
Planning Board Minutes
April 19, 2018

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

Others Present: Jim Kier (Code Enforcement Officer), Kimberly Rayburn (Secretary), Bryan Marianacci (Applicant), John Bennett (Owner), John Schmauch (Delaware River Solar - Agent), Andy Gow (DRS/Nussbaumer Engineering), Johnathon Kranz, David Norman, Colin Diehl, Glenn Thornton (Thornton Engineering)

Fink opened the meeting at 7:30 pm and read the public hearing.

I. TSP7-17 SUP Family/In-Law Apartment Owner, FJM Development, LLC, Lands located at 2442 Whalen road Bloomfield, NY 14469 tax map # 68.00-1-51.110 has applied for a Special Use Permit to have a Family/In-Law Apartment. This is an allowable use with an approved Special Use Permit per Article X section 135.83.1.

Fink asked Marianacci to give a brief overview of the proposal. Marianacci stated that the in-law apartment is proposed in a three-bedroom home, in the lower level. They will be adding a bathroom, a kitchen, a shower and an egress window. Fink asked if anyone had any questions about the site drawing.

Fink stated the application was sent to the Ontario County Planning Board and they did not make a formal recommendation to deny or approve.

A brief discussion was held on SEQR, Overmoyer made a motion and Rogers seconded the motion to declare SEQR an unlisted action with a negative declaration. Compton abstained, all other Board members present voted Aye.

Fink made a motion and Compton seconded the motion to close the public hearing. All Board members present voted Aye.

Fink discussed SEQR, Compton made a motion and Rogers seconded the motion to declare SEQR an unlisted action with a negative declaration

Planning Board Decision:

Rogers made a motion and Pellett seconded the motion to approve TSP7-17 Family/In-Law Apartment Owner, FJM Development, LLC, Lands located at 2442 Whalen road Bloomfield, NY 14469 tax map # 68.00-1-51.110 for a Special Use Permit to have a Family/In-Law Apartment. This is an allowable use with an approved Special Use Permit per Article X section 135.83.1.

Record of Vote:

Fink Aye Pellett Aye Compton Abstained Rogers Aye Overmoyer Aye Donohoe Aye Lester Aye
All Board members present voted Aye, with the exception of Compton who abstained. Vote was carried.

Fink opened the meeting at 7:30 pm and read the public hearing.

II. TSP5-17 Special Use Permit Large Scale Solar Project Public Hearing Delaware River Solar- Agent, Owner of Property John Bennett property located on Rt 64 N of tax map # 67.00-1-1.100

Fink asked Gow and Schmauch to explain their proposal so that the public in attendance can get an overview of their project. A brief discussion was held and it was explained that a portion of property (13 acres) owned by John Bennett will be leased to Delaware River Solar (DRS) for a Large Scale Solar project. They will give the Residence within the market area the first choice of obtaining approximately a ten (10) percent reduction on their electricity bill.

A new set of maps has been provided from DRS with additions after they received comments from the Glenn Thornton (Town Engineer). Overmoyer asked if the eight (8) foot fence noted on page C-102 on the maps will be encompassing

the entire array, Schmauch stated that it would. Gow stated that one of the main concerns is a storm water pollution prevention plan (SWPPP), they were trying hard to keep the disturbance under one (1) acre so they would not be required to do a SWPPP, but since the Town Engineer and the Planning Board requested one they will voluntarily provide one. There will be a silt fence to protect the class A stream so after installation the site will be as it is now with the exception that there is a culvert crossing that needs to be widened to stabilize it and to make the existing driveway wider so the radius is enough for emergency vehicles and installation vehicles.

A discussion on the decommissioning plan was held. Schmauch will provide the Town with what they have used and has been accepted by other municipalities. Thornton stated that a decommissioning drawing should be provided as well as an as-built drawing so that the Town is aware of the steps that will be taken to return the property to its original condition and to be able to decommission the site themselves if it ever came to that.

Colin Diehl (neighbor) to the East stated that he has a million-dollar view from his gazebo and pond in this back yard, he works for a pipeline and is used to looking at property for wetlands and endangered species etc. He is in favor of the project and likes green energy, however he would like some steps to be taken to mitigate some of the issues with his view shed. A discussion was held on water run off for both his pond and for the solar panels. An agreement between Bennett, DRS and Diehl was to install a swale to route water run off as the water runs front to back now, not side to side. Also, some taller trees will be used for screening. Johnathon Kranz (neighbor) to the South also has a concern about his view shed but has a unique set of circumstances as his property sits higher in elevation than the proposed land that will be the site of the project and he is not the adjacent neighbor. There will be trees planted on this side as the Rogers own two parcels on the South side that may or may not become building lots before the life of this project is over, unfortunately they cannot block the view of the project from Kranz but the trees will break up the fence line. A new landscaping plan with staggered trees to the East and South will be required, a maintenance plan in writing that includes but not limited to maintenance hrs. (to be done during business hours only), landscaping will be maintained, if any trees need to be replaced they will do so, and no chemicals will be used for any reason. Diehl asked if it is possible he would like the screening to be one of the first things to go in before construction. Thornton stated it is a little unusual to start with the plantings and screening.

The Board reviewed the items that they will be looking for the list is as follows:

- Revised site plan showing the screening plan and the agreed upon swale
- Maintenance plan
- SWPPP report, Decommissioning plan & drawing

Fink started the review of part 2 of SEQR, it was determined that the proposed project would have small or no impact to people or the environment. Compton made a motion and Donohoe seconded the motion to declare SEQR a type I action with a negative declaration. All Board members present voted aye.

Compton made a motion and Pellett seconded the motion to close the public hearing, all Board members present voted aye.

III. Discussion

Rayburn informed the Board that Abundant Solar had sent in some updated documents and a SWPPP.

IV. Minutes from April 5, 2018

**Donohoe made a motion and Overmoyer seconded the motion to approve the minutes of April 5, 2018
All Board members present voted Aye, Vote was carried unanimously.**

V. Meeting Adjourned

**Rogers made a motion and Pellett seconded the motion to close the meeting @ 8:50 pm.
All Board members present voted Aye, Vote was carried unanimously.**

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary