

**LEROY
PLANNING BOARD MEETING**

March 21, 2017

Present: Bob Dawley, Chair; Gerry Calmes, Corrine Sprague,
Bill Mowry, Dave MacKenzie, Jack Hempfling

Absent: Tom McGinnis, Joan Tresco

Others Present: Jeff Steinbrenner, LeRoy CEO/ZEO, Laura Brodie, Meghan Gaffney – United Wind representative, Bill Kettle, Tom Spadaro, Joy Cromwell – DePaul, Ray Detor – LeRoy Airport, Joe Gibbons – SWBR Architects

Chairperson Dawley opened the meeting at 7:02 P.M. Chairman Dawley asked for a motion to approve the meeting minutes from the last meeting, February 28, 2017. A **MOTION** was made by C. Sprague and seconded D. MacKenzie to approve the minutes with no changes. The motion passed unanimously with vote as follows: **“AYE”** B. Dawley, C. Sprague, G. Calmes, B. Mowry, D. MacKenzie; J. Hempfling **“NAY”** none.

Area Variance: Tom Spadaro of 52 Clay Street would like to install a 16 x 26.5 foot deck on the rear of his house overlooking the creek bank. The deck is 4 feet from the side property line and 7 feet from the rear property line. The deck will not go past the sides of the house. He is requesting an 8 foot side setback variance and a 28 foot rear setback variance. This variance is dependent upon him purchasing land behind his house from the Village. T. Spadaro will be purchasing a small piece of land from the Village for an agreed upon price of \$100. The deck addition will be 4 feet from the side as that matches the side of the existing home. Even though his request is more than what is normally granted, it is in keeping with the perimeters of the house. A **MOTION** was made by C. Sprague and seconded by J. Hempfling to recommend approval to the Village Zoning Board with the contingency that he follow through with purchasing the land from the Village first. The motion passed unanimously with the vote as follows: : **“AYE”** B. Dawley, C. Sprague, G. Calmes, B. Mowry, D. MacKenzie, J. Hempfling; **“NAY”** none.

Rezoning GCEDC Property (former Our Lady of Mercy property W. Bergen and Rt. 19): Make a recommendation to the Town Board to rezone the 76 acre property from R-2 to R-1 to I-2. GCEDC has previously purchased the land and would like to place an industry (or more than one) similar to their STAMP project. The property would have to be rezoned from R2 to Light Industrial (see #2 I-2 zoning permitted uses). The property classification needs to change in order for the GCEDC to be able to place projects at this site. This has already been to the County level and they have stated that it goes with the Comprehensive Plan that came out in December, 2016. Item #4 (below), were tabled until the April 2017 Planning Board meeting. At this time, a **MOTION** was made by B. Mowry and seconded by G. Calmes to rezone to I-2. The motion passed unanimously with the vote as follows: **“AYE”** B. Dawley, C. Sprague, G. Calmes, B. Mowry, D. MacKenzie, J. Hempfling; **“NAY”** none.

I-2 Zoning Text Change: Make a recommendation to the Town Board to add the following light industrial uses as permitted. Any legal use of a light industrial nature which involves the processing, fabrication, assembly, or packaging of previously prepared or refined materials; industrial office buildings for executive, engineering, and administrative purposes; scientific or research laboratories devoted to research, design, and/or experimentation; wholesaling, warehousing, storage, or distribution centers; light manufacturing and processing of food, pharmaceutical, or cosmetic products; greenhouses, hoop houses, hydroponics, or similar agricultural enterprises located within enclosed or semi-enclosed facilities; data center or call center; advanced technology center. The Planning Board agreed to table to text changes until their April 2017 meeting.

Rezoning 39 and 43 Mill Street: Recommendation to the Village Board to rezone 39 and 43 Mill Street from C2 to R-3 for future residential use. Joe Gibbons and Joy Cromwall, Depaul representatives, were in attendance to explain more about the proposed senior housing project. The request has already been to the county and the village. The property consists of 1.43 acres. The complex would be 3 stories, housing 60 apartments with a mix of studio and 2-person residencies. The property has not been purchased. They are requesting the Planning Board to recommend to the Village Zoning Board to approve the zoning change as specified above. They will also be needing a few variance approvals in the future. C. Sprague recused herself from the vote as Mark Fuller from DePaul is her brother-in-law. G. Calmes requested that they bring a representing view from the rear of the proposed property at their next attendance. A **MOTION** was made by G. Calmes and seconded by B. Mowry to recommend the zoning change as requested. The motion passed unanimously with the vote as follows: “**AYE**” B. Dawley, G. Calmes, D. MacKenzie, J. Hempfling, B. Mowry; “**NAY**” none.

Review of Solar Farm: Wendy DeWolf from East Light Partners will be presenting information on a solar farm they would like to install on Randall Rd (100 acres). Solar farms are not allowed in any zoning districts in the town. Wendy has pictures of solar farms and will answer any questions the Planning Board and Town Board may have. She is requesting we add solar farms to the code. **THIS WAS CANCELLED DUE TO INFORMATION MS. DEWOLF GARNERED FROM NATIONAL GRID.**

Windmill Variance: Recommendation to LeRoy Town Zoning Board of Appeals for Dick Warne of 7380 Griswold Rd. He would like an area variance to reduce the amount of required setback as required by Town Code 165-64 (B) (2) and (4) to install a residential windmill. This has already been to the County. They recommend receiving signed waivers from landowners in the surrounding 1000 feet area. The county does not see where it would pose any issues. The windmills must be 1000 feet from any structure – unless waived in writing by the owner. Refer to the Code for Town of LeRoy. Per Meghan (United Wind), she sent registered letters to all landowners within 1000 feet. She received less than 100% response, including a few that were returned to United Wind marked “undeliverable”. Meghan reported 9 out of 17 letters were returned. Of those nine, all waivers were signed by the homeowners.

The Planning Board requested that Meghan Gaffney make another attempt at delivering the letters that were returned to her company marked “undeliverable”. The request

included even possibly hand-delivery. In order to go forward the Planning Board members stated that 100% acknowledgement by homeowners is required.

Windmill Variance: Recommendation to LeRoy Town Zoning Board of Appeals for Les Hungerford of 7236 Griswold Rd. He would like an area variance to reduce the amount of required setback as required by Town Code 165-64 (B) (2) and (4) to install a residential windmill. The resident making this request is a neighbor to Dick Warne (listed above). The Planning Board discussion included both properties as they are requesting the same variance(s).

The Planning Board reviewed the town code (for both parties listed above) relative to the lease to cover the bonding. This led to questions regarding the fate of existing windmills should the properties above change hands for any reason. Reasons could be such as death, sale, or foreclosure. Per Meghan, (United Wind), the windmill lease stays with the property. The new owner of said property would have the right to enter into a new lease, pay outright for the windmill (if the original lease agreement has been fulfilled), or decommission and have the windmill removed. Windmill removal cost is included in the lease. If the lease does not enter into the equation the cost for removal is \$7000. If the company "United Wind" no longer exists, the windmills fall under Green Bank's jurisdiction. IF the property is foreclosed on, the fate of the windmill will be the new owner's responsibility, and that party should be informed of such.

The lease includes preventative maintenance which is performed at 30 day, 100 day and finally every other year intervals. The windmill height is under 200 feet. Therefore, no lighting is required.

Financial Insurance / Visual Impact Offset Plan: Dick Warne of 7380 Griswold Rd. would like to have the Financial Assurance Bond as required by Town Code 165-61 (E) waived because United Wind covers this in their Lease Agreement. He would also like to use a Visual EAF Addendum be filled out as part of the State Environmental Quality Review instead of the Visual Impact Offset Plan as required in Town Code 165-73 (C).

Financial Insurance / Visual Impact Offset Plan: Les Hungerford of 7236 Griswold Rd. would like to have the Financial Assurance Bond as required by Town Code 165-61 (E) waived because United Wind covers this in their Lease Agreement. He would also like to use a Visual EAF Addendum be filled out as part of the State Environmental Quality Review instead of the Visual Impact Offset Plan as required in Town Code 165-73 (C).

United Wind has never posted a bond with residential properties before. Chairman Dawley explained that the United Wind lease with the homeowner equals financial assurance once it is signed by the homeowner.

Visual Impact Offset Plan as example could be planting trees on a property other than where the windmills will be placed. This could be a requirement to mitigate aesthetics at a different location.

Chairperson Dawley informally polled the board to see if they were a neighbor to the proposed windmills would they object to them. D. MacKenzie stated that the distance from

his property would impact his decision. C. Sprague thought that she might not like it. The other board members did not feel they would be opposed to a neighboring windmill.

A **MOTION** was made stating that the Financial Assurance piece for both Griswold Rd. properties (7380 Griswold Rd. and 7236 Griswold Rd.) are covered by the lease(s) between the homeowner(s) and United Wind. The **MOTION** to approve was made by B. Mowry and seconded by J. Hempfling. The vote was approved as follows:

“AYE” B. Dawley, G. Calmes, J. Hempfling, B. Mowry; **“NAY”** D. MacKenzie, C. Sprague.

A **MOTION** was made by B. Dawley and seconded by B. Mowry to recommend to the Town of LeRoy Zoning Board of Appeals to reduce the setback requirement to what United Wind Company requires. The Planning Board also recommends that United Wind Company attempts to get more responses from the neighbors that either did not respond, or did not receive the aforementioned registered mail correspondence. It should be noted that Meghan Gaffney sent certified letters to all residents within 1000 feet from proposed windmill properties. The **MOTION** was approved as follows: **“AYE”** B. Dawley, G. Calmes, J. Hempfling, B. Mowry; **“NAY”** D. MacKenzie, C. Sprague.

Per the County, their recommendation is “The required modification is that the applicant obtain waivers from the landowners within the 1,000 ft. setback. With this required modification, the proposed setbacks should pose no significant county-wide or inter-community impact. The Town may want to revise their setback requirements for wind energy systems to be dependent on tower height as this approach is more widely used (i.e. 1.5 times the height).”

A **MOTION** to recommend to the Town of LeRoy Zoning Board of Appeals that the right-of-way to public road (West Bergen Road). There must be a minimum distance of 1,000 feet, or twice its height; whichever is greater. The **MOTION** was approved as follows: **“AYE”** B. Dawley, G. Calmes, J. Hempfling, B. Mowry; **“NAY”** D. MacKenzie, C. Sprague.

At 8:15 P.M. a **MOTION** was made by C. Sprague and seconded by G. Calmes to adjourn the meeting. The motion passed unanimously with vote as follows: **AYE”** B. Dawley, C. Sprague, J. Hempfling G. Calmes, B. Mowry, D. MacKenzie; **“NAY”** none.

Respectfully submitted,

Laura Brodie, Recording Secretary

