

Planning Board Meeting- Town of York

March 28, 2017

Present: Joe McIlroy (Chair), Heather Grant, Dave Dermody, Chris Wall

Others: Carl Peter (Code Enforcement Officer), Donna Falkner, Nate Hartway (McCormicks), 322-7274, Jim Campbell Esq., Harold Wolcott, Joseph Eyer, Dustin & Chris Geiger, Gerald Brock, Kirk Richenberg

7 pm – Motion to open the public hearing for Sky Wolf by David Dermody, seconded by Heather Grant, carried.

Yes – 4 No - 0

Mr. Campbell read the public hearing ad:

TOWN OF YORK PLANNING BOARD
LEGAL NOTICE OF PUBLIC HEARING

On Tuesday, March 28, 2017, the Planning Board will hold a special meeting in place of the March 14th meeting that was cancelled at 7 p.m. at the York Town Hall, 2668 Main St., York, N.Y. and also for a public hearing for the purpose of a proposed site plan and special use permit for the installation of a Sky Wolf Hybrid Solar Wind Turbine at Joseph Eyer's at 2330 Cowan Road in the Town of York. All are welcome to attend.

Dated: March 15, 2017

Donna K. Falkner
Planning Board Clerk

Mr. McIlroy asked for public comment:

1. Mr. Wolcott asked what the height of the tower was and what the noise level would be. Mr. Brock answered the tower was 32 ft. high and 25 ft. to the center of the hub. He said a car driving down the road makes more noise.
2. Mr. Campbell asked if he intended to fence the area. Mr. Brock said it did not require a fence. Mr. Campbell said that if you didn't want to fence it (according to zoning) he would have to submit a letter that you don't want to fence the tower and the reasons why tonight.
3. Mr. McIlroy said that the town's zoning requires a 6 ft. fence. Mr. Brock asked the board to forego the fence. Mr. Campbell again said that it would have to be a written request to the board and why it doesn't need it. Mr. Brock said all the safety measures are in place, they're visually pleasing, run quiet and pivot into direction of wind.
4. Mr. McIlroy asked why in the front lawn and not the back. Mr. Brock said the wind is blocked in the back yard and is not blocked by anything in the front yard.
5. Mr. Richenberg asked if it has an excessive wind speed detector. Mr. Brock replied yes and it brakes at about 35-40 mph. It's 100 feet from the house and 50 feet from the property line.
6. Mr. Dermody asked how far from the foundation was the emergency shut off and if its lockable how does someone get to it in an emergency. Mr. Brock said it was 5 feet and lockable, when

there is a failure on the power grid it shuts down automatically. Mr. Brock said that even if it's shut off by someone there's no harm done.

7. Mr. Wall asked what the purpose of a fence was. Mr. McIlroy read what the code says, p. 71 Mr. Brock said there's no safety issues involved. Mr. McIlroy said there is always a safety issue when there is something spinning or involving electric.
8. Mr. Dermody asked if power was buried in conduit and Mr. Brock answered yes.
9. Mr. Richenberg asked about a fence at York Animal Hospital. Mr. Peter said the hospital was in the process of creating comment on why they don't need it.
10. Mr. Richenberg said that public utilities don't have fence. Mr. Campbell said we don't have the ability to regulate them. In terms of access any creative kid can get to anything. Mr. Brock said there is no potential exposure to electrical shock.
11. Mr. Geiger, from a fire and rescue side, if everything is contained he doesn't see a safety issue in climbing a smooth pole.
12. Mr. Dermody asked where the animal hospital stands. Mr. Campbell said there is a compliance issue right now and have to come back for amended site plan.
13. Mr. Campbell said that with the highest point of Sky Wolf being 32 feet, the set back of 50 feet is ok.
14. Mr. Wolcott would prefer not to see a fence – just one more thing to look at.
15. Mr. Campbell asked is the board has any other safety issues.
16. Mr. McIlroy referred to H-7, p. 70 regarding viewing area. Mr. Brock placed the tower there because of unobstructed wind. Mr. McIlroy asked why it couldn't be in the back – the hedgerow goes all the way to the road. Mr. Brock said it's not the hedge – trees obstruct it that are in the back hedgerow, none in front. Mr. Wolcott said he'd rather see it in the back but Mr. Brock is right, the hedge is thicker and higher in the back.
17. Mr. Peter asked why the house didn't block the wind. Mr. Brock said the tower is strategically placed to catch the prevailing winds. Mr. Wolcott said the tower would be higher than the house.
18. Mr. Brock said that the tower in Livonia has been up for five years and there hasn't been any maintenance on it.
19. Mr. Campbell asked for any other comments.

7:30 p.m. – Motion to close the public hearing by Mr. Dermody, seconded by Mr. Wall, carried.

Yes – 4 No – 0

Mr. McIlroy called the planning board meeting to order and led the Pledge to the flag.

Motion to approve the February 14 minutes by Mrs. Grant, seconded by Mr. Dermody, carried.

Yes – 4 No – 0

Joe Eyer – Final Site Plan – Mr. Campbell stated the applicant did part 1 of the short EAF and the board now needs to answer Part 2 as he asks the questions:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
Answer - No
2. Will the proposed action result in a change in the use or intensity of use of land?

Answer – Small Impact

3. Will the proposed action impair the character or quality of the existing community?

Answer - Small Impact

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Answer – No

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Answer – No

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Answer – No

7. Will the proposed action impact existing:

- a. Public/private water supplies?

Answer – No

- b. Public/private wastewater treatment utilities?

Answer – No

8. Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources?

Answer – No

9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Answer – No

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Answer – No

11. Will the proposed action create a hazard to environmental resources or human health?

Answer – No

Motion to adopt the findings on Part 2 of the EAF by Mrs. Grant, seconded by Mr. McIlroy, carried.

Yes – 4 No – 0

Motion to adopt a negative declaration on Sky Wolf by Mr. Dermody, seconded by Mrs. Grant, carried.

Yes – 4 No – 0

Motion that the Chairman sign the EAF by Mr. Dermody, seconded by Mrs. Grant, carried.

Yes – 4 No – 0

Mr. Campbell said to keep in the file, did not need to be sent to county because it is short form.

Regarding the site plan:

- Mr. Dermody and Mr. McIlroy agree that the neighbor doesn't have any objection
- The board is good with the placement of the tower
- As regards the fence, Mrs. Grant said as long as Mr. Brock puts it in writing that he asked the Planning Board to waive the fencing and why.

- Mr. Wall asked if the motion was made would the fence be off the table? Will it set a precedent going down the road?

Mr. Brock provided the written statement (at the end of minutes).

Motion to accept the final site plan and waiving the requirement of the fence by written statement made by Mrs. Grant, seconded by Mr. McIlroy, carried.

Yes – 4 No – 0

Special Use Permit – based on standards listed on p. 87 of Zoning Code, D-2, a-f. Mr. Campbell asked if there were any questions regarding these standards.

Mr. Wall asked if the wind tower had to be taken out of service for any reason, what’s involved? Mr. Campbell said it’s covered on p. 73, section 4 of the Zoning Code.

Motion that the application meets the requirements of Zoning sub-section D-2, a-f made by Mr. McIlroy, seconded by Mr. Wall, carried.

Yes – 0 No - 0

Motion to grant special use permit for Eyer’s Sky Wolf made by Mr. Dermody, seconded by Mrs. Grant, carried.

Yes – 4 No – 0

McCormick Subdivision

Need 250 foot road frontage – want to split out grain facility. Mr. Peter said it was pretty straight forward, third split which triggered the subdivision.

Motion to send McCormick Subdivision to the county for referral made by Mr. Dermody, seconded by Mr. McIlroy, carried.

Yes – 4 No – 0

Mr. Campbell said that it would have to be to the county by Monday.

Motion to schedule the public hearing for May 9 for McCormick Subdivision made by Mr. Wall, seconded by Mr. Dermody, carried.

Yes – 4 No – 0

Mr. McIlroy said that Joe Zambito wants to build a storage building behind the Gullo’s Kitchen & Bath in Piffard, a 30x74 for a small office. It’s in the industrial zone. Mr. Peter said he’ll need a variance to put it there.

Motion to adjourn the meeting at 8:10 p.m. by Mr. Dermody, seconded by Mr. Wall, carried.

Yes – 4 No – 0

Respectfully submitted,
Donna Falkner, Clerk