

Hamlin Planning Board Minutes

Monday, November 5, 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, Dave Martin, Chris Schlieter, Mark Ballerstein, Linda Morey, and James Nesbitt.

Present: Attorney Keith O’Toole, Town Engineer J.P. Schepp, Richard Duffy, William & Audrey Smith, Pat Unterborn, Heidi Reese, Marc Kenward, Steve Long, Stacey Costello, Bunnie Beardsley, Jerry Nesbitt, Town Councilperson Dave Rose, James Coughlin, Brenda Vogt, Greg Vogt, Conservation Advisory Board Member Shawn Baxter, Becky Thompson, Rich Maier of Maier Land Surveying, Dave Matt of Schultz Associates, Sharon Quartert.

Approval of the October 1, 2018 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 October 1, 2018 as recorded.

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

The clerk will read the publication to those present.

PUBLIC HEARING

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.

Rich Maier of Maier land Surveying represented the applicant before the board. Mr. Leverenz purchased property at an auction and does not need the existing dwelling and barn. He would like to subdivide that 5- acre parcel off the larger parcel in order to place it for sale. The new drawing shows it is now in compliance with the zoning code. The north line was pushed farther back to achieve the 5-acre parcel.

Chairperson Chris Schlieter opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

There were no one wising to speak.

Chairperson Chris Schlieter closed the Public Hearing.

A motion was made by James Nesbitt, seconded by Linda Morey to close the Public Hearing

Members polled: Linda DeRue aye, Steve Lauth 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 designate 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” as an Unlisted Action, Neg Dec.

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

A motion was made by James Nesbitt, seconded by Mark Ballerstein to grant Preliminary and Final Approval 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.

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

PUBLIC HEARING

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.

Dave Matt of Schultz Associates represented the applicant before the board. Me. Webster proposes to build a new home on the property. There will be a modified leach field which perked in under 5 minutes. It is a 3 acre+ parcel with the home to be 200 feet back. It has public water, gas & electric available.

Chairperson Chris Schlieter opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

Greg Vogt of 358 Morton Road asked the width of the lot. Dave Matt responded that the lot width is 200 feet wide. On the map the overlay district is shown. There is a 100- foot State overlay and a 200- foot Town overlay.

Chairperson Chris Schlieter closed the Public Hearing.

Town engineer, J.P. Schepp had no engineering concerns.

Planning Board Attorney Keith O'Toole had no legal concerns. This is an Unlisted action.

A motion was made by Linda Morey, seconded by James Nesbitt to close the Public Hearing.

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

A motion was made by Steve Lauth, seconded by Linda Morey to designate 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 as an Unlisted Action, Neg Dec.

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

A motion was made by Steve Lauth, seconded by Linda DeRue to grant the Preliminary & Final Approval 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.

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

AGENDA

SPECIAL USE PERMIT

STEVE VAN ZILE

72 COUNTRY CREEK LANE

Application of Steve Van Zile, owner, Steve Van Zile seeking a Special Use Permit to operate an Archery Sales, Repair, and Lessons Business in the basement of his home located at 72 Country Creek Lane. This is in the R-M zone. Tax account# 023.10-1-34.

There was no one present to represent the applicant before the board.

A motion was made by Linda Morey, seconded by Steve Lauth to schedule a Public Hearing on December 3, 2018 at 7:00 pm for the Application of Steve Van Zile, owner, Steve Van Zile seeking a Special Use Permit to operate an Archery Sales, Repair, and Lessons Business in the basement of his home located at 72 Country Creek Lane. This is in the R-M zone. Tax account# 023.10-1-34.

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

AGENDA

ACCESSORY USE PERMIT

VICTOR BURROUGHS 1105 HAMLIN PARMA TOWN LINE ROAD

Application of Victor Burroughs, owner, Victor Burroughs seeking an Accessory Use Permit to build a pond on property located at 1105 Hamlin Parma Town Line Road. This is in the R-M zone. Tax account# 023.01-1-7.111. The Zoning Board of Appeals has granted Mr. Burroughs an area variance to have the pond in the R-M district subject to Planning Board Approval.

Mr. Burroughs took his application off the agenda as not all of the information to be provided to the board was available. The application will be re-scheduled for another time.

PUBLIC HEARING CONTINUATION

COMMERCIAL SITE PLAN – 3254 ROOSEVELT HIGHWAY

HAMLIN SOLAR 1, LLC 1814 FRANKLIN STREET, SUITE 700; OAKLAND CA 94612

Chairperson Chris Schlieter reconvened the Commercial Site Plan Public Hearing previously left open from October 2018. He asked if there were any additional comments from those present.

William & Audrey Smith of 3329 Roosevelt Highway had legitimate questions as a part of the process. Thirteen (13) questions on points were raised. They would like to know who will keep the ditch open. Steve Long and Marc Kenward stated that the landowner is responsible. Over the years it has been re-cut and manipulated annually. Those who farm it will continue to re-cut it. It has a .56 slope which is a large slope and at times it is at full capacity.

J.P. Schepp stated that on the North side of Roosevelt Highway it is a flatter area. It is a federal wetland. Army corps would have a say in the modification in that area. Marc Kenward remarked that they do allow for that.

Chris Schlieter asked if there were any other items of dis-satisfied inside this type. The Fire and Prevention code holds. The inside of the panels contains crystalline silicone. It burns at a real high temperature. There are no hazards at this time.

Steve Lauth stated that fire departments are concerned of solar panels on a roof. Marc Kenward & Steve Long responded that fire departments are getting knowledge on what to do in a fire of solar.

Chris Schlieter stated that the Smith's letter will be kept in the file and taken under advisement.

Dan Stanford stated that the project is right now used as AG in the R-M zone. He suggests that Borrego Solar contact Ag & Markets.

Steve Long responded concerning NYSEDA. Dan Stanford stated that his information states that the top soil must be skimmed and stored and the contractor needs to show the plans to store the soil. Dr. Robert King (Ag & Markets) should be contacted. Marc Kenward stated the first 18" of soil will be removed and it will be done as they go, not stockpiled. It is not to be used in de-commissioning.

Chris Schlieter asked that they contact Dr. Robert King to verify.

James Nesbitt stated that the frost depth is 48". Steve Long responded that they will abide by the frost depth of the area.

Greg Vogt asked if there would be a fence around the project. Steve Long responded that there is going to be a seven (7) foot high fence around the project with two (2) gates, one which will be the main gate. The project is 30.8 acres.

Chris Schlieter asked for a motion to close the Public Hearing.

A motion was made by Linda DeRue, seconded by Steve Lauth to close the Public Hearing Continuation for the Commercial Site Plan.

Members polled: Linda DeRue aye, Steve Lauth aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. All in favor. Motion carried.

PUBLIC HEARING CONTINUATION

SPECIAL USE PERMIT – 3254 ROOSEVELT HIGHWAY

HAMLIN SOLAR 1, LLC

1814 FRANKLIN STREET, SUITE 700; OAKLAND CA 94612

Chris Schlieter reconvened the Public Special Use Permit Hearing Continuation previously left open from October 2018.

James Nesbitt would like to see a resolution to make the total height of the structures no more than 12 feet high, which would be about the height of a single wide mobile home for reference. There should be a yearly inspection with a \$30.00 fee to the town.

Chris Schlieter asked if the green energy would be available to this community. Steve Long responded only if the residents subscribe to Community Solar.

Dan Stanford asked what the value of the project is, the cost analysis, NYSEDA requirements, income approach, valuation of land (ground lease). It will be different as it is now, it will lose the AG exemption.

Steve Long stated that he did not know the cost of the project.

Chris Schlieter asked for motion to close the Public Hearing Continuation for the Special Use Permit.

A motion was made by Linda Morey, seconded by Dave Martin to close the Public Hearing Continuation for the Special Use Permit.

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

J.P. Schepp stated that all of his engineering concerns have been addressed. There is no water or waste water, the traffic will be minimal except during construction.

Attorney Keith O'Toole stated that we are on track.

Dan Stanford stated that NYSERDA and AG & Markets requirements must be met. 365 days site monitoring has not been provided as of yet.

Chris Schlieter went over the Part II of the Full Environmental Assessment Form. Line by line. All line items seemed to be minimal.

1. Impact on Land – Yes
 - a. No impact, 8-foot depth
 - b. No or small impact
 - c. No, small impact
 - d. No or small impact
 - e. No or small impact
 - f. No or small impact
 - g. No or small impact
 - h. No or small impact
2. Impact on Geological Features – No impact
3. Impact on Surface Water – No impact
4. Impact on Groundwater – No impact
5. Impact on Flooding – No impact
6. Impacts on Air – No impact
7. Impact on Plants and Animals – No impact
8. Impact on Agricultural Resources
 - a. No or small impact
 - b. No or small impact
 - c. No or small impact
 - d. No or small impact
 - e. No or small impact
 - f. No or small impact
 - g. No or small impact
 - h. No other impacts
9. Impact on Aesthetic Resources – Yes
 - a. No or small impact
 - b. No or small impact
 - c. No or small impact
 - d. No or small impact
 - e. No or small impact
 - f. No or small impact
 - g. Other impacts: No or small impact. Vegetative screening from Rte. 18 and Drake road should be included. Existing wooded areas should be maintained as much as possible.
10. Impact on Historic and Archeological Resources – No
11. Impact on Open Space and recreation – NO
12. Impact on Critical Environmental Areas – No
13. Impact on Transportation – No
14. Impact on Energy – No
15. Impact on Noise and Light -No
16. Impact on Human Health – No
17. Consistency with Community Plans - No
18. Consistency with Community Character – Yes, it is inconsistent.
 - a. No or small impact
 - b. No or small impact
 - c. No or small impact

- d. No or small impact
- e. No or small impact
- f. No or small impact
- g. Other impacts: No or small impact. Area is primarily agricultural and residential. A large scale solar facility will be in the area.

That completes the 10 of 10 pages. The board recognizes no large to moderate impacts. All questions in the Part II of the EAF have been reviewed. There is no need for Part III.

Steve Long and Marc Kenward stated that there will be strings of 27 with 16,686 modules.

A motion was made by Mark Ballerstein, seconded dually by Steve Lauth and Linda Morey to designate all aspects of the Commercial Site Plan and the Special Use Permit for 3254 Roosevelt Highway Solar Facility as a Type I NEG DEC SEQR.

SEQR RESOLUTION

RESOLUTION # 1 RE: SEQR STATUS FOR APPLICATION OF:
Hamlin Solar 1, LLC

Offered by: Mark Ballerstein seconded dually by: Linda Morey and Steve Lauth

Whereas, Notice of the Planning Board’s Intent to become Lead Agency was issued to the other Involved Agencies and no Involved Agency objected.

Whereas, the Planning Board upon review of the record, the testimony, and having completed the Long Form EAF has taken the requisite “Hard Look” at the proposed action. Now, therefore, be it

RESOLVED, that

1. The Planning Board reaffirms that this is a Type 1 action and that the Planning Board is the Lead Agency.
2. The Planning Board approves and adopts its portion of the EAF; and
3. The Planning Board finds that:
 - a) The action, as described in the EAF, will not have a significant adverse effect on the environment; and
 - b) An environmental impact statement need not be prepared in connection with such proposed action
4. The Planning Board adopts the Negative Declaration attached.

Members polled: Linda DeRue aye, Steve Lauth aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. All in favor. Motion carried.

A motion was made by Mark Ballerstein, seconded dually by Steve Lauth and Linda Morey to grant the Application of Hamlin Solar, LLC, owners, Kimberly Nesbitt and Heidi Reese seeking Commercial Site Plan Approval 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 an R-M zone. A Special Use Permit will be required per Town Code.

Members polled: Linda DeRue aye, Steve Lauth aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. All in favor. Motion carried.

A motion was made by Mark Ballerstein, seconded dually by Steve Lauth and Linda Morey to grant the Application of Hamlin Solar, LLC, owners, Kimberly Nesbitt and Heidi Reese seeking 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 an R-M zone. The following conditions for the Special Use Permit are as follows:

1. In the event that the construction is not completed in 12 months, the contractor, Borrego Solar will have 90-days to complete.

2. Elevation – Panels as installed shall not exceed 12-feet in height.
 3. Contact numbers shall be on the gate.
 4. Storm Water Management Plan shall be properly followed during construction and ongoing maintenance. SWPPP to be emailed to the Building Department on a monthly basis.
 5. Drawings need to be approved by Ag & Markets as requested.
 6. A GPS will be used for the post placement.
 7. Annual statement of the plantings (trees). Showing live and dead plantings to be replaced.
 8. There will be a Meadow Mix used per Mr. Doan who is an advocate for that type of planting.
 9. The revised plan to include 2 rows of staggered pine trees for landscaping, 10 feet on center based on letter received on October 13, 2018 from Saratoga Landscaping.
 10. The decommissioning plan that has been provided to be renewed at 5-year intervals with Town Attorney and Town Board Approval. Provide a performance bond of no less than 150% for the removal of the structure. A figure of \$215,067 2 % (\$319,579.00 with inflation rate) to be adjusted as required with a 5- year time frame.
 11. Temporary access road, stripping of the soil on the sides or any disturbance noted on the decommissioning plan.
 12. Monthly production records to be provided twice a year. When grid is down, provide data on estimated time frame to bring back to performance. If the active solar is out of service for 6 months, 90 days will be given to re-activate.
 13. This is subject to the Town Attorney, Town Engineer and Planning Board Attorney Approval.
 14. This is subject to the New York State Highway Department and the Town of Hamlin for a Highway Permit.
- Members polled: Linda DeRue aye, Steve Lauth aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. All in favor. Motion carried.

DISCUSSION

There was a discussion directed at Town Councilperson Dave Rose as to the Town Fee Schedule for Large Scale Solar Facilities.

ADJOURNMENT

A motion was made by James Nesbitt, seconded by Linda DeRue, adjourn tonight's meeting barring no further business. Members polled: Linda DeRue aye, Steve Lauth aye, Dave Martin aye, Chris Schlieter aye, Mark Ballerstein aye, Linda Morey aye, James Nesbitt aye. All in favor. 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, December 3, 2018 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is November 20, 2018 at 12 noon.