Hamlin Planning Board Minutes

Monday, October 1, 2018

7:00 p.m.

The regular scheduled meeting of the Hamlin Planning Board was held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by the Chairperson, Chris Schlieter at 7:00 p.m. with the locations of the fire exits and AED explained for those present. It was asked that all cell phones and pagers be turned off for the duration of the meeting.

Roll call: Linda DeRue, Steve Lauth (excused), Dave Martin, Chris Schlieter, Mark Ballerstein, Linda Morey, James Nesbitt.

Present: Heidi Reese, Gerald Nesbitt, Linda & Rob Belavitch, Alan O. Fielder, Michelle Wise, Justin Borelli, Clarke M. Mahaney, Mr. & Mrs. Smith, Steve Long, Marc Kenward, Mike Doud, Bunnie Beardsley, Conservation Advisory Board Vice-Chairperson Jeanine Klopp, Joe Brightly, Carol McFarlane, Dave Matt – Schultz Associates, Bob Jones, Bradley Quataert, Town Councilperson Dave Rose, Jon L. Strauss, Teralyn A. Strauss, Jen Cobb, Rich Maier – Maier Land Surveying, David Leverenz.

Approval of the September 4, 2018 meeting minutes. Additions, deletions, or corrections to tonight's meeting. A motion was made by James Nesbitt, seconded by Linda Morey to approve the meeting minutes of September 4, 2018 as recorded.
Members polled: Linda DeRue aye, Dave Martin abstain, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

Approval of the September 12, 2018 Special Workshop Meeting Minutes. Additions, deletions, or corrections to tonight's meeting. A motion was made by Linda Morey, seconded by Mark Ballerstein to approve the meeting minutes of September 12, 2018 Special Workshop Meeting as recorded.
Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

Proof of Publication
The clerk read the proof of publication.

PUBLIC HEARING
COMMERCIAL SITE PLAN – 3254 ROOSEVELT HIGHWAY HAMLIN SOLAR 1, LLC
1814 FRANKLIN STREET, SUITE 700; OAKLAND CA 94612

Application of Hamlin Solar 1, LLC, owners, Kimberly Nesbitt and Heidi Reese seeking Commercial Site Plan for a Large-Scale Solar Energy System to be located at 3254 Roosevelt Highway, Hamlin Ny. Tax account# 020.04-1-12.1. This is in the R-M zone. The following documents have recently been submitted:

- Revised Commercial Site Plan Application
- Revised Application for Special Use Permit
- Revised Part1 Full Environmental Assessment Form
- Assignment Agreement between 212 Solar, LLC and Hamlin Solar 1, LLC
- Revised operations and maintenance plan
- Revised Decommissioning Plan
- Electrical 3-line diagram
- Complete set of Site Plans

Marc Kenward from Erdman Anthony and Mike Doud from Borrego Solar represented the applicants before the board. A 6.5 MW ground mount community solar project is proposed. All of the energy will go into the grid to be tapped into by the consumer. It will be the consumers ability to use solar energy.
The parcel is presently farmed with soybeans as the current crop. The parcel consists of 58.65 acres. 35 acres, or 66 1/2% of the total acreage will be used. 30.8 final. There will 6.4 acres for the setback on the North & East sides. 1 ½ acre of vegetative landscape buffering. The driveway will be 20 feet wide with crushed stone. 700 feet east of Drake Road. The poles with above ground wires will be placed along the access driveway. Town Code§520-36B allows a large-scale solar facility. Town Code §520-36B(3)(d) states maximum lot coverage. No solar energy system shall occupy more than 75% of the lot. This project is 15 ½% lot coverage.
Special Use Permit: Minimum acres is 20 acres. Minimum front, side, and rear setbacks are 100 feet. The proposed setbacks are as follows: Roosevelt Highway,316-feet, Drake Road, 194-feet, Side to the east – 106-feet, and Rear to the North – 102-feet. Maximum 20-feet per grid height per grade level. Panels to be 8' – 9' tall. The fenced arrays will cover 52.5%. The decommissioning plan has been submitted. This will be environmentally friendly with no grading and minor excavation. It will have plantings of meadow grass mix inside the fenced-in area and alfalfa and clover for the bees. During construction there will be 50 trips per day. 25 in the am and 25 out at the end of the day. There will be no adverse glare, no pm lighting, and no traffic. Main mowing will happen up to 2 times a year.

Chairperson Chris Schlieter opened the Public Hearing.
It was asked that anyone wishing to speak to please stand and state their name and address.

1. **Alan O. Fielder of 408 Drake Road** who owns the Alpaca farm on Drake Road, stated that there is a lot of water in the field. Mike Doud answered that at times producing more run off now, it will have less run-off when it is planted with the meadow mix. There will be a small decrease in run-off with no changes to the existing water patterns. There will be no "berms" just landscape trees.
2. **Bill and Audrey Smith of 3329 Roosevelt Highway** asked who will maintain the stream ditch that goes here from all of the development from the East. There is a water issue all of the time from the other side of Drake Road. They have had to build a stone wall to protect their yard from the drainage when the culvert overflows. The water flow goes North. A V-Plow cleans out the ditch every year. **Chris Schlieter** asked if the Highway Department has done work there in the past. They want to know why use prime farmland. **Chris Schlieter** stated that the applicant and the developer want to use it. It is allowed and part of the process. Solar, in itself, does not take land out of the ability to be farmed. It can be decommissioned and returned to the existing use. Mike Doud stated that 50% of farmland is prime farmland. **Chris Schlieter** remarked that the regulations will change in 2019 as to what type of action we need to look at for SEQR. This property is in the R-M district and based on the soil map, it is based on a normal SEQR. **Marc Kenward** stated that there will be no glare and the panels /arrays will rotate from the east to the west. **Chris Schlieter** responded that the solar panels absorb the sunlight, light will not reflect. **Marc Kenward** that the grass type to be used is not a high grass that will be mowed up to 2 times a year. It is not intended to be a lawn. It will be a meadow. **Bill Smith** asked if there will be a hit on property values. He feels that his home has depreciated. All realtors that he has spoken to said their home's value will go down. **Mike Doud** stated that there has not been a lot of studies on this type of solar. He is not a community solar broker and has not heard of anyone selling or losing 50% or even 10% of their home value. This has no cars, no noise, no barking dogs.
3. **Bunnie Beardsley of 880 Hamlin Center Road** asked how many panels will be on the site. Mike Doud and Marc Kenward did not know the answer but looked it up and came up with a number of 16,686 panels. She stated that RIT has 6 acres which is 6,000 panels.
4. **Alan O. Fielder of 408 Drake Road** inquired as to what would happen to the panels in a snow emergency. They stated that most will fall off.

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5. **Robert Quick of 3265 Roosevelt Highway** asked that a quantative report on real estate values be provided to us. There is not a lot of data on the neighborhood.
6. **Amber Coss of 3319 Roosevelt Highway** asked how the panels would move. Mike Doud explained that they are shaft driven with 3 motors centrally located. There is not a lot of movement, much like the hands of a clock. The panels will rotate on an axle over 15 hours in a day. High gear rotation that will not be seen with the naked eye. It will have electric motors.
7. **Jim Doan of 343 Morton Road** added that meadow mix does not grow tall and only needs to be mown once a year. Hummingbirds, butterflies and bees will come if the right plantings are put in place.

Chris Schlieter added that the Public Hearing would be left open to digest the information gathered tonight. Hopefully some of the questions will be answered in a month's time. **Attorney O'Toole** stated that it would be the board's pleasure to leave the Public Hearing open.
Town Assessor Dan Stanford stated that research affects the tax base. He concurs with the statement that there is no evidence that residents home values go down. The applicant is aware of the substantial conversion penalty. The valuation of the project dictates the pilot agreement with the town.
Mike Doud stated that the applicant will continue to use the excess land for AG.
James Nesbitt suggested that the Public Hearing be left open for resident's comments. The SUP has to be added with more information.
Linda Morey commented on the water issue. Brightly Farms had a water issue at the location of the Farm Market at 525 Drake Road. Tiling was installed to reduce the water. The applicant may want to speak with Highway Superintendent Steve Baase and/or to Supervisor Eric Peters on the water issue.
Mike Doud responded that they will work on the culverts in the ROW and keep the ditch open.
Mark Ballerstein suggested that a property impact study of valuation be submitted to the board.
Mike Doud stated that the solar farm is 3, 4, 500 feet away with landscaping.
Mark Ballerstein responded with feasibility.
Chris Schlieter stated that the solar facility study should be specific to their property, showing local devaluation.
Dave Martin asked if the trees would be the only border. **Marc Kenward** responded that there will also be a 7-foot high chain link fence. The plantings will be conifers and evergreens. **Dave Martin** also asked what they have around the facility in Geneva, NY. **Mike Doud and Marc Kenward** responded that it is a fuzzy fence with artificial greenery made of a synthetic material threaded through the chain link.
It was asked what is the overall cost of the project. **Mike Doud** stated that he did not want to divulge the cost. He did state that the dollar amount equals 10-12 Kilowatt per year. On the cost spectrum plus property taxes.
Linda DeRue asked how many solar farms could the substation handle. The number stated at the last meeting was 3.
Mike Doud responded that it is public information under substations. 14 MW equals 2 systems with 5 AC output to the grid. It is a gamble to go through National Grid. There is a lottery to get on a substation. Without government subsidies they would not be here today. Oil and gas all get subsidies. This is a change from a central generation point. The parts for the solar facility are made in China. There have been 3 tariffs on Chinese panels. They are made of polysilicon. The US cannot manufacture them cost effectively.
James Nesbitt and J.P. Schepp both asked for the elevation of the water to be shown on the map. It appears that it is going the wrong way. The concentration should be on grading, the portion to the North and then to the West. J.P. will then check the grading plan.
SPECIAL USE ISSUES – It is renewable each year with a fee.
To be considered:
1. The height of the panels.
2. The Decommissioning Plan will require a performance bond per town code to be not less than 150%.
   J.P. Schepp added that NYSERDA has guidelines for estimating the cost of decommissioning figures to assist municipalities. Chris Schlieter added that the code requires a bond, what kind of a bond? In trust? What if it changes ownership in a SUP year? It will have to be approved by the town attorney. Attorney O'Toole added the new owner inherits the ownership of the land. The permits are to the land not the individuals.

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Chris Schlieter stated that for the SUP process, if the system is not working, count the days during the SUP process. Prepare a report at the beginning or end of the year. To determine the threshold of exported power. At least 80% power.
Mike Doud added that the issue will be maintained by the system. It will not be defunct in one year. There will be a National Grid report.
James Nesbitt stated concerns about the elevation at 20 feet in height. He would like to see in the SUP a maximum height of 12 feet for the panels. The panels may not be the same panels for 10 years. The size may change. A 20-foot height is not realistic.
Mike Doud stated that the system will be monitored by a weather station installed at the site.
Chris Schlieter added comments concerning Part II of the Environmental Assessment Form. Page 3 0f 10, the impact on flooding with the modification of the existing drainage pattern. This will be checked as yes. Small impact may occur. Page 5 of 10, limit access to AG land. Marked as yes. Page 6 of 10, Impact on Aesthetic Resources, marked as yes. Small impact is marked, it should be Moderate to large – to the construction process.
Bunnie Beardsley asked if there is a plan for a retention pond. **Chris Schlieter** added there are no plans for a retention pond.

A motion was made by Chris Schlieter, seconded by James Nesbitt to leave the Public Hearing open for the Commercial Preliminary & Final Site Plan for the application for 3254 Roosevelt Highway to address issues until next month.
Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

PUBLIC HEARING

SPECIAL USE PERMIT – 3254 ROOSEVELT HIGHWAY **HAMLIN SOLAR 1, LLC**
1814 FRANKLIN STREET, SUITE 700; OAKLAND CA 94612

Application of Hamlin Solar 1, LLC, owners, Kimberly Nesbitt and Heidi Reese seeking a Special Use Permit for a Large-Scale Solar Energy System to be located at 3254 Roosevelt Highway, Hamlin Ny. Tax account# 020.04-1-12.1. This is in the R-M zone. The following documents have recently been submitted:

- Revised Commercial Site Plan Application
- Revised Application for Special Use Permit
- Revised Part1 Full Environmental Assessment Form
- Assignment Agreement between 212 Solar, LLC and Hamlin Solar 1, LLC
- Revised operations and maintenance plan
- Revised Decommissioning Plan
- Electrical 3-line diagram
- Complete set of Site Plans

A motion was made by Chris Schlieter, seconded by James Nesbitt to leave the Public Hearing open for the Special Use Permit application for the application of 3254 Roosevelt Highway to address issues until next month.
Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

AGENDA

PROPERTY SPLIT **DAVID LEVERENZ**
918 LAKE ROAD EAST FORK

Application of David Leverenz, owner, David Leverenz seeking a 5- acre property split from property located at 2374 Brick Schoolhouse Road known as the "Jackling Subdivision". The split to include the existing dwelling and barn. This is in the R-VL zone. Tax account# 14.04-002-006. The following documents have been submitted:

- Property Split Application
- Site Plan

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Rich Maier of Maier Land Surveying represented the applicant before the board. The proposal before the board is to split a 5- acre parcel off the original parcel. This parcel will consist of an existing dwelling and barn. The calculation of 5 acres was referenced from the center line of the road. While that might be the standard when measuring the acreage for farmland, the standard is to measure from the ROW. This measurement is 4.288 acres. The applicant will make application to the Zoning Board of Appeals for a variance.

A motion was made by Linda Morey, seconded by Mark Ballerstein to schedule a Public Hearing on December 3, 2018 at 7:00 for the Application of David Leverenz, owner, David Leverenz seeking a 5- acre property split from property located at 2374 Brick Schoolhouse Road known as the "Jackling Subdivision". The split to include the existing dwelling and barn. This is in the R-VL zone. Tax account# 14.04-002-006. The applicant will make application to the Zoning Board of Appeals for the area variance required.
Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

AGENDA
PRELIMINARY & FINAL SITE PLAN APPROVAL **BLYTHE WEBSTER**
232 MORTON ROAD

Application of Blythe Webster, owner, Blythe Webster, seeking Preliminary & Final Site Plan Approval for a new home to be located at 232 Morton Road. This is in the R-L zone. Tax account# 012.010-01-008.1. The following documents have been submitted:

- Preliminary & Final Single Lot Subdivision Application
- Short EAF Form
- AG Data Statement

Dave Matt of Schultz Associates represented the applicant before the board. The applicant proposes to build a new home. A perk test has been completed. A County highway permit will be required for the driveway.

Town Engineer J.P. Schepp of MRB Group had no engineering concerns.
Attorney O'Toole had no legal concerns.
Town Assessor Dan Stanford had no concerns.
Building Inspector Cheryl Pacelli had no building concerns at his time.
Conservation Advisory Board Vice-chairperson Jeanine Klopp stated that the area of construction is outside of the Conservation Overlay district therefore there are no conservation concerns.

A motion was made by Linda Morey, seconded dually by Linda DeRue and Mark Ballerstein to schedule a Public Hearing for November 5, 2018 at 7:00 pm for the Application of Blythe Webster, owner, Blythe Webster, seeking Preliminary & Final Site Plan Approval for a new home to be located at 232 Morton Road. This is in the R-L zone. Tax account# 012.010-01-008.1. The following documents have been submitted:

- Preliminary & Final Single Lot Subdivision Application
- Short EAF Form
- AG Data Statement

Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

AGENDA
RESIDENTIAL SKETCH PLAN **JON & TERALYN STRAUSS**
271 WALKER ROAD

Application of Jon & Teralyn Strauss, owners, Jon & Teralyn Strauss, seeking Residential Sketch plan to add an addition of an in-law dwelling to their existing home per Town Code§ 520-11A(3)(f). Tax account#023.03-2-1.111. This is in the R-VL zone. The following documents have been submitted:

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- Residential Sketch Plan Application
- Instrument Survey
- Drawings
- Floor plan

Teralyn & Jon Strauss represented the proposal before the board. There have been recent changes to the family dynamic and they would like to add a "second home" to their existing dwelling located at 271 Walker Road. There is concern with the health of one of the parents, and they feel the need to have the parents close to them. They will be adding a separate septic system and are in contact with Monroe County for health approval. All other utilities will be tied into the existing connections.

Attorney O'Toole had no legal concerns.
Town Engineer J.P. Schepp of MRB Group stated that public water is not an issue. The addition of a septic system will need health approval. The grading will need to be addressed.
Building Inspector Cheryl Pacelli noted that the term in-law is no longer in the code. It now refers to a single apartment in a single- family dwelling. She would like to see the plans possibly altered to have the two structures attached by more than a sunroom.

Chairperson Chris Schlieter stated that they should make application when all of the information required is ready to be submitted.

AGENDA

SPECIAL USE PERMIT **JON & TERALYN STRAUSS**
271 WALKER ROAD

Application of Jon & Teralyn Strauss, owners, Jon & Teralyn Strauss, seeking Special Use Permit to add an addition of an in-law dwelling to their existing home per Town Code§ 520-11A(3)(f). Tax account#023.03-2-1.111. This is in the R-VL zone. The following documents have been submitted:

- Special Use Permit Application
- Instrument Survey
- Drawings
- Floor plan

Chairperson Chris Schlieter stated the same for this application. They should make application when all of the information required is ready to be submitted.

AGENDA

CONSERVATION DEVELOPMENT PERMIT **LINDA & ROBERT BELAVITCH**
5886 WEST WAUTOMA BEACH ROAD

Application of Linda & Robert Belavitch, owners, Linda & Robert Belavitch, seeking Conservation Development Permit to add a 24' x 24' garage to the rear (roadside) yard of the property. All required variances have been granted. LWRP has been deemed consistent. Tax account 008.15-1-14. This is the S/R zone. The following documents have been submitted:

- Conservation Development Permit Application
- Instrument survey
- Diagram of proposed location
- Photo of proposed garage

Linda Belavitch represented herself and her husband before the board. They propose to build a new garage (with a slightly larger footprint 20' x 24') at the location of a concrete pad that a previous garage was located. The photo provided is for the style of the garage. They will be using s 4:12 pitch for the trusses.

Conservation Advisory Board Vice-chairperson Jeanine Klopp had no concerns.

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Town Engineer J.P. Schepp of MRB Group had no engineering concerns, there is no change in the drainage. There are two overhanging wires that that need to be attended to [per code clearance requirements.

A motion was made by Mark Ballerstein, seconded by James Nesbitt to designate this application a Type II SEQR. Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

A motion was made by Mark Ballerstein, seconded by Linda DeRue to grant the Conservation Development Permit for the Application of Linda & Robert Belavitch, owners, Linda & Robert Belavitch, seeking Conservation Development Permit to add a 24' x 24' garage to the rear (roadside) yard of the property. All required variances have been granted. LWRP has been deemed consistent. Tax account 008.15-1-14. This is the S/R zone. The following documents have been submitted:

- Conservation Development Permit Application
- Instrument survey
- Diagram of proposed location
- Photo of proposed garage

Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. Motion carried.

DISCUSSION

Conservation Advisory Board Vice-chairperson Jeanine Klopp reported that the 3254 Roosevelt Highway Site visit with the Army Corps that was scheduled for Monday, September 24, 2018 was cancelled and rescheduled for Wednesday, October 3, 2018 at 1:30 pm.
Dave Rose asked how did the Public Hearing go? Chris Schlieter stated it was left open for both applications.
Chris Schlieter thanked Mark Ballerstein for the National Grid Information.
Assessor Dan Stanford stated that Hamlin opted out for a solar exemption. A "Pilot" can be no more than the regular taxes can be.
Town Engineer J.P. Schepp noted that there might be funds available in June & July of 2019 for the CFA Program which might have grants available for reviewing & updating the LWRP.

ADJOURNMENT

A motion was made by Linda DeRue, seconded by Dave Martin, to adjourn tonight's meeting barring no further business. Members polled: Linda DeRue aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein, Linda Morey aye, James Nesbitt aye. Motion carried.

Minutes respectfully submitted by:

Cheryl J. Pacelli
Clerk to the Support Board

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, November 5, 2018 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is October 23, 2018 at 12 noon.

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