

**Planning Board Minutes**  
**August 6, 2020**

**Planning Board Members Present:** Julie Pellett, Daniel Compton, Matt Rogers, Michael Donohoe.

(Call In: Michael Woodruff, Steve Lester)

**Absent:** Fred Fink

**Others Present:** Kimberly Rayburn (Secretary), James Kier (Building & Zoning), Bob Condello (Owner) TR Dean (owner)

Pellett opened the meeting at 7:35 pm.

**I. SPL4-20, Site Plan, Northern Supply, Owner Bob Condello** property located at 2959 Ashman Rd., tax map # 81.00-1-75.100. Three Verdi Storage containers to be placed at the rear of the main bldg.

The Board needs to decide if a public hearing is in the best interest of the community. Compton stated he does not feel a public hearing is needed for this proposal. **Compton made a motion and Woodruff seconded the motion to waive a public hearing. All Board members present voted aye, vote was carried unanimously.**

Condello stated that he needs some storage as the swimming pool business has taken off, he thinks this is due to more people staying home to the virus. He would like to bring in a few more lines of product, and expects in a couple years it will level off again. Woodruff noted that based on the site plan they will be mostly out of site and have a minimal impact. The placement will be ten (10) feet on the driveway and the rest will be on a gravel pad.

**Woodruff made a motion to declare SEQR an type II action, with no further action required. All Board members present voted Aye, Vote was carried unanimously.**

**Compton made a motion and Rogers seconded the motion to approve the placement off the three Verdi containers for storage at Northern Supply, Owner Bob Condello** property located at 2959 Ashman Rd., tax map # 81.00-1-75.100.

**Whereas:**

1. There is no time limit on removal as Mr. Condello is purchasing the containers.

**Record of Vote:**

**Pellett Aye Compton Aye Rogers Aye Lester Aye Donohoe Aye Woodruff Aye**

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

**II. SPL5-20 Site Plan, Carver Creek, Owner TR Dean** 2524 property located at 2524 Cannan Rd., tax map # 66.00-3-25.100 addition onto existing commercial building, & TSP1-19 modification to existing SUP for size of storage buildings.

The Board needs to decide if a public hearing is in the best interest of the community. Compton and Woodruff stated they do not feel a public hearing is needed for the modification of the mini storage buildings as this project was previously approved but they do feel one is needed for the addition onto the existing commercial building. **Compton made a motion and Donohoe seconded the motion to waive a public hearing for the modification and set a public hearing for the addition. All Board members present voted aye, vote was carried unanimously.**

The Board then went into the review of the modification. Dean stated he would like the buildings to be ten (10) foot wider. Donohoe asked the reasoning, Dean stated he has been dealing with a storage consultant and these units will be more in demand. They will be climate controlled and he feels he is wasting space with a thirty (30) foot building. The buildings will be the same style. The original plan was to have six (6) but he thinks he is now going to be happy with four (4). He will start with the 1<sup>st</sup> of the two buildings and prep the pad for the second. A discussion was held on the timetable, at the first meeting he was given one (1) year to finish the first building and the second within two years.

**Woodruff made a motion to declare SEQR an unlisted action, with a negative declaration Donohoe seconded that motion. All Board members present voted Aye, Vote was carried unanimously.**

**Compton made a motion and Woodruff seconded the motion to approve the modification to existing SUP TSP1-19 for size of storage buildings they will be 10 foot wider than previously approved. Changing from thirty (30) feet to forty (40) feet wide. Carver Creek, Owner TR Dean property located at 2524 Cannan Rd., tax map # 66.00-3-25.200**

**Whereas:**

1. The Board accepts the map provided for Preliminary/Final modification site plan.
2. The first building will be built in one year; the second will be built within two years.

**Record of Vote:**

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

**II. Discussion:** Compton asked Kier if he had a chance to look at the Code regarding hazardous waste. He wanted to know if our current code has verbiage that would allow it. Kier stated he did not. Compton reiterated the possible need for code that covers activities involving storage of waste such as sewage coming in from NYC. He stated that Wayne County Compost was taking in 300 tons a sewage per day. They put legislation in place that requires an enclosed building, and he wonders if we should be looking into creating code for this type of thing. Woodruff stated that he believes there is some code on hazardous waste, but it may need to be updated as this type of waste is usually high in metallics. Compton stated that a definition may be all that's needed to correct the issue, Woodruff agreed. Kier and Woodruff will look into it together.

Compton wanted to discuss the Farm Bureau/Ag & Markets review that has the solar project for Bennett held up. Kier and Rayburn stated that they must have requested upfront money from NYSEDA to build the project, in doing so NYSEDA must be obligated to check with Ag & Markets to make sure its ok. Ag & Markets stated that they consider that land to be prime farmland so in order to go forward with the project Bennett would need to find another ten acres to farm if he was going to take the ten acres out of production. There is a negotiation going on between the parties. Woodruff stated that the Board has also been looking at what to do with code regarding prime farmland. Rogers stated that the owner of the property could put a for sale sign up and sell the property for housing, he does not understand how they can stop him. Pellett stated that if you receive an ag land exemption and you pull some out of production and without notice to the County, you have to pay back taxes for approximately seven years. Bennett was aware of the tax issue. Pellett stated that the issue is the land is coming out of production even though it's a lease and the property is not being sold. Woodruff stated that you can make changes but only once a year, Pellett stated that you have the option around March to take your land out or renew your ag exemption. Lester stated that the property is coded as a grade 2 for Ag. Land at grade 1 is the best. Woodruff questioned when this became an issue as there are plenty of solar projects on farmland around the County. He has reviewed many at the County Planning Board level and this has never been mentioned. It could be this is the first project on leased vs owned land that money was requested upfront to help build the project. Woodruff stated that in Farmington they had a proposal for a large scale on two separate parcels where the cows were going to roam around and eat the grass underneath them. Rayburn reminded the Board that this project went to the County and all the way through the approval process by the Planning Board and then this happened. It could start happening more. Kier stated that any project of 25 megawatts or more will be reviewed and decided on at the state level, we may just be able to add zoning for landscaping and other small items. Woodruff suggested Kier discuss this letter with the County. Compton stated that this may be something that needs to be looked at ahead of time. Because if there is someone that can pull the plug on a project, then why are we spending time on it. Woodruff and Compton stated we need to find out what triggered this review and where it needs to fall into the process if it's new criteria. Woodruff stated that it may also not just be for solar it could be for a number of other actions if we are dealing with farmland. Compton stated we need more information.

Rogers stated that when you limit the uses of the land you are deteriorating the value of the land. Rogers asked if Delaware River Solar had taken any steps to go forward before this letter came out as the Board gave them a one-year extension. Kier stated they had not.

Compton asked if Abundant solar was going to fix and maintain their buffering. Kier stated that they are in the process. According to them they have replaced three hundred (300) trees out of three hundred and seventy (370).

**III. Minutes:**

**Minutes of July 16, 2020**

**Donahoe made a motion and Rogers seconded the motion to approve the minutes 7/16/2020**

**All board members present at the 7/16/2020 meeting voted aye; Woodruff abstained. Vote was carried.**

**IV. Meeting Adjourned:**

**Compton made a motion and Rogers seconded the motion to close the meeting.**

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

Respectfully submitted,

Kimberly Rayburn  
Planning & Zoning Board Secretary