

**MINUTES OF THE MEETING OF THE PLANNING BOARD
TOWN OF RICHLAND
1 BRIDGE STREET, PULASKI, NY 13142**

DATE: Monday, May 17, 2021

PLACE: H Douglas Barclay Courthouse

BOARD MEMBERS PRESENT: Ronald Novak, Joe McGrath, David Scott, Brian Leary, Jon Goodsell, and Alternate Craig Sternberg

OTHERS IN ATTENDANCE: Julie Peterson, Dan Swartzentruber, John Miller, John Mandigo, David Howe, and Peter McCulis, from Omni Navitas.

CALL TO ORDER: The meeting was called to order at 7 p.m. with Chairman Novak leading in the pledge of allegiance.

Public Hearing for Special Permit & Site Plan Application 21-12 & 21-13, submitted by Dan Swartzentruber, 417 Manwaring Rd., for a retail sales/service. Construction and sales of storage sheds. A motion was made by Dave Scott and seconded by Joe McGrath to open the public hearing at 7:02. All members were in favor with a vote of "AYE." Craig Sternberg, feels that this facility does not meet the legal definition of retail sales and service and should not be classified as such. He also does not agree with a few of the statutes within the SEQR and how they were answered at the last meeting. He feels that it does change the character and composition of the neighborhood. Joe McGrath explains that they have to work with the definitions that are given to them, and with the existing definitions that they have in the current zoning book, this is where they feel it best fits. He asked Mr. Sternberg where he felt it would fit better. Mr. Sternberg unless the definition of retail sales and service is stretched, it doesn't fit with any of the definitions as an accepted use in an RR zone. He feels they should be classified as commercial industrial operations, and if it's not defined, it should not be allowed. Mr. McGrath explains that the job of the planning board is to make that stretch, he does not disagree that maybe they should be looked at differently. The board has used this classification for several other applications as that is how they viewed it at the time. Current applicants should assume they will be treated the same way. Mr. Novak states that all members realize that there are existing flaws with the current laws as does the town board. The town board intends to undergo a complete rewrite of the zoning laws with an attorney. Until then, we have to work with what we currently have. **A motion was made by Joe McGrath and seconded by Dave Scott to close the public hearing @ 7:30 p.m. All members were in favor**

with a vote of “AYE.” Mr. Novak offered feedback that he received from a neighboring property owner that has some visual concerns with the operation and would like to have a visual barrier. The only true way to mitigate this is with plantings, which will take time to grow to provide a screen, and to minimize shed placement on the western side of the property. ***A motion was made by Joe McGrath and seconded by Brian Leary to approve special permit application 21-12. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes. A motion was made by Dave Scott and seconded by Joe McGrath to table site plan application 21-13 pending modifications to the June meeting. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.***

Special Permit & Site Plan Application 21-28 and 21-29 submitted by John Miller 6729 State Route 3 for a retail sales/service. Mr. Miller plans to make timber mats, hardwood pellets, fire wood, and saw dust to sell. He does not make dimensional lumber. The gravel and stone piles and signage for such, in the front of his house, does not belong to him. He is going to have the owner remove it. The old telephone poles on the left side of his property, he plans to make into fence posts. Chairman Novak completed the SEQR process. ***A motion was made by Jon Goodsell and seconded by Brian Leary to make a negative declaration for SEQR and to authorize the chairman to sign as such. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes. A motion was made by Dave Scott and seconded by Joe McGrath to accept the application as complete and to schedule a public hearing for June 21, 2021. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.***

Special Permit & Site Plan Application 21-31 and 21-32 submitted by Omni Navitas Holdings, LLC for Dean & Toni Nicholson 1527-1566 County Route 28 for construction of a 5 MW commercial solar farm. The application was submitted last Tuesday prior to the Town Board meeting. At the town board meeting a six month moratorium for all new solar farms was put in place. Based on conversation with the Town Board and the Town Attorney, it was recommended that the planning board could proceed with the application but no approvals could be issued. During a conversation today between the Chairman and the town attorney it was recommended that this application be tabled until next month. The applicant's attorney and the Town attorney have been having discussions. There is a hardship provision within the moratorium, and they are currently preparing a hardship application that may eventually go before the ZBA. The applicant would like to inform the board of what the project will be, the board will not be acting on the SEQR or the application at this meeting. Joe McGrath asked fellow board members if the town board requested any input or information for a

law that directly impacts zoning. Mr. Novak stated that he was involved in the writing of the solar law. Mr. McGrath, as a member of the planning board, is upset that no information or input was requested from them and a law was passed. He feels this implies that the planning board has done something wrong. Mr. Novak states that the town board takes issue with the lack of a decommissioning plans and/or appropriate legal language for bonds for the towns to cover decommissioning costs. A representative from Omni Navitas presented the scope of the project to the board. His best guess is that after this project, unless the grid is upgraded by the utility company, it will be the last solar farm for this area for a while as the lines will be at max capacity. He feels this location is ideal for this type of project as it is out of the way and concealed. He is concerned about the timeline for approval due to the moratorium and the possibility of losing funding. The state requires the companies to have a surety bond in place before the project begins. The application was submitted prior to the moratorium being set in place. The moratorium is for the issuance of permits not the receipt of applications. ***A motion was made by Joe McGrath and seconded by Jon Goodsell to deny Mr. Nicholson the right to initiate his application and move forward with his permits based on advice given to the chairman from the town attorney. In a roll call vote, members voted as follows: McGrath, no, he does not believe we should take the advice of the attorney, although this law may be legal, he feels the application was submitted in time and we should act as we have acted on every other application; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.*** Mr. Novak states that he believes the moratorium is in place until such time as the town board can put a local law for solar installations in place. Mr. Sternberg says the project has support and is looked at favorably by the town board, in his opinion.

Other Business:

Amended Site Plan Application 19-06 John Mandigo. Special permit & site plan were approved for a 6-unit campground for cabins. Now wants to switch to a campground with RV's and tents. Same location as approved cabin locations. Jon Mandigo updated the board on the progress of his campground. The rise in lumber prices has put a damper on his original intentions of building cabins on the property. He would like to amend the site plan to now have site 1 & 2 for an RV, site 3 will remain empty, site 4 will be the bath house/office, site 5 & 6 will be tent sites with no utilities. There are no neighbors in close proximity. ***A motion was made by Dave Scott and seconded by Joe McGrath to accept the amended site plan for application 19-06 as submitted. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.***

A motion was made by Jon Goodsell and seconded by Brian Leary to approve the April 19, 2021 planning board minutes. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.

Application 20-38 OYA Solar for Gerald Grey 7681 State Route 3, for an amended site plan. New entrance to solar farm & tree planting. The entrance will no longer be through the Brennan Beach access road, it is now going to be through the parking lot of Brandy's Restaurant to avoid wetlands when accessing the poles. Planning changes from what was approved on February 15th is there are now 3 rows of tree plantings along Route 3 and some plantings have been removed from behind the farm. A motion was made by Brian Leary and seconded by Dave Scott to accept the amended site plan as submitted. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.

CEO/ZEO John Howland brought it to the board's attention that at the last meeting the site plan document of decision for the Selkirk application did not list any special conditions. ***A motion was made by Jon Goodsell and seconded by Joe McGrath to amend the site plan that was approved at last month's meeting for application 21-05 needs to have the same conditions as special permit 21-04 to reference what was proposed in the minutes. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.***

A motion was made by Joe McGrath and seconded by Dave Scott to adjourn at 9:45 p.m. All members were in favor with a vote of "AYE."

Respectfully submitted by:
Julie Peterson
Clerk