

**Town of Florida
Planning Board Meeting
Monday, August 1, 2022
7:00PM**

MEMBERS PRESENT:

Michael Taylor, Chairman
Peter Rea, Member
Don Perretta, Member
Stephen Viele
Charles Saul, Member
John Hutchison, Member
Nicholas Armour
Deborah Slezak, Attorney

ABSENT:

Rudy Horlbeck, Member

I. Call to Order

A meeting of the Town of Florida Planning Board was called to order at 7:27pm, following two Public Hearings that began at 6:45pm, by Chairman Michael Taylor.

II. Pledge of Allegiance

III. Adoption of the Agenda

Motion was made by Don Perretta and seconded by Peter Rea to accept the Agenda. All other members present were in favor.

IV. Adoption of Minutes

Motion was made by Stephen Viele and seconded by Charles Saul to approve the minutes of the July 11, 2022 meeting. All other members present were in favor.

V. Correspondence

1. Chairman Michael Taylor informed the members present that a copy of a petition signed by people against the Nadler/Francisco PUD was dropped off at the Town Clerk's office that day.

VI. Business

1. Brian Bienduga – Amateur Radio Tower

Deborah Slezak explained that Brian applied for a Special Use Permit. Radio Tower is allowed in the Town of Florida with a Special Use Permit granted by the Planning Board. Brian gave a description of the tower, what it looks like. He informed the Board that the tower can be laid down in high winds and/or a severe storm. Brian is part of a group of radio operators that have an emergency network should traditional communications be unavailable. This installation is something that he can do himself. SEQRA form was filled out by Brian and Attorney Slezak read the SEQRA to the Board.

MOTION by Peter Rea and seconded by Stephen Viele to find that this project will result in no significant adverse impact to the environment, and, therefore, an environmental impact statement need not be prepared, and a negative declaration is issued. All members present in favor and passed.

MOTION by Peter Rea and seconded by Don Perretta to approve Brian Bienduga's Special Use Permit application for an Amateur Radio Tower at his property on Shellstone Road. All members present in favor and passed.

Roll Call Vote:

Michael Taylor – Yes

Stephen Viele – Yes

Don Perretta – Yes

Peter Rea – Yes

Charles Saul – Yes

John Hutchison – Yes

Nicholas Armour – Yes

Rudy Horlbeck - Absent

2. Empire Engineers - Hutchison Harvest: Farm Products Plant (Slaughter House)

Chris Longo, Empire Engineers reviewed the site plan, application, SWPP, DEC involvement and their requirements for necessary permits. SEQRA form is completed for the Planning Board's review. Attorney Deborah Slezak asked specific questions regarding the storage and removal of the "waste" trim from the animals being processed. It was explained that the large pieces; bones, hides, organs, will go in 55 gallon drums, be stored in a separate refrigerated room and trucked out once a week. This room is within the building, not a separate building. At the end of the processing days the rooms have to be rinsed down with water and a special cleaning mix. This wash down would be the blood, small pieces and other fluids. This goes into the separate holding tanks. These tanks are completely separate from the septic tank and will need to be pumped out a minimum of once a week. They have yet to drill for water to have enough to do this wash down process and if they don't have the water flow they will be using a retention pond that is across the road as a back-up and that water will have to be filtered and disinfected. The freezer can only hold approximately 12 cows so they cannot process more than 12 cows per week. Working to apply for funding and need the Town Planning Board's approval before continuing on with the process. USDA approval has very stringent requirements. DEC requires a storm water management plan because there will be 2 acres of land disturbed for construction. No DEC permit is required for the trim waste; it is just required to be trucked out. The water to clean needs to be 120 degrees. On processing days only one animal can be done at a time and only when the USDA agent is on site to inspect. Inspecting the process and also for cleanliness. Operating hours have to be given to the USDA for non-scheduled inspections. They can show up at any time; not just processing days. The tanks are seamless, single poured tanks to avoid seams that could leak. They will have a removable cover but a pipe could be installed so that the cover does not have to be taken off to be pump the tanks out. The location is because of the road frontage so they are accessible to customers. Not financially feasible to move it off the road into the middle of a field. Will not be obtrusive; will look like a metal building with an awning front and entrance. There is a strong need for this service in the area. This has been in process for a year; research, talking, planning etc. A local restaurant has already committed to buying meat from them as well as several neighbors and Town residents. This should not attract anymore wildlife than already comes because there are farm animals. The building is self-contained and no waste will be outside. No recent issues with bears or coyotes. Attorney Slezak suggested if the Planning Board was going to approve they can set conditions on the approval such as if they want to expand the business they would have to come back or enlarge the building they have to come back. The building size is planned for 70 x

70 currently. USDA approval would not come until after the building is built. The building and all equipment needs to meet standards set by the USDA. Attorney Slezak said neither she nor the Planning Board or Building Inspector know what USDA standards are and she would not want to advise as to whether the building plans will meet those standards as well as meet the Town's code standards. Discussion over the fact that if USDA standards are not met there is no slaughterhouse. Discussion over doing some research to see what the requirements will be and also whether it is the Board's responsibility to see if those requirements will be met. Chris Longo pointed out that the Board's responsibility is to approve the site plan for the building site as it is and not for the nuances after the site plan is approved. Bradley Grant, Barton & Loguidice suggested the Board set the condition that the Engineer of Record certify that USDA standards will be met on the building and attach the list of what is required when the Building Permit Application is completed for the Town. Stephen Viele pointed out that if USDA standards need to be met many public concerns will be addressed. He has no issue with approval with the condition that if USDA approval fails they need to come back and reapply if they want to only be a butcher shop. Chuck Saul asked how much water will be used each week to clean? Emily Opalka (Hutchison) stated approximately 1,500 to 2,000 gallons. The waste tanks can hold 8,000 gallons. Emily also pointed out that the freezer/cooler can only hold so many animals and there could be a wait between when they slaughter and then process. Discussion by the Board and Attorney the conditions that can be set. 1) must be USDA certified facility or need to return to Planning Board, 2) referral to Montgomery County Planning Board with no negative comments, 3) Engineer/Architect of record will submit the USDA requirements checklist and certify that he/she will make sure the requirements will be met during construction when applying for the building permit. Attorney Deborah Slezak read SEQRA with the Planning Board.

MOTION by Stephen Viele and seconded by Don Perretta to find that this project will result in no significant adverse impact to the environment, and, therefore, an environmental impact statement need not be prepared, and a negative declaration is issued. All members present in favor and passed.

Roll Call Vote:

Michael Taylor – Yes	Stephen Viele – Yes
Don Perretta – Yes	Peter Rea – Yes
Charles Saul – No	John Hutchison – Abstain
Nicholas Armour – Yes	Rudy Horlbeck – Absent

MOTION by Stephen Viele and seconded by Don Perretta to refer this application and subsequent supporting documentation to the Montgomery County Planning Board for review and comments at their next meeting. All members present in favor and passed.

MOTION by Don Perretta and seconded by Nicholas Armour to approve Hutchison Harvest's Special Use Permit Application and site plan after holding the Public Hearing on Monday, August 1st, 2022 at 6:45pm, the Public Hearing was closed and due diligence done with review of the site plan and SEQRA with the following conditions needing to be met with the granting of this approval:

1) This project MUST received USDA Certification or the applicants will need to return to the Planning Board; **2)** comments negative or otherwise received from the Montgomery County Planning Board will need to be reviewed by the applicant and the Town of Florida Planning

Board; **3)** the Engineer/Architect of record will include with the Building Permit Application the waste stream process and the list of USDA Certification requirements and he/she will certify that those requirements will be met during construction. All members present in favor and passed.

Roll Call Vote:

Michael Taylor – Yes

Stephen Viele – Yes

Don Perretta – Yes

Peter Rea – Yes

Charles Saul – No

John Hutchison – Abstain

Nicholas Armour – Yes

Rudy Horlbeck – Absent

3. Borrego Solar – YMCA Road Wind Turbine

Visual study was completed last week. Communications study was received and reviewed. Peter Rea agrees with the report regarding the communications study. Asked about getting a measurement of the radio waves before and after installation to see if there is interference. Lydia Lake said it is possible but the after would be based on complaints that would come in. Bradley Grant of Barton & Loguidice informed the Board that the visual impact studies will need to be reviewed and there may be some ground screening needed if homes farther away from the turbine are impacted by the view. He also shared concerns regarding interference of TV antenna reception. It was suggested that screening options could be worked into the Community Host Agreement when negotiations take place for that. Could be a mitigation escrow fund set up to be in place for one year to assist with residents who can show that they need ground level screening from the turbine view. Mike Taylor asked if this turbine is much taller than what is out at Lowville and Herkimer? Camie and Lydia informed the Board that Borrego has changed its name to New Leaf Energy and going forward all correspondence will come with that name on it. Can the public hearing be scheduled for September? The September meeting needs to be moved out one week due to Labor Day falling on the first Monday. This would give New Leaf six full weeks to comply with the requests for other information. The Planning Board agrees.

MOTION by Charles Saul and seconded by Stephen Viele to move the September Planning Board meeting from Monday, September 5, 2022 to Monday, September 12, 2022 due to Labor Day falling on September 5. All members present and in favor.

MOTION by Peter Rea and seconded by Don Perretta to schedule the Public Hearing for New Leaf Energy's application for a Special Use Permit and Site Plan approval for a wind turbine on YMCA Road in the Town of Florida, for Monday, September 12, 2022 at 6:30pm at 167 Fort Hunter Road, Amsterdam with the Planning Board meeting to immediately follow the public comment portion of the hearing. All members present in favor and passed.

MOTION by John Hutchison and seconded by Don Perretta to refer New Leaf Energy's application for a Special Use Permit and Site Plan approval to the Montgomery County Planning Board for review and comments at their next meeting. All members present in favor and passed.

4. Bohler Engineering – Nadler/Francisco PUD

Mick Mullins, Real Estate Agent representing both land owners explained the site and the plan for uses. There are buffer zones between the development and residences. There has been interest from several solar companies as well that would include all the land owned by both families plus two other farmers have been approached to include their land. Should it go for solar then it would be under the State Department of Public Service and that process, not through the Town Planning Board. The families do not want solar development but would like to retire from farming. This PUD would not take a tremendous amount of farmland out of the Town as a whole. The buildings would be approximately 2.7 million square feet spread over three buildings and it is close to the thruway which makes it especially attractive to development. There is discussion of creating a farmers market space within the plan as well to accommodate local farmers etc. The four residents who live on Thru View Drive and would be directly impacted could be offered a buyout of their homes if they are interested. There would be a PILOT negotiated that would increase the payment over time until full taxes are paid on the parcel to the school district. Sales tax revenue would increase to the Town. The fire district would also get an increase in funds. Discussion over the shortage of volunteer fire fighters and how such a large project could impact coverage and response times. Currently have a mutual aid agreement with the City of Amsterdam but they would not be first responders. John Hutchison asked where is the City of Amsterdam in this process? What have they agreed to? Does the City have the water and sewer capacity for another district? Mick & Steve Wilson explained that discussion has been had and the City and the IDA are on board with the project and there is capacity to extend water and sewer. There is money available from the State to run water and sewer under the Thruway and this could be extended up Belldons Road and Route 30 South. Many industries are growing and there is demand for USA made products. The Planning Board, according to the PUD regulations has to send a recommendation to the Town Board sixty days after the Public Hearing or it is considered a negative recommendation. The applicant can request to have the 60 days extended to give the Planning Board more time to deliberate. Attorney Slezak reviewed the PUD regulations again and how it works in regards to zoning. Town Board needs the Planning Board to research, review and make its recommendation. The Town Board can still move forward but would like the Planning Board to render an opinion and give this serious consideration. Attorney Slezak asked if the applicant would like the 60 day requirement for recommendation to the Town Board waived to give the Planning Board more time to deliberate? Mick Mullins requested the Planning Board to waive the 60 day period for a recommendation to the Town Board until after the September 12 Planning Board meeting. Charles Saul stated that he thinks if it was used for solar at least it would still be zoned agricultural for the future. Once the zone is changed there is no changing it back.

MOTION by Stephen Viele and seconded by John Hutchison to accept and approve the request by Mick Mullins for an extension of the 60 day period for a recommendation from the Planning Board to the Town Board. All members present in favor.

VII. Any Other Business: Electric car charging stations for next month's agenda.

VIII. Public Comment: 10:13pm

Kenny Kruger, 299 Belldons Road. Let landowners do what they want with their land. He lives right next door to the project and is not concerned. If it goes to solar he will add his land to their land.

People use farmland to build houses and shouldn't say it can't be used for other things if that is what the owners want. He would welcome water and sewer hook-up as well.

Larry Francisco, 141 Thruview Drive, owner of the land in question. Has farmed for over 100 years on the land. Was a family farm. Is done farming and should be allowed to do what he wants with his land.

Public Comment Closed: 10:18pm

IX. Adjournment

A **Motion** was made by Donald Perretta and seconded by Nicholas Armour to adjourn at 10:18pm; all in favor.

Respectfully Submitted
Emily Staley
Town Clerk