

**TOWN OF BARRE
PLANNING BOARD
OCTOBER 10, 2022**

CALL TO ORDER: The board met at the Town Hall and the meeting was called to order at 6:33 pm by co-chair Mr. Keeler.

BOARD MEMBERS PRESENT

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

EXCUSED BOARD MEMBERS

Anna Shuknecht (Alt.)

ABSENT BOARD MEMBERS

Eric Watson (Alt.)

Others present: Brent Leddon, Tom McCabe

I. APPROVAL OF MEETING MINUTES

Mrs. Peglow made a motion to approve the September regular meeting no changes. Motion was seconded by Mr. Mathes and carried. (7-0)

II. PUBLIC HEARING Brent Leddon 14316 West Barre Road 106-1-69.2

The public hearing was opened at 6:33 pm by Mr. Keeler. Mr. Keeler stated that the Town Planning Board had reviewed the application in the September meeting and sent to the County Planning Board. The County Planning Board was cancelled due to not enough referrals. Therefore, we can take our own action without their input. Mr. Keeler asked with there are any changes since submitting the application and Mr. Leddon said there were no changes. Mr. Keeler did read the legal notice put in the Batavia Daily and pennysaver. No one was present to speak either for or against the application. Also, nothing had come in the mail or put in the dropbox.

Resolution 18-2022

Introduced by: Steve Harling
Seconded by: Wes Miller

To close the public hearing

The resolution was thereupon duly adopted.

Resolution 19-2022

Introduced by: Jean Peglow
Seconded by: Kurt Dudley

WHERE AS the application from Brent Leddon of 14316 West Barre Road (tax lot 106-1-69.2) has been received for a home business occupation Site Plan Review

NOW THEREFORE be it resolved to approve the Site Plan Review

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 was thereupon duly adopted.

Resolution 20-2022

Introduced by: Jean Peglow
Seconded by: Wes Miller

WHERE AS the application from Brent Leddon of 14316 West Barre Road (tax lot 106-1-69.2) has been received for a home business occupation for a Special Use Permit

NOW THEREFORE be it resolved to approve the Special Use Permit with conditions of

1. Special Use Permit is renewable every year
2. Any modifications, a new application must be applied for and come before the Planning Board again

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 was thereupon duly adopted.

III. NEW BUSINESS

There is not any new business at this time.

IV. OLD BUSINESS

The Town Board has referred the Planning Board to look into a possible noise ordinance for the Town. There have been no new complaints that Mrs. Preston is aware of. Discussion took place:

- Looking at Royalton, Somerset LeRoy and Town of Albion's
- LeRoy's penalties are different
- Farming, dogs and other animals are also different
- It's a slippery slope – noise/air pollution.
- Where do we draw the line?
- Distances are listed in some
- What about snow mobile trails crossing properties?
- Royalton doesn't address farm noises
- We are a Right to Farm community – we should look at that too
- Time periods are listed in some
- Royalton has no time frame listed however LeRoy does
- A situation was asked – if the neighbor dogs are barking causing yours to bark, who is at fault?
- LeRoy's wording covers Ag or Right to Farm, has exceptions, and pretty specific with specific exceptions
- Some have decibel levels – how can it be proved?
- It seems to be the duration of the noise coming into play
- Maybe use the wording of persistence noise
- The original complaint letter from December, 2021 was read without names etc.
 - Seems to be a he said she said situation with persistent noise
- What if the party (or any parties) are not going to abide by a law? Neighbors would have a recourse then
- LeRoy lists a 15-minute duration, Village of Oakfield has a 30-minute duration during the day and a 15-minute at night
- Village of Oakfield has a good wording for intent to bother to cause annoyance
- We can only do a recommendation to the town board – how formal do we make it, time frame, Right to Farm, decibels, duration and intent should possibly be included
- Mr. McCabe was asked about noise laws when he was an officer
 - Who is going to enforce the law – CEO or sheriff?
- Fines discussed.

The conclusion was to use Royalton's as a basis, fees from LeRoy, with no time frame, no decibels, no durations, include intent from the Village of Oakfield and LeRoy's Right to Farm. Mr. Miller will work with Mrs. Preston to write up the potential law to review at the next meeting.

The proposed town fees were discussed again.

- Why should there be charges with no zoning on ponds – is it because is it a liability issue? Also, it's the same for lagoons/slurry ponds
- Remove backup generator replacement as its already in place
- Why silos and grain bins?
- Take off demolition – is this an incentive to remove dilapidated buildings?
- Special Use Permits - is it based on size or number of employees? Keep it at \$100.00 unless it includes the Site Plan Review at \$200.00 and not the Site Plan Review separate
- The wording at the bottom of the Zoning fees state if any expenses incurred go over \$1,000.00 the applicant must start an escrow account not may have to
- Park electric food truck should clarify it more – what if there is a food truck rally, what about non-profit groups?
- Battery storage fees should be investigated more – no fees listed, who has them already?
- Some of the misc. items the Town Attorney should be asked on how to handle them.
- What about the inspection fees?

V. COMMUNICATION

ORLEANS COUNTY PLANNING BOARD

The September meeting was canceled.

VI. ADJORNMENT

Mrs. Peglow made a motion to adjourn the meeting at 8:44 pm; seconded by Mr. Mathes and carried (7-0).

Lee A. Preston, Clerk