

TOWN OF FAYETTE

PLANNING BOARD MINUTE

October 28, 2013

Meeting called to order at 7:03 pm by Chairman Schubert.

Present: Mr. Schubert, Ms. Bryan, Mr. Battley, Mr. Wise, Mr. Lott

Excused: Mr. Rosenkrans, Dr. Tidball

Others Present: Rodman Lott, Ellen Lott, Sherret Chase, Kathleen Lott, Tamara Lott

Reading of Town of Fayette Planning Board Public Notice by Mr. Schubert as posted in the *Finger Lakes Times* Sunday, October 20, 2013.

Public Hearing called to order at 7:03 p.m. Mr. Schubert asked for Roll Call.

- Mark Lott: Present
 - Nelson Wise: Present
 - Teresa Bryan: Present
 - Ron Schubert: Present
 - Dr. Keith Tidball: Excused Absence
 - Michael Battley: Present
 - Jeffrey Rosenkrans: Excused Absence
- ❖ Lott Farms LLC, 2450 County House Road, Waterloo, NY 13165 (Tax Map #7-1-2.11) Special Use Permit/Site Plan Review of placement of small, wind-turbine, electric generator on tower behind barns at 2450 County House Road, Waterloo, NY 13165.

Mr. Schubert asked for Roll Call.

- Mark Lott: Recused
- Nelson Wise: Present
- Teresa Bryan: Present
- Ron Schubert: Present
- Dr. Keith Tidball: Excused Absence
- Michael Battley: Present
- Jeffrey Rosenkrans: Excused Absence

Sherrett Chase, mechanical engineer, represented Lott Farms LLC in regards to constructing a wind-turbine, electric generator behind the barns (south-side). Clearance has been obtained from the FAA for the height of the tower (140') – a copy of the clearance was provided to the Planning Board. NYS ERTA requires a SEQR short form document review. We need the town to review the environmental impact or lack thereof by a small wind turbine generator. That is one of the documents we submit to the State along with the grant application.

Mr. Battley asked if any access roads would need to be placed for the crane that would be used in the erection of the wind-turbine. Mr. Chase explained that due to the level terrain and construction being close to the existing driveway, he did not foresee any problems.

Moved by Mr. Wise and seconded by Mr. Battley to close the public hearing at 7:14 p.m. Motion carried 4-1 abstain (Lott).

Regular Meeting called at 7:15 p.m. Mr. Schubert asked for Roll Call.

- Mark Lott: Present
- Nelson Wise: Present
- Teresa Bryan: Present
- Ron Schubert: Present
- Dr. Keith Tidball: Excused Absence
- Michael Battley: Present
- Jeffrey Rosenkrans: Excused Absence

Approval of Minutes from September 23, 2013 meeting: A motion was made by Mr. Lott and seconded by Mr. Battley to approve the Board minutes of September 23, 2013. Approved and carried 5-0.

Public Comment: None

Zoning Officer's Report: None

Town Board Liaison: Councilman Nelson – Ms. Nelson reported that the dog enumeration is complete. Tickets will be sent out for non-compliance of licensing dogs. The animal shelter held a Doug's Fish Fry fundraiser at Five Star Bank this evening. The Town Board is working on the budget and waiting for a proposal from FL1.com for the town's website needs.

County Planning Board Report: An October meeting was not held. Review minutes for 9/11/13 in folder.

Regional Issues: None

Old Business: Review letters regarding the septic & grey water for Jennifer Sandrock (Hofheins). The letters are conflicting. Mr. Schubert will contact Mr. Ricci for interpretation of the 2 pieces of correspondence. Information regarding the anchor system has not been received. A permit has been received by the DEC but the Army Corp of Engineers is holding off

until such time this Planning Board forms an official response. A formal reply to her request must be completed by 11/23/13.

A preliminary marked survey was received from Donald Best accurately locating the septic and new house for his proposed new home on North Parker Road, Seneca Falls. It was agreed that this would be adequate for beginning his project.

Everyone should review the land use regulations and enclosed revision recommendations in preparation for the 11/18/13 meeting.

An advertisement was placed in last Friday's Finger Lakes Times for a secretary replacement and alternate members. We are hoping to review the applications at the November meeting and do interviews of the secretary candidates at the December meeting. Lenny Marr has expressed interest in returning to the Planning Board as an alternate in the Spring.

Approved and carried 5-0.

New Business:

Review of memo from Harriet Haynes, County Planner regarding the NYS Department of Agriculture & Markets consideration of wind turbines used to supply a portion of a farm's electrical needs (not exceeding 110% of the farm's anticipated demand) to be on-farm equipment. As part of a farm operation, the use would be considered a Type 2 SEQR application, and considered an "on-farm building". As such, the Use and Area Variance issues would become mute once it is demonstrated that the operation is part of a "farm operation" as defined by AML 301, Subd. 11, and when it is demonstrated that the power to be generated by the turbine will be less than 110% of the needs of the farm operation. The need for a Special Use Permit for the Electric Power Plant in an A-1 Zone would also become a mute issue by definition in the Agriculture & Markets Law.

The Town of Fayette Planning Board declares itself the Lead Agency for the SEQR review. This application is declared a Type II SEQR application for it is considered an "on-farm building" per AML 301, Sub. 11 and AML 305-a; and does meet the 110% power generation of needs of the farm.

Mr. Chase elaborated to explain that Agriculture & Markets has a guideline of 110% of the reach of the system needing to be away from the town road and non-residents not of the owner of the wind system; and 110% away from power lamps. NYSEG requires 150% of the distance to an overhead power line. We are clear of all of these.

Mr. Battley asked about the project in regards to NYSEG. Mr. Chase explained that the project cannot get on-line without their approval which involves an application for inter-connection. NYSEG's concerns are safety, electrical and clearance from their overhead power lines. We have to have a safety device (protective relay). The relay will make sure there is no system back-feed and the quality of the electricity is compatible with NYSEG's generated energy. There is a meter measuring electricity going back and forth from the site. The net meter measures

production, usage and manages the energy. Surplus at the end of the year is paid (1/3 of value) at the end of the year.

Motion was made by Mr. Battley and seconded by Mr. Wise to approve the construction of a wind turbine under the "Right to Farm Law" for Lott LLC. There is no evident environmental impact. Moved and carried 4-1 abstain (Lott).

Mr. Schubert provided a copy of a proposal from Justin Sensenig in regards to constructing a mini storage north of the Segall's house. Justin Sensenig bought the eight acres there and wants to construct a storage shed in the woods. Mr. Schubert suggested at a meeting with Justin that he come up with a location where he wants it on the land and driveway (which would require approval from Department of Transportation). He hopes to be here for a Preliminary meeting next month.

Moved by Mr. Lott and seconded by Mr. Battley to adjourn the meeting at 7:55 p.m. Carried 5-0.

The next scheduled meeting of the Town of Fayette will occur Monday, November 18, 2013 at 7 p.m.

Respectfully Submitted,

Debra Vanni
Town of Fayette Planning Board Secretary