 11<sup>th</sup> minutes with no corrections. Motion was seconded by Mr. Mathes and carried. (7-0)

Mr. Miller made a motion to approve the February 4<sup>th</sup> minutes with no corrections. Motion was seconded by Mrs. Peglow and carried. (7-0)

**II. PUBLIC HEARING**

Joshua Watkins (Diesel & Gas Mechanic Business)                      4227 Oak Orchard Road 95-1-53.1

Mr. Keeler stated the Mr. Watkins is requesting a Site Plan Review and a Special Use Permit for a Diesel and Gas Mechanic Business at his location. The County Planning Board has reviewed his application and approved it with the following conditions:

1. A highway access permit shall be obtained from the New York State Department of Transportation before a north driveway is installed.
2. The project shall comply with all dimensional requirements of the Barre Zoning Ordinance.

Mr. Keeler would like to have number two added to our conditions as well. Mr. Watkins stated that there will only be one vehicle for sale at a time with no plates until sold. He has started working on his license to operate a vehicle repair station. He will not have no disassembled vehicles. There will never be more that four outside waiting for repairs. There will be a restroom inside for employee use. He is aware that a building permit for remodeling is required. He will move on all the requirements pretty quick after receiving approval from the Board.

Mr. Keeler opened the Public hearing at 6:49 pm. There were 4 on the YouTube channel watching. The only comment was the application submission was really well put together. The public hearing was closed at 6:50 pm.

**Resolution 4-2021**

Introduced by: Jean Peglow  
Seconded by: Kirk Mathes

**WHEREAS**, The Town of Barre Planning Board has reviewed the application of Joshua Watkins for a Special Use Permit and Site Plan Review for property located at 4227 Oak Orchard Road (95-1-53.1); and be it hereby

**RESOLVED**, that application be approved with

1. Solid fencing be used
2. Obtain state license to operate a repair station before business starts and Special Use Permit is granted
3. Approval from the New York State DOT for the second north driveway is installed
4. Obtain any other necessary required permits including a building permit, etc.
5. Emergency contacts and procedures on file with the Town of Barre
6. Only 1 unlicensed vehicle for sale and no disassembled vehicles
7. The project shall comply with all dimensional requirements of the Barre Zoning Ordinance.

**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.

Mr. Keeler told Mr. Watkins that it is a one-year permit renewable each year. If there are any modifications in the future, he would need to appear before this board.

**II. NEW BUSINESS**

Dr. McKenna stated that we should be relooking at the Comprehensive Plan. There should be an annual review which has not taken place. We should seriously think about doing another survey, letting the town speak, no lawsuits in the future. Discussion took place.

- A survey is to update, not a review
- Wind and solar projects are hot topics at the moment
- If protocol is followed from the previous one, the Town Board asked us to review and update the previous Comprehensive Plan

### **III. OLD BUSINESS**

Mr. Wingard wanted to update Board with

1. Direct communication on Special Use Permit and Site Plan Review with the Planning Board to the Town Board
2. Public hearing date
3. Needs approval for Site Plan Review and Special Use Permit from both the Planning and Town Boards.

Mr. Keeler thanked Mr. Wingard for pointing out the problems with the Solar Law. He pointed out that the application will need to go to the County Planning Board and back to us for a public hearing. Ms. Bakner stated that the application has been pending since September and they would prefer to follow the path outlined in the current law going to both the Town and Planning Boards not wanting to assume that it was a mistake. The Town has hired LaBella to review and has established an escrow account with the Town. Ms. Bakner and Mr. Wingard don't want to delay again. A question was asked if there was a risk of litigation as they are doing all the requirements of the law so they are getting any and all I's and T's crossed. Mr. Keeler stated that LaBella's technical details were just received about one and a half hours ago and its important to discuss it but we need time to look it over. We need to look at the SEQR first then we can look at a PILOT agreement. Mr. Keeler stated that the County Planning Board looked at a project in Ridgeway the parcels are not going to be merged however would be one project rThe roadways width is twenty feet minimum. There is no Ag & Markets direct contact yet. The ownership of the bond with the town with AES LLC are essentially and are the owner operators for life. The panels should be in operation for thirty plus years. We could have a special meeting so we are prepared to make recommendations to the Town Board. A proposed tentative date would be February 22<sup>nd</sup>. A title and deed search has been done with no lean that AES can tell. This should be provided to the town.

The words shall/may/must Mr. Keeler asked Mr. Mark with no response yet. Board thought that must is cut and dry

**Resolution 5-2021**

Introduced by: Jean Peglow  
Seconded by: Kurt Dudley

To send the three modifications for review presented by Mr. Keeler to Mr. Mark and Labella.

In regards to the Energy Storage proposed law, Mr. Dudley suggested to follow the NYSERTA model law as close as possible. We should continue to look at it and update it as necessary. NYSERTA is minimal however it has been reviewed by engineers previously at least you would think so. LaBella would be capable to review it. The Town of Alabama has someone from Buffalo, NY review their law.

### **IV. COMMUNICATION**

Mail received:

Town of Barre Planning Board Minutes

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2/8/2021

- Dated December 8<sup>th</sup>: Siting Board Heritage Wind Application Article 10 filed complying with Public Service Law
- December 10<sup>th</sup>: Heritage Wind 94C from Article 10
- December 11<sup>th</sup>: Siting Board notice of public statement
- December 22<sup>nd</sup>: postponement of public statement
- January 7<sup>th</sup>: CPO conference
- January 14<sup>th</sup>: Notice cancelling procedural conference
- January 28<sup>th</sup>: closure of intervenor funding

## ORLEANS COUNTY PLANNING BOARD

- Town of Barre's request for Amendment to Zoning Text: Proposed Wind Law Revision was approved.
  - Dr. McKenna had contacted Mr. Bensley regarding this and he was not happy with the submitted application and his comments and they had gone unread
- Town of Shelby's request for Amendment to Zoning Text: Clarification of Certain Requirements for Solar Energy Systems
- Town of Gaines request for Zoning Text Amendment: Moratorium to Prohibit All Battery and/or Energy Storage Systems for Six Months
- Lyndonville's request for Site Plan Review: Small Ground Mounted 340.8 KW Solar Energy System on Lynwood Drive in Agricultural Residential District
- Town of Yates Request for Adoption of New Zoning Ordinance: Solar Energy Systems Law
- Town of Barre's Site Plan Review and Special Use Permit for a diesel- and gas-powered Mechanic Repair business as discussed above.

## V. ADJORNMENT

Mrs. Peglow made a motion to adjourn the meeting at 8:50 pm; seconded by Mr. Depatie and carried (7-0).

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Lee A. Preston, Clerk