

Town of Homer Planning Board

Minutes for Wednesday, August 27, 2014

Board Members (absent *)

Eugene Wright, Chairman*

Michael McMahon

Betsy Gray

Bruce Crandall

Stuart Young

Chad Butts*

Michael Park

Alternate Member – Fran Armstrong

Others Present

Lindsay Andersen, Recording Secretary

John Daniels, CEO

Pat Snyder, Attorney

Public Attendance: Attorney Casullo, Attorney Brown, Kenneth Poole, Matt Neuman, Ed Beard, Jim Beard, Erica Beard

Public Hearing

Vice Chairman McMahon opened the public hearing for **an application by Sunset-Young Farm for a special permit to remove a 1.5 acre knoll and replace the topsoil to restore farmland. The removed material may be used for landfill cover. The project is located at 2859 Route 13.**

Attorney Neuman stated that he was present to represent Mr. Poole with his application and has submitted paperwork to the board for review, which includes a letter from NYS Agriculture and Markets.

Attorney Brown stated that he reviewed the entire document that was submitted by NYS Agriculture and Markets and he stated that the letter recommended simplified site plan review from the Town of Homer. He stated that the regulating entity would determine the sale, which is D.E.C. He stated he is not in opposition to the board granting the special permit but he feels that the applicant needs to be regulated.

Attorney Casullo stated that the D.E.C. regulations have been given to Sunset Young Farm. He feels that the Ray Patterson case is a similar case to the present matter. He stated if the

applicant is going to mine as a farm operation he needs to follow the 5 criteria that were set forth in the Patterson case.

Attorney Casullo agrees that this is a farm operation and the farm has a right to a streamlined site plan review. He does not feel that the farm is subject to any SEQR requirements and feels that it is a Type 2 action under SEQR.

Attorney Casullo stated that he would provide the Town a copy of the letter from Agriculture and Markets and would recommend the planning board grant the applicant the streamlined site plan but the criteria from the Patterson case must be met. He feels that if there were any mineral processing to take place during the process it would have to be put out to bid.

Attorney Neuman stated that he had no opposition to the DEC requirements or the site plan review.

Fred Forbes asked Mr. Poole or any other property owner in the Town would be permitted to use a screed on sight to process the material for use on their own property. Attorney Brown and Attorney Casullo agreed that the Town could not regulate that.

With no further questions or comments from the public the public hearing was closed.

Regular Meeting

Vice Chairman McMahon opened the regular meeting for discussion of **an application by Sunset-Young Farm for a special permit to remove a 1.5 acre knoll and replace the topsoil to restore farmland. The removed material may be used for landfill cover. The project is located at 2859 Route 13.**

Member Young made the motion to declare this matter a Type 2 action under SEQR and require that the criteria that was set forth in the Patterson case be adhered to. Member Parks seconded the motion. With members in favor saying "aye", none opposed and Member Crandall abstained. The motion was carried 5,0,1.

Vice Chairman McMahon opened discussion for the **review of proposed changes to the Zoning Law based on the recommendations of the Zoning Advisory Committee on hydro-fracking.**

Vice Chairman McMahon stated that it is his own unprofessional opinion that most all of his land and many other large landowners land cannot be fracked on anyway. He stated that he does not feel that any board at any local level has the expertise on this matter to determine anything prior to the New York State setting their own regulations.

Member Parks stated that he does not feel that there are any consistent setback requirements in place and they range from 250 feet in Texas to 3500 feet in New Jersey and he agrees that New York State needs to weigh in prior to any decisions but he does feel that 2000 feet is excessive.

Member Crandall stated that he agrees that it should not be reviewed until New York State sets requirements.

Member Gray stated that she also feels that the Town should not trump the state and local requirements should not be made until the state sets forth requirements.

Vice Chairman McMahon stated that the Town Board is asking the Planning Board for a recommendation.

Member Young stated that he reviewed the documentation that Mr. Sammond provided and he did not feel that he had the background to interpret the studies and information. He also feels that the state has engineers that are educated to determine this. He feels that the state needs to be allowed the time to issue their rules and recommendations first,

Member Young made the motion to recommend to the Town Board that no moratorium be done and no actions be taken until the State sets forth their requirements. Member Crandall seconded the motion. All members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 6,0,0.

CEO Daniels stated that there has been no previous site plan review form. A recommended form was provided to the board members for them to review. Attorney Snyder recommended there should be an additional attachment for dimensions on the site plan review form.

Adjournment

The meeting was adjourned at 8:30pm.

Lindsay M. Andersen, Recording Secretary