
**Planning Board Minutes
November 2, 2023**

Planning Board Members Present: Steve Lester, Daniel Compton, Matt Rogers, Michael Woodruff, Daniel Morley, Kimberly Duvall, Michelle Rhoda

Absent: Julie Pellett

Others Present: Kimberly Rayburn (Building & Zoning Officer), Christel Daggett (Secretary) Dan Compitello (Delaware River Solar), Terrence Boyle (Nussbaumer & Clarke, INC.) Chad & Sara Ayers, Greg & Cathy Templar, Peter Anuszkiewicz Dan Whittaker, Danyra Chavez, Glen Hanson, James Hamill, Lauren Muldoon, Dave Rayburn, Sarah Andreacchi, Donna Barden, David Norman

Lester opened the Public Hearing at 7:30 pm. Lester motioned, and Woodruff seconded to waive the reading of the public hearing.

Lester asked if there was anyone in the public that wanted to speak for or against the project?

I. Special Use Permit, TSP2-23 Owner Edward Strapp/ Agent Delaware River Solar
Energy System135-83.3. Property located on State Routes 5&20 Tax Map # 80.00-1-1.110

Sara Ayers stated she would like information on where the placement of the project will be. Terrence Boyle explained the project to the public in attendance. Ayers asked how close to the property line was the project going to go? Boyle stated approximately 100 ft. from their property line. Boyle stated that Delaware River Solar would be placing some type of buffer there. Ayers stated her concerns were about her driveway as it runs along that border with a downwards slope. Ayers discussed her concerns about erosion. Boyle stated there will be grass along the area. Ayers asked about what time range would the project take? Boyle stated about 4 months. Chad Ayers asked how many acres was it? Boyle stated the facility itself was 14 acres. Boyle stated it will all be fenced in. There will be a separate access road.

Cathy Templar asked what the life expectancy was on the solar panels? Compitello stated that it was about 25 years. Templar asked what the dismantling plan was at the end of 25 years? Compitello stated they have a decommissioning plan on file with their application.

Woodruff stated that the Town requires on any solar farm, the project to file a decommissioning plan with the Town Board. The Town Board then comes up with a bond so at the end of that 25 years they have money for the decommissioning. The Town Board and the Town Attorney handle that not the Planning Board. Templar asked about the energy going to the grid, where does the grid go? Does the Town profit? Compitello stated yes, this power is called Community Solar Farm which means people can sign up for it and they just pay for what they use. They don't pay for any maintenance or any of the cost of the project. Residents can receive a 5% discount on their electric bill every month, locked in for twenty years. The project can power roughly 600 - 800 homes. People can sign up at meadow.energy.com. Right now, they have about 25,000 customers across the state. Peter Anuszkiewicz asked if there was any battery storage? Compitello stated no, there is no battery storage.

Templar asked how much noise this will create? Compitello stated it is an inverter and transformer, and it is very quiet. There is a fan inside, it shuts down at night, there are no lights on the facility. Greg Templar asked what the height was of the panels? Compitello stated that they are a maximum of 15 ft. they mostly lay flat.

Bob Kurek asked how they were tying into the grid? Boyle stated that the wires are all underground to the top of the facility then they come out to the inverter station and up the utility pole to the other 3 new utility poles. Kurek asked if there was going to be a big inverter on the poles? Compitello stated they are no bigger than other boxes seen on poles.

Anuszkiewicz asked what the output voltage was? Compitello stated 34 ½, the same voltage that is on the lines. There was a discussion on generating electromagnetic radiation in the inverter it won't be detected further than 15 ft. away from the unit. It is not dangerous.

There were no further questions or comments from the public.

Lester motioned Woodruff Seconded to close the public. All Board members voted aye.

There was a brief discussion about buffering. Woodruff thinks there should be some kind of buffering on the east side as there is a residence there. Compitello stated they could put Pines or Arborvitaes. Rhoda asked about drifting snow. Compton stated they could request a sketch. Compitello stated he had no problem with providing a sketch for or wind and snow buffering.

Lester read and the Board reviewed SEQR. The Board then declared SEQR as an unlisted action with a negative declaration. Rogers motioned Woodruff seconded. All Board members voted aye.

Compton motioned Woodruff seconded to approve the Special Use Permit and Site Plan for TSP2-23 Owner Edward Strapp/ Agent Delaware River Solar for a Large-Scale Solar Energy System 135-83.3. Property located on State Routes 5&20 Tax Map # 80.00-1-1.110.

Whereas:

- 1. Contingent on the acceptance of the decommissioning plan, bond from the Town Attorney and Town Board.**
- 2. Contingent on receiving the sketch description for buffering on the east side of property as discussed in the minutes above.**

There were no further comments. All in favor:

Record of Vote:

**Lester Aye Compton Aye Rogers Aye Woodruff Aye Morley Aye Duvall Aye Rhoda Aye
Vote was carried.**

II. Special Use Permit, TSP3-23 Owner Kristina Arthmann 7596 Wilkins Rd. Tax Map # 67.00-2-31.00 for Dog training, Boarding, and future day care facility.

Lester opened the Public Hearing at 8:15 pm. Lester motioned, and Woodruff seconded to waive the reading of the public hearing. All Board members voted aye.

Lester asked if there was someone in attendance to present the proposal, but there was not.

Lester informed the Board and the public, that this district does allow this type of operation as an allowable use through a Special Use Permit. It does require certain criteria and the Board can place additional requirements to be met. Lester then asked the public if they would like to speak for or against now was their opportunity and to state their name for the record.

Dan Whittaker stated he was against it. He stated he doesn't want to hear dogs barking in the evening when he is outside cooking and spending time with his family. He stated that he has never known of a dog boarding place that does not have dogs barking. Whittaker stated Wilkins Rd is flat with no trees and no buffering to block out sound and there are two new houses being built and another one coming in on that road.

There was a brief discussion on where the applicant was so they could hear from them.

Woodruff explained that because it is zoned Agricultural Residential, Town zoning allows dog kennels to be put on a minimum of 3 acres. The Planning Board cannot deny it just because people don't want it. It is granted under a Special Use Permit.

Compton stated a Special Use Permit gives certain powers to apply conditions to the property to make sure that the mitigating factors for sound, odors, and things like that are taken care of. Then it is the Code Enforcement Officers responsibility to make sure those conditions of the Special Use Permit are met, if they are not then they pull the Special Use Permit and they are no longer allowed legally to conduct business under that condition.

Duvall asked as far as Town Code goes if a dog is barking for more than hour who would they call? If they bark for more than an hour it becomes a nuisance, potentially the permit could be pulled?

Lester stated that action would be taken, and they would receive written notice. Compton stated that is so they would have the opportunity to fix the problem, and that the permit wouldn't be pulled right then & there.

Duvall asked what if they are barking consistently the whole day? Who do they call? Rayburn then stated it's the responsibility of the person that wants to bring the complaint to prove that the dog has been barking for a minimum of 1 hour. They would have to bring in a recording with a date stamp.

Woodruff again wanted the public to know that the Planning Board cannot deny the Special Use Permit they can take all their concerns into consideration. Their job is to make sure that noise and odors are taken care of. Woodruff stated that he would like Rayburn to contact the Henrietta Code Enforcement Officer to see if they have had any complaints with their existing facility.

Whittaker stated he saw in the information that it says they were established in 2021. It has only been active for two years. Who knows how many dogs they have had in those two years, maybe a couple, so they don't have any complaints currently but now they are coming here and building a 40 x 80 barn who knows how many they will be able to house. Whittaker asked if there were regulations on how many dogs they can have? Woodruff stated no. Duvall stated that maybe animal control would know.

Rayburn stated that the Board should leave the Public Hearing open and hear from the applicant. She also stated that we don't know why the applicant is not present , so we should not assume why. Rayburn stated that she would reach out to them. Woodruff stated that they would like everyone here to express their concerns and could come back to the next meeting if they wanted to.

Sarah Andreacchi concerns are the noise, coyotes, sanitation, what chemicals they are using and the environmental impact on the natural wildlife on that road.

Donna Bardens concern is about Wilkins Rd. being a very quiet private dead-end road, that is one of the reasons she moved there. She is concerned with the traffic and strangers coming into the neighborhood especially in this day and age. It is more of a safety concern with her. She also addressed her concerns about environmental, the soil, and they all have wells.

Compton stated that there is a sanitation plan provided by Grove Engineering that is in the pamphlet and that maybe we could have it reviewed by our Town Engineer.

Danyra Chavez concern is about having small children and fencing. Rayburn stated they have multiple layers of fencing on their plan. She is also concerned about the noise and environment.

Glen Hansons concern is noise. He walks at Mendon Ponds and there is a dog kennel next to the trails and is always noisy. He is also worried about the foot traffic. In the proposal it states they expect \$180,000 in revenue this year and their plan is to grow. He doesn't know what the average person coming in and going are going to spend but, say it is \$100.00 that's two trips per each time that's 3,600 trips of people they are going to increase the traffic on the road by 3 or 4-fold and, that is with strangers, that does cause concern. Can you limit the hours? Is this an 8-5 business or 24-7 or weekends Woodruff stated we don't know because the applicant is not here.

James Hamill concerns are noise and environmental. They bought their land because it was quiet. Lauren Hamill stated that their backyard is right there.

Rogers asked when did they buy the property? Rayburn stated quite a while ago. It was stated that about 2 years ago the property was sold at auction and subdivided.

Dave Rayburns concern is Traffic and kids playing in the streets. He has grandkids that come over and now there is going to be way more traffic.

Duvall asked about the property of the neighbor who has horses. Rayburn stated that we had received a letter from the owner who could not attend due to being out of state for a wedding. They are concerned about noise and their horses. Rayburn also stated that we had another letter from Ashley DeLong, she is against the proposal as well and is concerned about noise. Whittaker stated that he had a letter from Gerald Rayburn that he would be turning in.

David Norman stated that he is not for it but understands the zoning rules, it's permitted. When you buy property, you need to do a lot of research and you look at the zoning, stuff is permitted. When he moved on that road there were only two houses, he knew this would happen. People will build, you will get more traffic, you just have to live with it, that's life, you can't stop it. You can make some regulations, but if they want to do it, they will dot their I's and it will happen. All you can do is buy 100 acres and build your house in the middle.

A brief discussion was held on the purpose of why we have these meetings. The public asked why to have them if they can do it anyways? Isn't there a way, we can say no? Woodruff stated not unless you get the zoning laws changed. The public asked how to do that? Woodruff stated they would need to talk to the Town Board. The Planning board has no control over it. Whittaker again asked then what is the point of public speaking. Rayburn stated so the Board can mitigate issues, concerns such as buffering and noise. Whittaker stated that the Board is making it sound like it's pointless. Lester explained that you are unable to stop the action from happening, but you can improve the outcome of the action.

A brief discussion was held on what stipulations could be put on the kennel for ex: adding buffering, time constraints of hours of activity.

Rayburn stated she had a conversation with Arthmann when she came in to apply for her Special Use Permit that it was vacant wide-open land with hardly any trees, so she should expect buffering. Arthmann told Rayburn that she went over to the property and camped out in a tent one night and could hear dogs barking and she didn't like it either. She stated that she doesn't just take anyone's dogs she is there to train them and board them and keeps them inside most of the time. That's why she has 20 luxury suites she doesn't want the other dogs in the other suites to hear the other dogs. It's supposed to be more of a training facility than a boarding facility, but Rayburn stated she would like Arthmann to explain that to the public.

Lester stated that the public Hearing will remain open the next meeting will be on November 16, 2023

There were no further questions or comments from the public.

Woodruff stated he would like Rayburn to contact the Henrietta Code Officer in the morning.

A brief discussion was held by the Planning Board on the public's concerns.

Lester suggested table further review of application until the next available meeting date so that the applicant could present the proposal. All Board members agreed.

IV. Meeting Adjourned

**Woodruff motioned Rhoda seconded to adjourn @ 9:00 pm.
All Board members present voted Aye; Vote was carried.**

Respectfully submitted,

Christel Daggett
Planning & Zoning Board Secretary