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**Planning Board Minutes  
March 18, 2021**

**Planning Board Members Present:** Steve Lester, Fred Fink, Daniel Compton, Matt Rogers, Michael Donohoe, Mike Woodruff. Julie Pellett arrived late.

**Others Present:** Kimberly Rayburn Secretary), James Kier, (Building & Zoning), Anthony Sulli (Applicant), Vic & Jean Alford (Applicant), Todd & Jennifer Haran (Applicant)

Lester opened the meeting at 7:30 pm.

- I. Forward to ZBA Review # BV2-21 Area Variance Victor Alford 3171 St Rt 64 South tax # 95.00-1-26.000** to add an additional barn to the front of his property that will be in line with an existing barn that does not meet the front setback.

The Board held a brief discussion. Here was a barn in the same location that Vic had taken down approximately a year earlier. He would like to replace it in the same footprint, just wider towards his property.

**Rogers motioned and Fink seconded to forward the Area Variance the ZBA with no comments.**

**Record of Vote:**

**Lester Aye Fink Aye Compton Aye Rogers Aye Donohoe Aye Woodruff Aye  
All Board members present voted Aye, Vote was carried unanimously.**

- II. Forward to ZBA Review # TNC2-21 / BV1-21 Area Variance and expansion to a non-conforming structure, Todd & Jen Haran located at 7289 Woolston Rd tax # 94.00-1-46.200** the addition will be on the front of the existing home and does not meet the front setback.

The Board held a brief discussion. The proposed includes the demolition of the existing garage. If the garage is moved North, it will be out of the right of way. There are a couple other homes on the street that are just out of the right of way. The examples that Haran provided predate zoning. Rogers stated that Kimball the Highway Superintendent is ok with the addition. This situation is unique, as the road was moved at some point. The movement of the pavement is now approximately one hundred (100) feet to the centerline of the road from his home. The setback from his property line is the issue. The garage now would be within two (2) feet of the setback instead of the required seventy-five (75) feet. Which would require a seventy-two and ten inches (72 ft, 10 inches) variance.

**Woodruff motioned and Donahoe seconded to forward the Area Variance the ZBA**

**Whereas:**

- 1. The Planning Board acknowledges the request is self-created**
- 2. The request is substantial, but also unique as indicated by the Highway superintendent and the Code Officer.**

**Record of Vote:**

**Lester Aye Fink Aye Compton Aye Rogers Aye Donohoe Aye Woodruff Aye  
All Board members present voted Aye, Vote was carried unanimously.**

Pellett arrived.

**III. SPL3-21 Special Use Permit for animals on less than 5 acres, Owner, Thomas Gillette property located at 3490 Silvernail Rd tax # 93.00-3-12.000 Chickens/coup**

The Board waived the reading of the public hearing, and reviewed the County PB comments.

**Comments**

1. The scale of the chicken house suggests the chickens or eggs will be for sale not personal use. How/where will they be sold?
2. What is the size and location of the exercise area/fencing associated with the chicken house?
3. The site plan does not indicate separation distances for on-site and off-site wells, septic systems, buildings, and manure storage as required by Town regulations.

PB answers to the County comments:

1. **Not applicable.**
2. **The chickens will be contained.**
3. **The neighbor is giving him woodchips. The area for the chickens is well behind the house. The septic is in front of the house on the opposite side.**

Lester discussed SEQR, **Rogers motioned and Pellett second to declare SEQR a Type II, with no further action required. All Board members voted aye.**

**Woodruff motioned and Donohoe second to approve the site plan and Special Use Permit as proposed and discussed for SPL3-21 Special Use Permit for animals on less than 5 acres, Owner, Thomas Gillette property located at 3490 Silvernail Rd tax # 93.00-3-12.000 Chickens/coup**

**Whereas:**

1. This application precedes any new regulation limitations.

**Record of Vote:**

**Lester Aye Fink Aye Pellett Compton Aye Rogers Aye Donohoe Aye Woodruff Aye  
All Board members present voted Aye, Vote was carried unanimously.**

**IV & V. SPL1-21, SPL2-21 Performance Industrial Park, LLC (Owner, Anthony Sulli) 6915 St Rts 5&20 - 2 Special Use Permits (SUP) 1. Existing Auto repair- SUP review upon change of ownership- does not require OCPB review 2. New SUP for storage facility- was sent to the County for review 1st.**

The Board waived the reading of the public hearing.

**SPL1-21 Existing Auto repair- SUP review upon change of ownership- does not require OCPB review.**

The Board held a brief discussion. Sulli explained that currently they are not repairing vehicles, but would like to keep the option open. Currently they are retail of undercoating and sale of vehicle accessories. They have typical business hours and the gates are locked at approximately 6 pm.

Lester discussed SEQR, **Rogers motioned and Pellett second to declare SEQR a Type II, with no further action required. All Board members voted aye.**

**Woodruff motioned and Donohoe second to approve the site plan and Special Use Permit as proposed and discussed for SPL1-21, Performance Industrial Park, LLC (Owner, Anthony Sulli) 6915 St Rts 5&20 – for an Existing Auto repair.**

**Record of Vote:**

**Lester Aye Fink Aye Pellett Compton Aye Rogers Aye Donohoe Aye Woodruff Aye  
All Board members present voted Aye, Vote was carried unanimously.**

**Continued**

## **SPL2-21 New SUP for storage facility- was sent to the OCPB for review 1st.**

The Board waived the reading of the public hearing, and reviewed the OCPB comments.

### **Comments**

1. Are changes to exterior lighting, fencing, or screening necessary to accommodate the proposed outdoor storage activity?
2. Is a cross access easement with adjacent use at 6905 SR 5/US 20 necessary?

PB answers to the County comments:

- 1. The storage area is already fenced in, and the prior owner used the space for storing heavy equipment.**
- 2. No new lighting yet, may add lighting in the future. If new lighting is added Sulli will need to return for a site plan review.**

Compton stated this will be less impactful to the neighbors than the piles of lumber, sand and stone used by the prior owner.

Lester discussed SEQR, **Compton motioned and Woodruff second to declare SEQR a Type II, with no further action required. All Board members voted aye.**

**Rogers motioned and Donohoe second to approve the site plan and Special Use Permit as proposed and discussed for SPL2-21, Performance Industrial Park, LLC (Owner, Anthony Sulli) 6915 St Rts 5&20 – Commercial storage buildings and mini -warehouses section 135-68.**

### **Whereas:**

1. Proposed will be same or less impact
2. Any future lighting plan needs to be approved
3. As proposed and discussed, there will be ten (10) outdoor storage spaces

### **Record of Vote:**

**Lester Aye Fink Aye Pellett Compton Aye Rogers Aye Donohoe Aye Woodruff Aye  
All Board members present voted Aye, Vote was carried unanimously.**

## **VI. Discussions:**

- Chickens/ All district regulations & AR-2 District
- Proposed Solar

### **Chickens:**

The Board held a discussion on the change of code. It was discussed that turkey, geese and peacocks make a lot of noise and the code should just be kept to chickens and ducks on less than five (5) acres. The suggestion was to remove the wording of fowl in section X A. 1-4. Pheasants and grouse are netted and are game birds that are dealt with through the DEC. A discussion was held on the # of chickens. Woodruff stated that the vast majority of agri-communities deal with 4-6 chickens. That is enough eggs for a single family. These will be allowed where there is single family or duplexes regardless of the current zoning. Rayburn will re-do the code and send out to the Board for their review.

### **Solar:**

A discussion was held on the Solar regulations, it was decided that the small and large scale solar should be separated as a small scale does not require a Special Use Permit (SUP).

The Board held a discussion and it was stated that it's a balance of the comprehensive (comp) plan wanting renewable/clean energy and keeping the rural character of the Town. The comp plan does not give a limit on the number or size of large-scale solar projects, but in the past it the rural character and the vistas were of importance.

The Board looked at the large-scale SUP. They would like D.4 to state that a local maintenance company be hired and C. 2 should be removed for now that deals with battery storage. We need to deal with that at a later date. Woodruff stated that Richmond is reviewing that topic now. They can be a danger to firefighters if they catch on fire.

Rogers discussed lot coverage and feels that the arrays should maximize all the land it can if you want to save Ag land, and should be reviewed on a case-by-case basis.

A discussion was held on the code having a mega watt (MW) limit. The Board took a vote.

**Record of Vote:**

**Lester** Aye 10 MW **Fink** Aye 10 MW **Pellett** Nay **Compton** Aye 10 MW **Rogers** Nay **Donohoe** Aye 15 MW **Woodruff** Aye 10 MW. Four (4) Board members voted for a 10 MW maximum limit for the Town, 2 Voted no limit, and 1 voted for a 15 MW limit.

A discussion was held on the substations that touch the town as we were previously told the Town could only handle six (6) MWs. This proved to be untrue. The Board also discussed the State approved twenty-five (25) MW systems and what the Towns involvement would and could be.

Corrections to the code will be made and reviewed at the next meeting. Definitions need to be reviewed as well.

**VII. Minutes of February 18, 2021,**

**Rogers motioned and Donohoe seconded to approve the minutes of Feb 18, 2021**

**All board members present voted Ay.**

**Minutes of March 4, 2021,**

**Rogers motioned and Donohoe seconded to approve the minutes of March 4, 2021**

**All board members present voted Aye with the exception of Pellett who abstained and was not present at the 3.4.2021 meeting.**

**VIII. Meeting Adjourned**

**Fink motioned and Rogers seconded to close the meeting @ 9:25 pm.**

**All Board members present voted Aye. Vote was carried unanimously.**

Respectfully submitted,

Kimberly Rayburn  
Planning & Zoning Board Secretary