

**Town of Florida
Planning Board Meeting
Monday, May 9, 2022
7:00PM**

MEMBERS PRESENT:

Michael Taylor, Chairman
Peter Rea, Member
Don Perretta, Member
Rudy Horlbeck, Member
Kim Graff, Member
Deb Slezak, Attorney

ABSENT:

Charles Saul, Member

I. Call to Order

A meeting of the Town of Florida Planning Board was called to order at 7:00pm by Chairman Michael Taylor.

II. Pledge of Allegiance

III. Adoption of the Agenda

Motion was made by Donald Perretta and seconded by Rudy Horlbeck to accept the Agenda. All other members present were in favor.

IV. Adoption of Minutes

Motion was made by Rudy Horlbeck and seconded by Kim Graff to approve the minutes of the April 4, 2022 meeting. All other members present were in favor.

V. Correspondence

1. Response from DEC regarding Hutchison Harvest Farm Products project.

VI. Business

1. Bohler Engineering: Structure Development

Chris Boyea was present and asked for any follow-up questions. Public Hearing was last month and no one spoke against the project. Lead Agency declaration letters were sent out as well and no other agency objected to the Planning Board being Lead Agent for SEQR. Attorney Deb Slezak read the SEQR into the minutes.

MOTION by Rudy Horlbeck and seconded by Peter Rea to find that the Structure Development project will have no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared, and a negative declaration is issued. All in favor and passed and this project is approved.

2. NY Land & Lakes (Alan Lord)

Alan Lord brought updated survey maps. He attended the Zoning Board of Appeals meeting on April 11 with an application for an Area Variance. Two of the 9 lots he is subdividing are short

7.8 feet each and Town of Florida zoning states that all lots have to have 250 feet of frontage. The ZBA is meeting on Tuesday, May 10 and holding a public hearing and then will render a decision. Planning Board discussed declaring Lead Agency and setting the Public Hearing.

MOTION by Kim Graff and seconded by Donald Perretta to declare the Town of Florida Planning Board Lead Agent for SEQR review. All in favor and passed.

MOTION by Donald Perretta and seconded by Kim Graff to set the Public Hearing for NY Land & Lakes application for a 9 lot subdivision of land for Monday, June 6, 2022 at 6:45pm. All in favor and passed.

Mr. Lord informed the Planning Board that all of the lots have road frontage. While septic plans are included on the survey plans he will not be installing septic systems; that will be up to the owners. Mr. Lord also has a list of deed restrictions he will be filling with the deeds for each parcel.

3. John & Grace Kimber – Special Permit

Mr. Kimber brought letters from Tim Miller, Building Inspector for the Town and Paul Slansky, Fire Inspector for the Town stating that he brought the barn up to code for safety and that the driveway will hold a fire truck. Chairman, Mike Taylor again spoke about the need for hiring an engineer or attorney to assist with navigating the process. Discussion over Klappmeyer Road and the issues with their application for a similar venue. Rudy Horlbeck thought this might fall under Commercial Recreation in the Zoning Ordinance use table. Attorney Deb Slezak said it does not and read the definition. Attorney Slezak explained Mr. Kimber would need to go to the ZBA for a Use Variance and she cautioned him that a Use Variance is very difficult to get because you have to meet conditions to prove why you should be granted a variance. Discussion regarding the Zoning Ordinance and list of allowed uses and debate over the wording of Commercial Recreation definition. Planning Board referred Mr. Kimber to the ZBA.

4. Barton & Loguidice – Steve LeFevre and Brad Grant – Borrego Wind Turbine

Attorney Deb Slezak spoke about the fact that there is a wind turbine proposed for the Town of Glen as well which puts two turbines within approximately 5 miles from each other. She had a phone conference with Steve LeFevre regarding segmentation when doing SEQRA review and it was determined that SEQRA would not be considered segmented because there is another project within 5 miles. There may be cumulative impacts that will need to be considered during SEQRA. This is a Type I action under SEQRA and the question was asked if the SEQRA done by the ZBA should have been coordinated with the Planning Board and Dave Strong pointed out that the SEQRA the ZBA did was in relation to the 200' variance sought; not the project as a whole. A full EAF is needed in the application. Steve pointed out that the law states that you cannot block an view shed and there are two places in the Mohawk Valley that these turbines could be seen from. Gateway Overlook Bridge and the Erie Canal Way Trail in Fort Hunter. The Planning Board has the right to request a more concise visual study with sites of their choosing and the Planning Board asked for photos from Yankee Hill in Fort Hunter and Auriesville Shrine in Glen. Attorney Slezak asked if a noise study has been done. Dave Strong stated that the noise is well under 50 decibels. Flicker effect study should be done to show the shadowing on surrounding homes/properties. Camie Jarrell said the study was done and she will re-submit the reports. Borrego is currently working with the DEC and the Office of Historical Preservation. Dave Strong said they had a study done of the effects of wireless transmission interference and Steve pointed out that the report needs to be reviewed by an independent contractor. Barton

& Loguidice does not have staff to do that. Steve had gotten a quote of \$300/\$350 per hour not to exceed \$7,500 that Borrego would have to put up the money in the escrow account to pay for. Dave asked if they could try to find another outside reviewer for possibly less money and the Board agreed to give them until the Monday of the Town Board meeting. The Planning Board agreed to abide by the decision of the Town Board in regards to the hiring of an outside reviewer. Borrego is waiting to hear from the FAA; Steve will double check on the noise study; Borrego is working on getting the bat and bird studies done and are awaiting a response regarding the historical impacts from the state. It was also suggested to have a public input hearing in regards to SEQRA. Dave said they could make it an informational meeting as well for the project in general. Peter Rea asked if they couldn't do photo simulations with the turbines? An ice monitoring system can be added to the package of the turbine. It has a package for the Northeast that senses ice and snow and shuts down if issues arise or if the blades get off kilter due to ice build-up. The closest technician would be approximately 2 hours out. There will be no fence. The turbine is not scalable. A gate could be installed at the entrance to the access site. 99% of the equipment to run the turbine is inside the turbine. All electrical lines are run underground to the power lines. Borrego is upgrading the smaller transmission lines to larger lines in order to transmit the power to the larger transmission lines on the towers. Dave Strong explained again that all power generated by this turbine stays local. The farthest it would go would be Albany to the southeast or Little Falls to the Northwest. The decommissioning bond goes with the turbine. Whoever Borrego sells it to will take the responsibility of the decommissioning bond.

- VII. Any Other Business:** Jayme King left a survey of lands he owns on Sulphur Springs Road. He is separating one parcel that is separated from the other by Sulphur Springs Road and selling it to a land owner who bought an adjacent piece of land with a house on it. The homeowner does not have enough land to put in a new septic and Jayme does not need the piece that is across the road.
- VIII. Motion** by Peter Rea and seconded by Rudy Horlbeck to approve Jayme King's single lot subdivision without a formal application and/or public hearing because this request falls under the Town of Florida's exception's to the Subdivision Regulations which states that once every three years there may be (a) a two lot division of land with one lot retained by the seller, (b) a two lot division of land with one lot containing an existing dwelling, (c) a two lot division of land in which each of the two lots contain five acres or more. All members present were in favor.
- IX. Public Comment:** No public comment
- X. Adjournment**
A **Motion** was made by Donald Perretta and seconded by Rudy Horlbeck to adjourn at 8:46pm; all in favor.

Respectfully Submitted
Emily Staley
Town Clerk