

Town of Fenner Planning Board Minutes: 2/21/2024

Present: Monica Cody, Andre Schokker, Andy Bishopp, Sue Yanulis, Pete Snyder, Andy Stone (arrived at 9PM)

Absent: Judy Carmon

Community Members in attendance: Scott Lake, Paul Little, Dave Senehi, Shannon Adams

Pete Snyder called meeting to order at 7:30 pm.

Discussion of Meeting Minutes from 1/17/2024:

Motion to approve the meeting minutes 1/17/2024 by Andre Schokker, seconded by Sue Yanulis. Motion carries.

Preliminary review for Paul Little: (parcel 77.-2-32.22)

Paul's neighbor has life use of a house on the property that he and his wife are now the owners of on Emhoff Rd. Eventually Paul will take the house down. They'd like to build a small ranch house on the parcel, move the neighbor into that home, then tear down or move the existing building, or change it into a barn/storage building. The neighbor with lifetime rights to the house is agreeable to this. There would be two houses on the same parcel until the original building is knocked down. The new building would not be tied into the existing septic or well. The new house would adhere to required setbacks and an extension to the existing driveway. The new well would go to the north east and septic to the southwest.

Paul is requesting a variance for a period of time to allow two residences to exist on the parcel for up to 1 year during the construction period.

Motion to request the ZBA to grant Paul Little a temporary variance to allow two homes to exist on parcel 77.-2-32.22 of one year by Monica Cody, second by Sue Yanulis. Motion carries.

Paul Little preliminary line change (parcel 77.00-1-32.1)

Paul would like to combine the parcel (77.00-1-33 into 77.00-1-32.1) via a line change. The new lot is not non-conforming and has adequate road frontage. There would be only one house on the property and no new driveways.

Motion to set the public hearing by Andy, seconded by Andre for 7:35pm on 3/20.24.

Public Hearing for Dave Senehi

Pete opened the public hearing at 7:45pm.

Dave needs to go back to the previously approved 3 breaker ring bus design from the just approved Line Tap design. It already has article 7 approval from NY State.

Scott Lake asked how big the project is going to be and where. He is a neighbor to the property. The maps were referenced. The size is approximately half of a football field. There will also be trees planted to hide it from neighboring properties. 3 weeks of ambient noise were measured, Scott was questioning the noise level. When it was tested, it was measured as a hum that is less than ambient so it should not be heard by neighbors. Dave is not in charge of the lights that are put on, that will depend on National Grid. These windmills will either be 5-1.7mW of the same size as the existing windmills, or 3- 4.2mW towers, for a total of 12.8 or 8.5mW project. Reference was made to the original SEQRA for 79.-1-3 on 3633 Cody Rd. There will be an entire grounding grid underneath the station. The way that the slope is designed, it becomes its own ground water filtration system with a retention swale. There is a letter from the county with their determination on the previously approved special use permit. The SEQRA remains as a negative declaration with no changes from the previous version.

Pete closed the public hearing at 8:00PM. Motion by Andre, seconded by Sue. Motion carried.

Motion to approve the by Sue, second by Andre. Motion carried.

Hank Stoker: Preliminary request for potential subdivision.

Multiple options were discussed for dividing the land for sale. It was noted that it will take about 2 months for any minor subdivision but longer if it's more than 4 parcels.

Shannon Adams on Sable Rd. 4 parcels

A neighbor complained that his chickens are a nuisance but he does not have the required 5 acres to make it a farm so he was told they are not allowed. They'd also like a horse in the future, but there is not additional parcels to purchase to add to the required land ownership. He has a total of 3.82acres. (68.1-1-9, 68.1-1-10, 68.1-1-11, 68.1-1-12). He is working on demolishing 2 existing houses and putting a septic in to put a cabin on the property.

The Planning Board determined there is nothing in our zoning regulations that prevent an indivuation from having a household chicken flock. It was recommended that Mr. Adams create a secure coop and run to prevent animals from leaving his yard. He is not running a farm so the designation of his chickens being farm animals does not apply. He was advised to look at zoning regs for sheds and coop dimensions.

Regulations for allowing a horse on the property will require a permit for fencing and building to house a horse and he should seek clarification when the time comes.

Andy will have to loop back with Jeff to discuss.

Review of Lavender Festival proposal for July 6, 2024

Monica Cody recused herself from any voting regarding this subject. Monica would like to hold a lavender festival at their farm at 4690 Shephards Rd. on 7/6/24. The existing special use permit covers short-term events. There will be portable toilets available and off-street parking in hay fields. They expect that there could be several thousand people coming to the event. Madison County Planning Department did not think anything needed to be discussed with the count but advised to let the Public Safety Officer know (an email was sent with no response to date).

Review of Hoffman Falls Wind Project Local Laws and Ordinances document case 23-00038- Exhib it 24

The planning board reviewed the document as impactful to Fenner with the following notes:

- Regarding waivers for construction and operation of facility:
 - Local Law 1997-1 as amended:
 - 2000-1, establishing zoning district C
 - 2001-1, expanding zoning district C
 - 2005 (amending 1997-1)
 - Subdivision of parcel for subdivision (see diagram) into 3 units. One to include Dave's, one for 3 breaking ring bus, and one for switch station. Another subdivision will be made to hold O&M building, owned by Liberty. This is a major subdivision of 5 lots. By requesting a waiver to bypass the long environmental form and formal county wide public hearing, this is outside of the nature and comprehensive plan for the Town and County. Public building do (contrary to the noted waiver request) pertain to the land, not the type of building that will be on the subdivided property. At the end of the projects lifetime, this would leave the town with nonconforming lots that do not have road frontage and are not buildable lots.
 - Minor roads are not only pertaining to residential properties, South road and most of Mutton Hill is in an A zone, meaning no businesses are allowed in that zone. Therefore it should only be governed as residential and the waiver is inappropriate to grant.
 - (Exhibit 5 and 21) All existing wind mills in the town of Fenner have placed all electrical components underground. There are no overhead components. To keep consistent with the current landscape and safety features, it should be required that all components be underground for the new installation.
 - Exhibit 4: Required lease rights are not procured for real property as noted in the waiver request.
 - Section 603: New driveways to be approved by appropriate jurisdictions and the current highway superintendent has not been requested to advise on driveway designs as of 21Feb2024.

- Land use schedule for O&M building and interconnection, height limitations should not be waived because the site plan and public hearing, and neighborhood aesthetics are not considered as this 4-story building will reside in a residential area.
- Front yard minimum dimensions do apply and a waiver should not be granted because of snow throw, irrelevant to building usage type. All buildings require the appropriate setbacks based on the 3 or 4 rod road designations.
- Smaller lot sizes are only allowed IF community water and sewer are available. Because the subdivide lot sizes are smaller than allowed (as proposed), there is not enough room to install a well and septic on the singular small lots while maintaining public health requirements for separation of water and septic.
- Proposed screening should cover, at time of installation, the entire height of any building installed for O&M to protect property owner visibility of an inappropriate building type in their neighborhood.
- Waiver request for less than the 2x setback is not within the document. Waiving setbacks less than 2x (which is required by 94C), would be inappropriate and present a safety concern at present and for any future development on adjacent properties that are not part of the leased holdings. In the town of Fenner, we have had existing windmills tip over, blades fly off, and turbine fire and the 2x setbacks were imperative to ensure public safety and minimize property damage liabilities.
- It is not appropriate to place a high energy O&M structure in a residential area based on scientific data that shows increased exposure to high levels of radiation is cause for public health concerns and water quality impacts. See Study &&&&&.
- The Town of Fenner has done its due diligence to have a designated area for renewable energy in a thoughtful and planned way. Ignoring existing zones to extend beyond that designated zone put undue burden on portions of the town that have been thoughtfully planned to ensure the coexistence of renewable energy and residential property for appropriately designed mixed use within the town of Fenner.
- Scenic viewsheds are quintessential to the Town of Fenner, and puts undo burden on local residents who moved to the Town of Fenner knowing the landscape would not change. Except now it will, if granted a waiver through 94C.
- Noise: It is known that the windmills will go over 50DB. We have existing residents who have complained of similar sound levels from existing windmills whose mental health was affected, requiring changes to the existing windmill balance to correct the issue. When the windmills turn in certain directions, the sound can be worse. This is a public health issue for residents and veterans with existing anxiety, PTSD, and health disorders as they age in place within the town of Fenner. The location of this windmill project impacts approximately 20% of town residents. It should be noted that that existing windmill project impacts approximately XX town residents.
- The O&M building will not have adequate road frontage to service in the event of an emergency if granted a waiver for road frontage.
- The waiver request has not been furnished, so many of the details referenced are not available to make comment on.

- 6 months to return grading and land to its prior state should be adequate, and a waiver should not be granted. High winds and weather conditions can cause erosion and be more impactful on surrounding lands.

The town of Fenner already has a large wind farm footprint, of which each windmill within the designated area conforms to town regulations and zoning. Allowing a new windfarm to not conform while the existing does, presents opportunities for litigation due to inequity in treatment. Having windfarms within the same town that do not adhere to the same standards also creates a visual eyesore of inconsistent design and further burdens town residents, limiting tourism and potentially impacting land values.

Motion to close by Sue Yanulis, second by Andre Schokker at 10:48 PM. Motion carried.

Respectfully Submitted,

Monica Cody