

Town of Enfield Planning Board Meeting

Wednesday June 2, 2021 7 PM

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Password 14850

Draft Minutes

**Attendance: Planning Board Members: Dan Walker, Mike Carpenter, Ann Chaffee, Henry Hansteen, Rich Teeter. Alt Planning Board Members: Aaron Abb, Joe Dawson
Town Supervisor Stephanie Redmond, Town Council Member Jude Lemke, Town Code Enforcement Officer Alan Teeter, Deputy Town Clerk Laura Norman.
Patrick Head, Rick Snavelly Family Life) , Marcus Gingerich, Nate Vander Wal (Norbut), , Jon Stone (Norbut), Bruce Stewart, Joe Giordano**

Call to order: 7:05 PM

Review Minutes from April and May 2021

Motion to Approve Minutes: April

1st Henry Hansteen April Minutes

2nd: Rich Teeter

Vote:

All Aye: Yes

All Nay: None

Motion to Approve Minutes: May

1st Henry Hansteen May Minutes

2nd: Mike Carpenter

Vote:

All Aye: Yes

All Nay: None

Request to add link to Website with minutes for previous meeting on posting for next meeting.

Norbut Solar Enfield Applegate Road SEQRA Review

We didn't follow proper procedures for a type 1 review, nothing has changed on the project, Dan Walker is recusing himself from any votes or decisions on the Norbut Solar Project.

Aaron Abb will be voting on this issue on Dan Walker's behalf.

Town of Enfield Planning Board, June 2, 2021

PB resolution No. 2021- 5 : SEQR, Norbut Solar Farms, Enfield Solar Development, 56 Applegate Rd, Tax Parcel No. 9-1-28.1; 9-1-27; 9-1-11

Moved By- Mike Carpenter

Second By – Henry Hansteen

WHEREAS:

1. This action is Consideration of Site Plan Approval for three 5 MWAC solar arrays. The system will be interconnected with the NYSEG utility grid at a POC on Applegate Road. JRB Partners LLC, Owner; NSF Enfield Site 1, LLC; NSF Enfield Site 2, LLC and NSF Enfield Site 3, LLC, Jon Stone, Agent; and
2. This is a type I Action based on the area of project coverage for which the Town of Enfield Planning Board is acting as lead agency in a coordinated environmental review and has followed the and has followed the procedural steps required with respect to the Norbut Solar Farms Enfield proposal; and
3. The Planning Board, on June 2, 2021, has reviewed and accepted as adequate a Full Environmental Assessment form part 1, prepared and submitted by the Applicant; site plan drawings entitled “Enfield Solar Development” prepared by LaBella, dated November 2020; and
4. The planning Board on June 2, 2021 has prepared a Full Environmental Assessment Form Parts 2 and 3;

NOW, THEREFORE BE IT RESOLVED:

That the town of Enfield Planning Board hereby makes a negative determination of environmental significance in accordance with article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review for the above referenced action as proposed, based on the information in the FEAF Part 1 and for the reasons set forth in the FEAF Parts 2 and 3, and, therefore, an Environmental Impact Statement will not be required.

VOTE

Ayes: Mike Carpenter, Ann Chaffee, Henry Hansteen, Rich Teeter, Aaron Abb

Nays: None

Discussion of PB resolution No. 2021-6 Site Plan Approval and Subdivision Approval, Norbut Solar Farms, Enfield Solar Development, 56 Applegate Rd, Tax Parcel No. 9-1-28:1;9-1 27; 9-1-11

#3 Complaint resolution plan and a way to resolve issues with glare, A glare study was done that showed that there was not any impact from glare. Provision 6 is a glare study and a complaint resolution plan– this is an ongoing plan, item 8 a general complaint plan with procedure to mitigate.

Mike; Norbut stated that they could not find where this had ever been done before and no one had ever asked them to do so before.

The Resolution needs to list that those 2 plans are required and the planning board needs to sign off on them.

Norbut Agrees that this is not a traditional need, however on April 2nd a submission was made that should cover both plans.

Mike; Not sure if that prior approval still stands, it does not comply with the solar law and something more is required.

Since we have a new proposal in front of us that previous approval is no longer valid, in mike's eyes that #3 on this resolution is not in keeping with the town solar law. There needs to be a piece of paper with an actual plan. Doesn't have to be complicated but it needs to be written.

Norbut; What aspect of what was submitted and part of the original application that was approved was not in compliance with what is required under the solar law?

Mike; A general complaint plan that is reasonably accepted to the planning board needs to be submitted.

There must be a procedure in place to deal with any possible complaints, ex town board is it valid is it not valid? Etc. in previous wind farm there were about 8 different complaint plans, they all said that they would consider dealing with them, and we need it to say we will deal with them, this complain is valid but irrelevant etc. There must be something in the piece of paper that says how we will deal with complaints.

Nate (Norbut) that was the intent of the April 2nd filing but maybe it did not go far enough. Nates proposal would be if the town requests and feels comfortable to the April 2nd letter be amended that wording to say will consider and respond to complaints. Code can work directly with property owner, typically solar farms rent but in this case they actually own and that is part of the concern

Mike we need to be in compliance with our own laws, hard to enforce laws if we are not following them either, a complaint plan with the procedures to process and fix them. The Town needs an actual plan, not just a number for someone to call, but an actual procedure.

There is not an avenue to go directly to town board, needs to go through code enforcement first, maybe even down the road zoning board. Promise to respond and make good faith effort and if check audio

Mike, just wants to follow are law and a simple plan is what we need

Henry, planning Board & code enforcement needs to determine if a complaint is valid then send it on to Norbut

Norbut doesn't see how the plan can say anymore than what is already says as it's the town's responsibility to ensure laws are followed.

Discussion on how to modify the resolution so that it can be brought before the planning board tonight but still comply with the Solar Law. Jude proposed #4 listed below, Norbut and the Planning Board approved.

Mike proposed that the following be added to the NOW, THEREFORE BE IT RESOLVED: section of PB Resolution No. 2021-6, Henry Seconded, All voted Aye.

4. The submission of an updated General Complaint Plan to include a process for registering and addressing complaints and appointing the Town's Code Enforcement Officer as an arbiter in the case of disagreements to enforce the provisions of the Town's Solar Law and any other applicable codes and laws.

Town of Enfield Planning Board, June 2, 2021

PB resolution No. 2021-6 - : Site Plan Approval and Subdivision Approval, Norbut Solar Farms, Enfield Solar Development, 56 Applegate Rd, Tax Parcel No. 9-1-28.1; 9-1-27; 9-1-11

Moved By- Mike Carpenter

Second By – Henry Hansteen

WHEREAS:

1. This action is Consideration of Site Plan Approval for three 5 MWAC solar arrays. The original proposal consisted of four 5 MWAC solar arrays and after discussion with the Planning Board and review of the site features and electrical grid capacity, the project was re configured into 3 arrays which are in compliance with the Town of Enfield Solar Energy Law. The system will be interconnected with the NYSEG utility grid at a POC on Applegate Road. JRB Partners LLC, Owner; NSF Enfield Site 1, LLC; NSF Enfield Site 2, LLC and NSF Enfield Site 3, LLC, Jonathan Stone, Agent; and
2. This is a Type 1 action based on the size of the project area for which the Town of Enfield Planning Board acted as lead agency in the environmental review and has made a negative determination of environmental significance in accordance with article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review for the above referenced action as proposed with respect to the Norbut Solar Farms Enfield proposal; and
3. The Planning Board, on April 7, 2021, has reviewed and accepted as adequate site plan drawings entitled "Enfield Solar Development" prepared by LaBella, dated March 2021; and
4. The Planning Board has reviewed additional supporting documents as required by the Enfield Site plan and Subdivision Regulations; and
5. The planning Board on April 7, 2021 has determined that the applicant has met the requirements of the Town Solar and Subdivision regulations regarding the site plan regulations,

except for the final financial surety documents to be reviewed and finalized by the Town of Enfield Town Board;

NOW, THEREFORE BE IT RESOLVED:

That the town of Enfield Planning Board hereby grants final site plan approval and subdivision approval with the following conditions to be met prior to issuance of the solar permit and a building permit for construction of the project:

1. Acceptance by the Town Board of the form of financial surety for the decommissioning plan;
2. Resolution of the request for a PILOT agreement and Community Host Agreement By the Town Board.
3. Submission of a final subdivision plat sealed by a NYS Licensed Surveyor
4. The submission of an updated General Complaint Plan to include a process for registering and addressing complaints and appointing the Town's Code Enforcement Officer as an arbiter in the case of disagreements to enforce the provisions of the Town's Solar Law and any other applicable codes and laws.

VOTE

Ayes; Mike Carpenter, Ann Chaffee, Henry Hansteen, Rick Teeter, Aaron Abb

Nays; None

SEQRA Review of Family Life Network Radio Tower

199 foot tower off from Enfield Center Road in the Sheffield road area about 600 ft. off the road, we requested a long from EIF , have completed part 3 and 4, impact is small but will be modifying the land no geologic impact. Going over, EIF Summary of answers on form. Everyone is in agreement with the completion of the form that Dan filled out during presentation. Draft resolutions # 4 SEQR for family life network radio tower, Site Plan Approval for Family Life Network tower located at Enfield Center RD, allows construction of 199 foot tower, 3.5 kw.

Town of Enfield Planning Board, June 2, 2021

PB resolution No. 2021- 7 : SEQR, Family Life Network Radio Tower, 32 E Enfield Center Rd, Tax Parcel No. 9.-2-21.6

Moved By- Ann Chaffee

Second By – Mike Carpenter

WHEREAS:

1. This action is Consideration of Site Plan Approval for a 199-foot radio tower located at 32 E Enfield Center Rd in the Town of Enfield. Roger Supak Owner; Family Life Ministries, Inc. Applicant, Rick Snavelly, Agent; and

2. This is an Type I Action for which the Town of Enfield Planning Board is acting as Lead Agency for environmental review; and
3. The Planning Board, on June 2, 2021, has reviewed and accepted as adequate a Long Environmental Assessment form part 1, prepared and submitted by the Applicant; site plan drawings entitled “Family Life Tower Site” prepared by Family Life Network; and
4. The planning Board on June 2, 2021, has prepared a Long Environmental Assessment Form Parts 2 and 3;

NOW, THEREFORE BE IT RESOLVED:

That the town of Enfield Planning Board hereby makes a negative determination of environmental significance in accordance with article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review for the above referenced action as proposed, based on the information in the LEAF Part 1 and for the reasons set forth in the LEAF Parts 2 and 3, and, therefore, an Environmental Impact Statement will not be required.

VOTE

Ayes; Dan Walker, Mike Carpenter, Ann Chaffee, Aaron Abb, Rich Teeter
Nays; None

Site Plan review and Approval of Family Life Network Radio Tower

Town of Enfield Planning Board, June 2, 2021

PB resolution No. 2021- 8 : Site Plan Approval, Family Life Network Radio Tower, 32 E Enfield Center Rd, Tax Parcel No. 9.-2-21.6

Moved By- Mike Carpenter

Second By – Ann Chaffee

WHEREAS:

1. This action is Consideration of Final Site Plan Approval for a 199-foot radio tower located at 32 E Enfield Center Rd in the Town of Enfield in the Town of Enfield. The Project involves the Construction of the radio tower and accessory building along with an access road and buried electrical and telephone lines. ; Roger Supak Owner; Family Life Ministries, Inc. Applicant, Rick Snavelly, Agent and
2. The Planning Board, at a public hearing on June 2, 2021, has reviewed and accepted the site plan drawings entitled “Family Life Tower Site” prepared by Family Life Ministries, and other application materials;

NOW, THEREFORE BE IT RESOLVED:

That the town of Enfield Planning Board hereby grants site plan approval for the above referenced action as proposed.

VOTE

Ayes; Dan Walker, Mike Carpenter, Ann Chaffee, Henry Hansteen, Rich Teeter
Nays; None

Review Head Subdivision Enfield Center Road

Subdivision Platt for creating 5 lots at S Van Dorn RD and Enfield Center RD did not submit SEQR form and will need to. Does the board feel that a public hearing is necessary? Cant approve today without environmental assessment for and the planning board just received the Platt, 1 acre lots, heath department has looked at the lots for the well and septic, any comments from planning board

Is parcel E landlocked, it is he is planning on combining it with lot to south that he also owns, which will make it no longer land locked? Any resolution or approval would make that a requirement.

Mike asked with site plan review law defines major and minor subdivision, over 4 lots makes it a major. With lot E being combined with southern lot it makes it a 4 lot subdivision. It's a 4 lot subdivision in existing subdivision, parcel E was already a separate lot and already landlocked.

Dan Major subdivision resulting in 5 or more lots, Mike parcel E is not a buildable lot. Mike it is a minor subdivision,

Dan language says a public hearing may be held. Mike has more recent sub division law states it requires a public hearing if it's more than 3 lots. Not sure what the current law is. Discussion on whether a public hearing is necessary. It is a minor and will need the EIEF, environmental review. Don't see any changes needed to be made to Platt. Will put on agenda for next month assuming SEQR is submitted, final approval should be able to happen at July meeting.

Mike, we should use this application to fix the subdivision regulations. Mike suggests preliminary approval.

Town of Enfield Planning Board, June 2, 2021

PB resolution No. 2021 – 9: Consideration of Preliminary Subdivision Approval, Enfield Center RD/South Van Dorn RD, Tax Parcel 10-1-5.29

Moved By – Dan Walker

Second By – Ann Chaffee

WHEREAS:

1. This action is a consideration of a Preliminary Subdivision approval for Tax Parcel 10-1-5.29, The subdivision Platt dated 5/10/2021, Patrick Head the owner located at Enfield Center RD/South Van Dorn RD. The Town of Enfield Planning Board.

NOW, THEREFORE BE IT RESOLVED:

That the town of Enfield Planning Board hereby grants preliminary subdivision approval for the above referenced project

VOTE

Ayes; Dan Walker, Mike Carpenter, Ann Chaffee, Joe Dawson, Rich Teeter

Nays; None

Sketch Plan Review N Applegate Rd parcel # 4.-1-22.7

Bruce Stewart. North of golf course on Applegate RD, dividing parcel into 3 parcels. No building changes or environmental issues. Farmer buying 76 acres, neighbor buying 36 and 10 acres to go with the house which they are trying to sell. West side of road just north of golf course. Mostly woods along the highway. Open field north of golf course, minor subdivision. Will create one landlocked parcel but it's adjoining to parcel to the north. No issues for approval, need a survey Plat and environmental form in order to approve. Need a Plat map from surveyor, survey is scheduled next week. If we can get the map by 3rd week in June it will be on the July meeting agenda.

Sketch Plan Review 288 N Applegate Road

Need to look at the 280 law for approval to build on a landlocked parcel. Driveway goes up into Mobile Home Park so there is already an existing driveway. Steve Teeter would like to split his parcel and build a second house for himself. 119 N Applegate, just past cemetery. Mobile homes on lot 22.2, lot 22.7 is land locked with access driveway through 22.2. There is one residence and one outbuilding. Mr. Teeter would like to build next to out building, would cut off a 1 acre lot with the pond. Had a right of way to 119 on the deed. Parcel in back is also landlocked it has one house and a garage on it, its 600 o 800 feet off the road. Joe Giordano owns 22.2 .

Dan creating land locked parcels is not a good idea, this is already created. Would like to put property line on road, legal right of way is already in place. A survey would be done and have it done properly. Can grant a variance to allow permission to build on a landlocked lot. Town board will have to create an open area, NYS law 280-A (town Law) would need turnouts on road going back to parcel. Parking spots in Mobile Home Park. Turnouts need to be every 500ft, do they have to cross the creek to get to the house? You could put turnout on 22.7, Ann says that we need a survey and evaluation of the access before they can say much about the proposed plan. Town may be need to put in a road? Need some strong legal documentation to preserve right a ways for nonpublic roads.

Joe, if the land gets surveyed and have a lawyer draw up right a ways, and access for fire trucks, with turn outs, if all this is done and he requests permission for another landlocked parcel, Dan would personally be uncomfortable proposing such to the town board,. The driveway into Mobile Home Park is well maintained. Going to widen the driveway. The driveway needs to be repaved. Mr. Teeter would do any changes properly. Joe will talk to Mr. Teeter about getting a Plat.

A lot of potential problems

Joe and Mr. Teeter will look at option and get back to the board, Joe stated that he believes that the planning board sees a lot of potential issues, future services, fire protection.

Acceptable lot must be at least a lot and have a 150 ft. circle, need replacement area for septic system. Can't be too close to pond
Strict regulations about distance to pond, streams.

Joe and Mr. Teeter are going to look at their option and get back to the Planning Board.

Discussion of Proposed site plan review law modification for drinking water protection

Going to discuss this next month as the meeting has gone too long.

Adjournment: 9:53 PM