

Public Hearing
May 6, 2015

A public hearing on proposed Local Law #1 of 2015 amending the Town zoning law to require site plan approval prior to the construction of certain manure storage facilities in the Town, held in the board room of the Town Hall building on Wednesday, May 6, 2015, was called to order by Supervisor Frederick J. Forbes, Sr., at 7:30 p.m.

PRESENT

Frederick J. Forbes, Sr., Supervisor
Barry E. Warren, Councilman
Dan A. Weddle, Councilman
Kevin M. Williams, Councilman
Brian D. Young, Councilman
Patrick M. Snyder, Attorney for the Town
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

John Daniels, Code Enforcement Officer
Stuart Young, member, Town Planning Board
Linda Jones, Cortland County legislator
Tyrone Heppard, reporter, Cortland Standard
Donald Ferris, reporter, The Homer News
Frank DeAngles, resident, Foster-Moore Road
Erwin Boyden, resident, East Homer-Baltimore Road
Elaine Pryor-Foley, resident, Foster Road
Charles Wheeler, resident, Cosmos Heights
Heather Gowe, resident, Town of Dryden

Supervisor Forbes read the legal notice for the public hearing. He thanked both the Town Planning Board and the County Planning Board for their input into the proposed local law. Forbes explained that although New Hope View Farm did not break any laws and had received the necessary state and federal permits, the Town Board is of the opinion that the public needs to be made aware of projects of this nature. Supervisor Forbes asked for questions and comments.

Stuart Young, member of the Town Planning Board, explained the most recent recommendations made by that Board at its April meeting (attached). They agreed with the County Planning Board's recommendation that a sketch plan of the proposed storage facility be submitted and that detailed engineering plans only be submitted in cases that the board feels they are necessary. He suggested that if all the engineering has been completed, the owner would be less likely to be willing to move the location of a project if that was an issue.

The Planning Board also recommended that the wording in Section A be changed to "*Any person who constructs, creates, or **expands** a manure storage facility*", that the description be changed from 500,000 gallons to 100,000 cubic feet, and that the wording be clarified on the screening and fencing recommendation.

Frank DeAngles, spokesperson for Foster-Moore area residents, thanked the Town Board for seriously considering their concerns. He agreed that the regulations should allow residents and farmers to co-exist. However, he recommended a set-back larger than the current 400 feet written in the Town Zoning Law and suggested a setback of 1500 similar to the set-backs written into the wind energy law. He said that the Town should adopt what they feel is right for a set-back and not be concerned about how it will be reacted to by state and/or federal agencies.

DeAngles also suggested in part C of the local law that the wording be changed from, "*The Planning Board **may** require a public hearing*" to "*The Planning Board **shall** require a public hearing*".

Heather Gowe from the Town of Dryden was present to thank the Town Board for addressing this issue. She has concerns about a similar large manure storage facility in the Town of Dryden, and recommended that the Town address the matter of the proximity of the storage facilities to any federally identified wetlands and the watershed.

Attorney Patrick Snyder said that a site plan review would require that all existing features of the site, such as wetlands, would be considered. He suggested that the Planning Board look at the special circumstances of each application, and that adding too many boundaries may have unintentional consequences.

Snyder said that set-backs are described in a separate part of the Town Zoning Law and are not addressed by the proposed local law. Any changes to set-backs would likely require a separate amendment to the zoning law.

Written comments were also submitted by Amanda Barber, manager of the Cortland County Soil & Water Conservation District, just prior to the meeting.

Supervisor Forbes thanked those present for their comments and concerns. The public hearing was closed at 7:25 p.m.

Anita W. Jebbett
Town Clerk