

**TOWN OF BARRE
PLANNING BOARD
NOVEMBER 12, 2018**

CALL TO ORDER: 6:34 PM

BOARD MEMBERS PRESENT

Tom Keeler Wes Miller
Jean Depatie Kurt Dudley
Kirk Mathes Jean Peglow
Stephen Harling

BOARD MEMBERS EXCUSED

Others present: Ben Yazman (Heritage Wind), Laura Bomyea (Youn/Sommer LLC), Susan Sherman (Rice's Country Haven, LLC), Allen Westenfeld, Joseph Quill, Richard Cox, Alice Mathes, Dale Spencer, Bev Spencer, Robin A. Nacca, Iva McKenna, Kerri McKenna Richardson, George McKenna, Tom McCabe, Wiford K. Wraight, Joan Wraight, Cindy Burnside, John Metzler, Eric Watson, Mike Quill, Gary Palmer, Alex Nacca, Lauren Antkowicle (SunSpin Media), Lynn Hill, Mike VanLieshout, Cindi VanLieshout, and Shellye Dale-Hall.

Mr. Keeler stated that Mr. Harling will fill the empty member position for this meeting.

Mr. Keeler made a motion to go into executive session for the purpose of discussion with Mr. Lance Mark, Town attorney at 6:31 pm. Seconded by Mr. Mathes and carried (7-0).

Mr. Dudley made a motion to return from executive session at 6:54 pm. Seconded by Mr. Harling and carried (7-0).

I. APPROVAL OF MEETING MINUTES

Mrs. Peglow made a motion to accept the minutes of the October 8th and October 22nd meetings. Seconded by Mr. Harling and carried.

II. PUBLIC HEARING: Joseph Quill 4627 Oak Orchard Road (95-1-25.21)

The Public hearing for Mr. Quill was opened at 6:55 pm.

Mr. Quill stated that he would like to open a vehicle maintenance, diesel repair and automotive business in the maintenance building owned by Sue Sherman. The business will be open from 7 am – 6 pm Monday to Friday and 9 am – 3 pm Saturday.

- The application was sent to the County Planning board. However the October meeting was cancelled and the decision was put back to us.

- A resident living at 4635 Oak Orchard which is 25' away
 - Has small children.
 - Has concerns about noise and health issues.
 - Would like to find out the process involved with a special use permit.
- If the County says no then what is the process; does an application return to County when a meeting is cancelled?
 - It does not get returned back to the County it is then up to the local planning board to either act tonight or wait and obtain more information.
 - Applications must be acted upon within 62 days however.
- Business is located in the business district.
- Will there be trucking running constantly?
 - It will not be any worse than trucks going up and down the road.
 - Mr. Quill will work with the neighbors.
- What if there is a change in the business?
 - The special use permit gets a modification.
 - The special use permit is reviewed/renewed yearly with Mrs. Dale-Hall and any problems can be rectified at that time.
- Mr. Quill will be changing tires, but not mounting them, using air tools.
- The waste oil is given to the Town for disposal and will be using Kristal Clear.
- Resident was asked if he was receptive to air tools and running vehicles.
 - Would a commercial air compressor be used?
 - Resident is asking for more time to look into this himself.
 - Should the board table this and get more information for the resident?
- Another resident felt it has been empty too long and is glad it's going to be used and open again.
- Letter received needs to have more information on it as resident didn't know anything until coming this evening.
- Would trees or something as a buffer muffle the sound and fumes? Resident felt that that would not be the answer.
- Mr. Quill may work outside of the shop in the summer if room is needed on the north side in front of the doors only.
- Mrs. Sherman answered what the building was used for before.
- The driveway on the north side is used for the trailer park. The green house in front uses the south driveway.
- Are there noise ordinances in the Town? No but there is a right to farm.
- An Albion shop could not change tires
- Could a limitation be put on when the air compressor be used?
- Some truck stops now collect exhaust fumes now.
- What about excessive idling?

The public hearing was closed at 8:05 pm.

Resolution 11-1118

Introduced by: Stephen Harling
Seconded by: Kirk Mathes

WHEREAS, The Town of Barre Planning Board has reviewed the application of Joseph Quill for a Site Plan Review and Special Use Permit for property located at 4627 Oak Orchard Road (95-1-25.21); and be it hereby

RESOLVED, the Site Plan and Special Use Permit be approved with conditions of

- Outside work must be done on the north side of the building to minimize noise
- Air tools run between the hours of 8 am and 6 pm only.
- Follow idling run times.

UPON ROLL CALL VOTE:

Mr. Keeler – Aye
 Mr. Miller – Aye
 Mr. DePatie – Aye
 Mr. Dudley - Aye
 Mr. Mathes – Aye
 Mrs. Peglow – Aye
 Mr. Harling – Aye

The resolution was thereupon duly adopted.

III. OLD BUSINESS

Mr. Keeler stated that the planning board does not make decisions on wind turbine zoning laws, we only makes recommendation to the town board and no decisions will be made tonight.

Clear Skies has formally submitted their proposal and Mrs. Richardson spoke about it. She stated that the format is not the same as current zoning. The recommendation are guidelines for proposed zoning.

- Industrial use only.
- Strike it entirely.
- Should not be zoned different than nuclear plant?
- Should not be in residential area.
- We would have to rezone.
- Our zoning is from 2008 which is before Article 10.
- There is a new 2018 study out. Please use this and not the Cassadaga project.
- Turbines need to be further away to protect health concerns. Ask LaBella but 5 times the turbine height from property lines, 10 times height for all resident locations.
- Setbacks for safety and well-being in regards with sound and safety concerns.

- We are trying to protect everyone.
- Ask LaBella as they are the experts letting them determine setbacks.
- We should take the initiative and investigate it ourselves.
- Noise limits are a huge concern.
- We need a law to protect all people for health and welfare not lease holders or non-lease holders.
- Remove participants and non-participants from proposals.
- Written by an attorney and no one has had time to read it including Mrs. Bomyea who is working with Heritage Wind.
- Turbines need to be spaced correctly with the space underneath be usable.
- Strongly object to industrial use
- Noise levels should include both participants and non-participants
- Cassadaga project have different noise levels? Yes they do.
- All of the concerns will be litigated thoroughly.
- Will have to update any evidence to the state sighting board.
- Finding study after study saying there are health issues.
- Clear Skies feels it's not a fair fight due to limited funds, all still new and it takes lots of time.
- Boundaries should be property lines and not residences.
- Pilot program will speak about financial benefits.
- Stricter standards for us.
- What are the minimal standards?
- Supporter looking to bring money into the Town not just lime their own pockets.
- Heritage does not want to obtain a waiver for everything. They feel their requests are very reasonable middle of the road changes
- Look at world health limits
- Would like to get answers from Heritage Wind and not have to spend our money to get them.
- Review other countries where they are increasing the setbacks.
- Need to pinpoint property lines

Mr. Miller made a motion that after hearing all recommendations that we recommend to the town board that no changes be made. Seconded by Jean Depatie and carried (5-0 with 2 abstaining).

It was asked why this decision was made with all the time, energy and funds that went into the proposals? Everything that was discussed will be addressed at the sighting board. It is unfair for the board to make recommends as we don't have the expertise to do so. We are also protecting ourselves from litigations etc. We don't have jurisdiction over wind turbines. Mrs. Richardson strongly disagrees with the decision and its unfair the way it was handled. Dr. McKenna said that Mrs. Richardson did a great job and Mrs. McKenna stated that we care about everyone whether for or against the turbines.

IV. NEW BUSINESS

The Site Plan Review, Modification of Special Use Permit, and Building Permit application of Susan Sherman of 4627 Oak Orchard Road (95-1-64 & 95-1-65) was brought before the board.

- In regards to the building permit, Mrs. Sherman has a trailer that is too costly to repair and she would like to replace it. The new trailer is 6' shorter than what is currently there. However the frame is the same so the foundation should be ok.
- The modification would be the reduction of the maintenance building that Mr. Quill will be renting and his special use permit was just approved earlier. The modification also includes building a 45' x 50' pole barn addition. It will be located east of where the driveway widens. There already is lots of gravel in that location and we don't want to put it in any green space as the children in the trailer park use that.
 - The overhead door will be on the south end of the barn by the driveway with a possible small door on the west side.
 - The building will be used for storage of tractors and other equipment = lawn mowers, 4-wheelers etc.
 - If it will be used as an office, it will have to come back before the planning board
- The site has been health department approved passing in October
- Would like to build in the spring

Mr. Keeler made a motion to reduce the current special use permit by removing the maintenance building, approve the building permit to remove and replace a trailer and the addition of the pole barn must go to the County planning board. Seconded by Mrs. Peglow and carried (7-0).

The Expedited Property Service (Eric Watson) application for a Site Plan Review and modification of Special Use Permit at 14007 West Lee Road (96-1-21.11) was brought before the board. Mr. Watson stated that his original building is 8' short of putting the equipment in.

- He will not be taking out any more trees.
- The additional 8' will be to the north and away from the property line.
- Building will be the same width.
- There is no changes in the intended use.
- The septic location will not be changing and has been approved.
- Has not obtained the building permit yet as he is waiting for the septic to be installed.

Resolution 12-1118

Introduced by: Stephen Harling
Seconded by: Kirk Mathes

WHEREAS, The Town of Barre Planning Board has reviewed the application of Expedited Service for a Site Plan Review and modification of Special Use Permit for property located at 14007 West Lee Road (96-1-21.11); and be it hereby

RESOLVED, the Site Plan and Special Use Permit be granted with condition of the fee be waived.

UPON ROLL CALL VOTE:

Mr. Keeler – Aye
Mr. Miller – Aye
Mr. DePatie – Aye
Mr. Dudley - Aye
Mr. Mathes – Aye
Mrs. Peglow – Aye
Mr. Harling – Aye

Mr. Keeler handed out to the board members the attendance record along with training records.

V. COMMUNICATION

ORLEANS COUNTY PLANNING BOARD

The October meeting was cancelled.

VI. ADJORNMENT

Mr. Mathes made a motion to adjourn the meeting at 9:56 pm; seconded by Mr. Depatie and carried (7-0).

Lee A. Preston, Clerk