

Town Of Fenner Planning Board Minutes

07/21/2021

Present: Monica Cody, Judy Carmon, Donna Griffin, Pete Snyder, Andre Schokker, Andrew Stone

Donna called meeting to order at 7:37

Reviewed minutes from June 2021 Planning Board Meeting- in Item 2, Distances are incorrect, B zone was noted. It should have been A zone. Should be 83 feet. They were asking for a variance of 36 feet. On the side line, they are asking for a 36 foot variance. Side line requirement is 40 feet.

Motion to approve June 2021 planning board minutes with corrections noted above by Judy and second by Pete, motion carries.

ITEM 1: Special use permit on Fredericks Property for the MET Tower:

Presentation made to explain what the MET tower is by Gregg Gibbons (Borrego Solar) filling in for Dave Strong (Project manager) and Steve Millet from Fisher Associates. Fisher Associates is a consultant engineering firm. Special use permit is for a meteorological evaluation tower. It is a precursor for potentially having a wind turbine on site. MET typically goes up a year in advance to gather data. It will be a pole with instruments on the top with 18 guidewires. 197 feet tall. The purpose of the tower is to gather wind data to determine if it is a suitable site for a wind turbine. Property is at 4557 Nelson Rd. It is two miles south of the existing Fenner wind farm. MET tower is proposed to be put in middle to north section of the property, away from farmed area because with guidewires, can't farm around it. Property owner asked to keep it away from the property line to ensure it can be farmed around. A special use permit is needed for the tower and Code Enforcement Officer Roger cook said a variance is also needed. It is not tall enough to need FAA light requirements.

Judy Carmon asked how a 197ft tower can provide enough data for a 600 foot wind turbine tower. Response was that the higher you get, the more forceful the wind is; 197ft indicates the bottom of the blades. Variance is needed to do this in a zone B, only zone c allows tower to be put in. The tower would be in place 18 months to 2 years.

Barbara Wheeler: Question asked if wind turbine decreases property values for surrounding lands. Response was that is unknown.

Sue Bookhout- asked to point where the tower is proposed on a map, it was indicated.

Richard Hedges- asked how many towers are being proposed. Response was that the plan is for 2 turbines on this parcel. It is the Richards' farm. Asked if they went through the Indians, Putnam Rd. is cut out for the Indians. Response was that the project manager (Dave Strong, unable to attend tonight) would have that answer, they were unsure.

Barb Wheeler- what is the benefit to the community? Will people want to see this? I've read it isn't good for the environment for eagles. Response- for a MET tower that isn't an issue. Avian studies are ongoing for the parcel.

Concern was expressed about the subcontractor doing the avian studies, they were sitting at South Rd. looking South, there are known sightings of eagles and other endangered species on the ridge, concerns are being placed with the studies. Sue Bookhout saw an immature bald eagle fly through the site today, as well as nesting bald eagles. People doing the studies were bringing their pet dog and influence the studies. Sue addressed it with people doing the study when she saw they had brought their dog to the location and was told it wouldn't impact the study. Sue noted that is counter intuitive and not best practice.

Brian Williamson asked how many MET towers are going up. It was confirmed it is only one MET tower to determine if it is an OK site for 1 or 2 wind turbines. Parcel will need to be re-zoned in order to put turbines into place, the process for requesting the zone change has just started.

Sue Younlis (Cody Road)- My understanding is that your company's specialty is solar. How many wind turbines have you put in. Response was that 6 projects are ongoing, but none are in place yet. Sue commented it looks like they will be putting an additional transfer station and infrastructure to put more solar. Is there a possibility that you are trying to extend that? Response was no, the grid capacity would be maxed. At this point, no solar.

Bob Stinson- It looks you are adding into the transfer line, which is maxed out. This property is close to the national grid line that could be tapped into. The pond was built by his grandfather. He still owns 20 acres. If this gets reclassified as zone c, we lose the ability to assess this property locally, that role goes to Albany. We get 12% of the PILOT program. The town of Fenner subsidizes the taxes on these windmills. A 20 year old windmill has a market value of \$425K. Response: This would be a PILOT for a leased land when there are windmills in place if the town agrees to it and negotiates as such.

Stinson- need to solve the issue of not having tax revenue for the town. We lost out on revenue after 20 years of the existing windmills. Response- that is the point of the PILOT program, negotiated by the town.

Robin Clark- Who is doing the environmental impact study? Response was that avian studies are being done, an EAF form will be filled out, long form, for the turbines when the time comes. Short form was done for the MET tower. That will determine what studies are needed.

Bob Woodrich- what is the extent of the project, beyond 2 towers? How do we know you wont expand to other property owners? The response was that the grid would be maxed out. Dave Strong is traveling and has the answers to these questions. The special use permit is for the MET tower only.

Donna Griffin spoke- Noted that this public hearing was advertised before realizing a variance or change to zone c would be needed. Both of those situations require another public hearing (one for a variance through the ZBA, and one for a zone change through the Town Board). We have started this public hearing to allow your questions to be answered.

Shelly Holdridge, Oxbow Rd. Where was this advertised? I didn't get notified. Donna noted town business is posted in the Caz Republican and on the town website.

Sue Bookhout noted it would be helpful if the website was kept up to date. Donna noted the town clerk puts it on the website. Sue noted it can be accessed that way. Donna noted she doesn't like it on the website, everyone is different. Donna agrees with Shelly that Caz Republican only goes to the Caz residents. Several noted that they did receive mailings, but the tax map number was incorrect.

Donna Griffin noted that the public hearing is a moot point because we cannot move forward tonight for this special use permit.

Mr. Mckinnon noted that having the wrong parcel number would negate the boards' ability and the planning board should have legal council here tonight.

Representative summarized that we knew it couldn't go forward tonight, the code enforcement officer let them know that, and we are here to answer questions tonight.

Donna said we wanted to let them talk with you.

Gregg Gibbons said at the town board meeting last week, we asked what the process would be in order to change to a zone c. The board meeting was a fact seeking meeting for us to know what would be needed.

Rep said putting the MET tower would not impact the zone change. The MET tower lets us know if it worth pursuing the project.

Younlis- If you put a tower at 197 feet, and there is a variance, what do you between 600 and 197 feet. Rep said you assume the wind is better higher up. The data you get from the MET tower is conservative data.

Bookhout- wanted to learn what this is about. Cooperative Extension video on MET towers is helpful. It showed someone in an airplane and what low visibility you have. She wondered how safe it can be, we frequently see planes flying very low, and color/lights/visibility would be prudent. Don't want more visual impacts, but seems like it would be necessary. There are a lot of small airplanes that fly in the area.

Do you have an email for the project manager- dstrong@borregosolar.com

Tracy Carmen- data that you collect. How proprietary is it and could be sold to other companies for their use? Rep- not sure, possibly. It would be up to Borrego if it was useful data. The state has publicly available data that is similar, this is just more specific to this particular site. If they find they could put the wind turbine on there, another company would need to go through the same process. That isn't the intent but it is possible.

Younlis- say you get your variance and put up the windmills. Who maintains them? We had one come down. What would your reaction time be to get here and fix it, your company is not local. Greg Gibbons noted there are local people on call and an emergency response plan. People are remote monitoring 24/7 and address issues when they arise. There is an operations and maintenance plan prepared with the town. These are standard documents that would be created before towers are erected. Can't speak to existing wind towers, but SOPs should be in place before construction.

Hidges- This is testing the wind, right? It's already been proved that 5-7 days out of the year, we have little wind. Why would you put up another tower to prove that? Rep said we have data that says it is likely a good spot, but without specific site data, it isn't worth moving forward.

Clark- How did you pick this spot? Greg Gibbons said that Dave Strong did prospecting. Asked people if they would be interested, and existing substations have enough capacity for 4MW without tipping budget on a substation. Right now, there is enough space in the grid to inexpensively put power into the grid. Substation upgrades are very expensive and prohibitive for a small projects like this.

Greg Gibbons noted Substation upgrades were done last summer.

Pete Snyder asked that the group proceed outside for further Q&A. We have other agenda items to get to.

Jenna Swart- Company website does not mention wind at all. How do we know you won't upgrade to something else later?

Donna referred Greg Gibbons to ZBA for next steps in the variance process. Interested parties relocated to the parking lot to get further questions answered.

ITEM 2: Julie Racz public hearing for special use permit opened 8:23-

Julie noted that she is opening a personal training business out of her home on Bingley Rd. Special use permit is required to operate in home business. She presented that she is a personal trainer and fitness instructor. A few clients per day, no signage out front, no additional lighting, no parking (will utilize existing driveway). No outside equipment. Max of 2 clients at a time.

Tracy Carmen- can you tell us about your services. She is certified, was working at YMCA before the shutdown. Reevaluated what she wanted to do and wanted to train people out of her home. Easier for her and more profitable. Not a lot of gyms close by. Certified nutritional coach as well. It's a functional gym in the basement, there isn't a lot of machines, more squat wracks, free weights, boxes, some strength work but not body building. Functional training. Climbing wall. Only for use when she is there it is not an open gym. By appointment only and nutritional services as well.

How do you find clients- very new at business, working with Melissa Davis on how to get the word out and price services. Plan on posting on Caz Moms and another facebook page. Caz Republican, farmers market, webpage, word of mouth were suggested by the public in attendance. She is planning to start out slow and keep going. Built house 3 years ago.

Motion to close public hearing by Andy Stone, second by Andre at 8:35, motion carries.

Negative declaration found, motion by Pete and second by Judy to accept the negative declaration, motion carries.

Motion to grant special use permit by Pete and second by Andy Stone, motion carries.

Donna noted that Roger Cook needs communication of all items that are closed and should be copied on the minutes when distributed to the town clerk.

Judy noted that the Madison County forms must be returned, Town Clerk should take care of that process.

Item 3: David Troyer Special Use Permit-

David wants to start an equipment rental business for mini excavators, skid steers, etc. 5-10 machines. On the corner of Cody and Mutton Hill. This parcel is in zone A. Cody Rd. is a county road. Mutton Hill is a town road. Driveway would be on Mutton Hill. Building is existing. No additional buildings would be built in the near future. Pete noted it is fairly close to the road. David noted the barn is close but the building being used is about 80 feet from the road. Monica asked where equipment would be stored. David noted mostly road side on Cody for items available for rent.

Judy asked if there would be signage- Davide replied it would be located on Cody, parallel to Cody. Judy noted there are limitations on signage size. No additional outside lighting is being proposed.

County correspondence noted that a variance is needed, showing a series of non-self imposed hardships in order to get a variance prior to approval of a special use permit.

Judy asked how far property is owned back, David noted about 10 acres. Pete noted that while you want to start a business there, it is a self imposed hardship, so it would be necessary to show another hardship in order to start the business in zone A. An alternate location should be considered.

Pete noted, if you can't prove a hardship that is not self-inflicted, we can't refer to ZBA. He would need to prove it is not self inflicted. David asked to see a map to know where the zones are. Pete showed the map and pointed out the A zones and B zones. A zones require a 500 ft from the center of the road as a setback. If you did your business 500 feet from the road, you would be alright.

David asked, in a B zone, you can have a business like that? Yes, it would need a special use permit. Can I have the equipment 500 feet from the road? Yes, if have a driveway 500 feet from the road, in zone A, would be allowed. Signage on Mutton and Cody would still be ok. Office could be at the home or shop. But equipment would need to be farther back. Judy noted if you do run into the creek, that would show a hardship because the land isn't conducive to the setbacks required. You need to find a reason why you can't follow the existing constraints. If measure the site plan and find the hardship, come back to planning board to be referred to the ZBA for a special use permit. Judy read the application and hardships.

Motion was made to refer to the ZBA and when returns to planning board, should include both excavation businesses by Judy, second by Andre. Motion carries.

Item 4: Emilie Stoddard parcel subdivision

Emilie wants to divide property in half at 6242 Oxbow Rd. Canastota 13032. Tax Map parcel 70.-2-58. On the east side of the oxbow. Parcel is 3.033 acres with 400 feet of road frontage. Splitting to 200ft and 200ft for each new lot. Minor subdivision. 382.63 ft on east side. 276.22ft on the west. Both would be conforming lots All buildings noted on site plan are existing.

Will need a survey, schedule a public hearing for next meeting at 7:35pm on 8/18/21. Andre made motion and Andy seconded for a public hearing next month. Motion carries.

Item 5: Planning Board Business

Judy has resigned as secretary of Planning Board effective 7/14/21. She will continue to serve on the board as a member. Files have been left with Lisa Dolan. The Town Board will need to assign who will be the replacement secretary. Planning board urges consideration of someone not on the board to ensure full participation by the members.

Donna indicated that another planning board member has been appointed by Dave Jones. Board does not know who it is.

Motion to close 9:07 by Pete, second by Judy. Motion carries.

Respectfully submitted by Monica Cody