
**Planning Board Minutes
September 3, 2020**

Planning Board Members Present: Fred Fink, Julie Pellett, Daniel Compton, Steve Lester, Matt Rogers, Michael Donohoe.

(Call In: Michael Woodruff)

Absent:

Others Present: Kimberly Rayburn (Secretary), James Kier (Building & Zoning), John Wadsworth, John W. Wadsworth (Owner and Son) Michelle Jungermann (owner)

Fink opened the meeting at 7:30 pm.

I. TS2-20 1 Lot Subdivision Sketch Plan Owner John Wadsworth 2244 St Rt. 444 tax map # 54.03-1-43.000. Parent parcel of 4.1 +/- acres removing 2.158 acres to centerline of 2 leaving 2.227 acres to centerline lot 1 remaining parent parcel.

John Wadsworth has a four (4) acre parcel he wishes to split it into two (2) acre parcels. He was previously approved for an area variance for front road frontage of less than 275 feet on each lot. The board reviewed the maps for sketch plan. Compton stated that the farm note is not on the subdivision maps. It would need to be added for the preliminary final meeting. Woodruff explains the town passed a law for the agricultural community and farmers so their rights are protected. Due to the possibility of the smell and the noise. That is so you cannot come back on the town or the farmer because of it. That's the reasoning why it needs to be on the subdivision map. Compton believes the side setback to the well is ten (10) feet, that explains the jog in the property line. The shed will be moved and relocated off the side setback so another variance is not needed. Donohoe made a motion to approve sketch plan contingent on the farm note being on the final maps Woodruff seconded the motion

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

Donohoe made a motion and Woodruff seconded the motion to approve the sketch plan contingent on the farm note being on the final maps

Whereas:

1. The farm note will be on the final maps
2. The shed will be moved off the lot line in accordance to the setback regulations.

Record of Vote:

Fink Aye Pellett Aye Compton Aye Rogers Aye Lester Aye Donohoe Aye Woodruff Aye

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

II. SPL6-20 Site plan Review for shed in the front line of the house Heinz and Michelle Jungermann 3049 Bailey Rd. tax map # 80.00-2-4.120

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

Jungermann stated the shed was given to them. They didn't realize they needed a building permit for that size of Shed. Their lot is 1.1 acres and the lot setbacks are for a 2-acre lot as that's the minimum for that district. Their lot is pre-existing nonconforming. She stated the setback for a two-acre lot in the AR-2 District from the side lot line is 25 feet, but that would be in the middle of their property. They stuck it in between two pine trees on the North side of property approximately four (4) +/- feet from property line. They have spoken to their neighbor and he is fine with the location. The house is built into a Hill and from the road the property slopes up. There's no other flat space other than the front portion of the yard. Pictures were submitted. She again stated the reason the shed is already placed is because they had a friend whose house was for sale and it was given to them. Then after finding out they needed a permit they realized the rules. Kier did a site visit. He stated the sheds location is the best scenario. Normally he would not think that a shed being that close to the line, or that close to the road would be the best scenario. However, by looking at the property, it is tucked between the pine trees and he feels that it is the best location.

He then reminded the Board that there are two (2) variances one (1) for the side and one (1) for the front setback from the right of way.

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

Woodruff made a motion and Rogers seconded the motion to approve the Site plan Review for shed in the front line of the house Heinz and Michelle Jungermann 3049 Bailey Rd. tax map # 80.00-2-4.120

Whereas:

1. Contingent on Zoning Board approval of the variances

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.

III. TV6-20 Area Variance Heinz and Michelle Jungermann 3049 Bailey Rd. tax map # 80.00-2-4.120
Front setback and Side yard setback variance for a shed.

Lester made a motion and Donahoe seconded the motion to forward the variances onto the ZBA for a shed within the front setback, and side yard setback reduction due to the size of the parcel. Heinz and Michelle Jungermann 3049 Bailey Rd. tax map # 80.00-2-4.120

Record of Vote:

Fink Aye Pellett Aye Compton Aye Rogers Aye Lester Aye Donohoe Aye Woodruff Aye

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

IV. Discussion Fink stated he will connect with Rayburn on the solar first before going forward. Some items still up for discussion are: having the Caesar project in hand before it gets to the planning board. Fink discussed the hard-packed surface being gravel rather than being paved for storm water runoff. Recommendation on battery storage. It should not be in with the solar regulations it should be a separate code. It's in the in the New York State code per Kier. The bond piece, the decommissioning, the Town maybe converting to a bond decommissioning as we are not supposed to take cash. We could enlist the help of the attorney working on the lawsuit. Our lawsuit is being weighed on the outcome of the town of Seneca. In the case of the Cornell Cooperative law suite, the solar company said that since it is nonprofit property the panels on the property should not be taxed. The solar company lost the first round. The decision was that the solar panels were considered to be taxable, and the outcome of their court case could impact every one of the solar projects. their defense is the assessment should be lowered. The Abundant lawsuit is still pending. The main argument is they should not be taxable because they are removable and they should be taxed on the land only. Woodruff stated if they're not fastened down then they are not taxable. A discussion was held on the max number of acres used and limits on prime agricultural land. Should there be a limit on wattage generated? Fink stated he thinks we need something that separates the different kinds of solar, small-scale vs large-scale. The town of Seneca uses size anything over four-thousand (4,000) sq ft is a large scale. Ours is one-thousand (1000). The State is now taking over the review for any solar project over 25 MW. We were told by the gentleman that discussed solar with the Town that the Town could not handle more than 6 MW. However, no one thought about the field next to a Town line using a different substation. Also, the town of Seneca looked at how many acres, 16 MW or 2% of land. Rogers thinks that putting limits will prevent small projects and asked how can we prevent large ones. Kier stated if the state is in charge with the new legislation 94C. Woodruff stated that cell towers are treated as utility, they may do the same with solar. A discussion was had about putting in a solar overlay district. You can use the entire town and it adds additional regulations to existing zoning. Discussion regarding on-site vs off-site usage of the electricity generated. Turnbull's on roof system should be considered a small-scale system even though it's over the current one-thousand (1000) sq ft max for a small system

V. Meeting Adjourned:

Pellett made a motion and Donohoe 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