

Town of Homer Planning Board

Minutes for Wednesday, July 27, 2016 at 7:30pm

Board Members (absent *)

Eugene Wright, Chairman

Michael McMahan*

Betsy Gray

Bruce Crandall

Stuart Young

Chad Butts*

Michael May

Others Present

Lindsay Andersen, Recording Secretary

John Daniels, CEO*

Pat Snyder, Attorney

Public Attendance: Don Richards, Dorina Johnson

Public Hearing

Chairman Wright opened the public hearing for an **application by Spruce Eden Realty, LLC, for subdivision approval to subdivide out about 25 acres from a parcel on the corner of Route 13 and Searls Road, and to further subdivide 1 acre out of the 25 acres to combine with another parcel.**

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

Chairman Wright opened the public hearing on an **application for site plan review of a plan by Pine Grove Storage, LLC, to construct self-storage units at 5075 Route 11.**

Don Richards, the contractor for the project, provided maps for the board members and explained the project. He stated that the first building will be 30x110 feet and if a second building is needed it would be the same size.

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

Regular Meeting

Chairman Wright opened discussion for **an application for site plan review of a plan by Pine Grove Storage, LLC, to construct self-storage units at 5075 Route 11.**

The board members reviewed the site plan description in the zoning law. Member Young asked if the 33 feet set back that was shown on the plans is permitted.

Don Richards stated that Mr. Denkenberger informed him that the right of way and setback requirement begins at the centerline of the road for measurement purposes.

The total setback shown on the plans is 60 feet. The zoning setback required in the light industrial area is a minimum of 50 feet.

Chairman Wright reviewed the short environmental assessment form with the board members and all questions were answered no.

Member Gray made a motion to declare a negative declaration under SEQR. Member Crandall seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 5,0,0.

Attorney Snyder stated that section 806 of the Zoning Law outlines the front, rear and side setback requirements, which should be 50 feet. CEO Daniels should have required the applicant to obtain an area variance because none of the setbacks are 50 feet.

Member May asked where a setback is measured from. Attorney Snyder stated it could be interpreted from the edge of the pavement but section 806 does not specify. Don Richards stated that CEO Daniels stated that there was a 25 feet setback requirement. Attorney Snyder stated that this property is zoned light industrial and not business which has different setback requirements.

Member Young made the motion to table the application until a recommendation is received from the county. Member Crandall seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 5,0,0.

Don Richards stated that he would be applying for an area variance from the ZBA board.

Chairman Wright opened discussion for **an application by Spruce Eden Realty, LLC, for subdivision approval to subdivide out about 25 acres from a parcel on the corner of Route 13 and Searls Road, and to further subdivide 1 acre out of the 25 acres to combine with another parcel.**

Chairman Wright read a letter received from the county planning department which stated that it has been determined due to the one acre lot size; it shall be consolidated with the adjacent tax map parcel. Proof of the consolidation should be provided to the town code enforcement officer. If the parcels cannot be consolidated as one tax map parcel, the owner shall agree that no application will be made for residential building permits on such parcel.

Stuart Young stated that he spoke to the buyers of the property and they are completely aware that the parcels will have to be consolidated.

Member Gray made the motion to declare a minor subdivision. Member Crandall seconded the motion. With members in favor saying "aye", none opposed and Member Young abstained. The motion was carried 4,0,1.

Chairman Wright reviewed the short environmental assessment form with the board members and all questions were answered no.

Member Crandall made the motion to declare a negative declaration under SEQR. Member May seconded the motion. With members in favor saying "aye", none opposed and Member Young abstained. The motion was carried 4,0,1.

Member May made the motion to approve the subdivision contingent the county recommendations be followed and the one acre parcel be combined with the existing parcel. Member Crandall seconded the motion. With members in favor saying "aye", none opposed and Member Young abstained. The motion was carried 4,0,1.

Jeffrey & Lori Tyrell were present to discuss a barn that they would like to use as an event building. They purchased the Heimstra farm on Brake Hill Road and would like to have additional events at the farm but also want to maintain the agricultural purpose.

Mr. Tyrell stated that the events would be held inside the barn and also in outdoor tents and there would be less than 100 attendees per event.

Member May explained that there has been concern from the code enforcement officer and the planning board regarding the safety of the building, the permitted use in the area and

traffic concerns. Most of the issues and interpretations of the allowed uses and permits need to be addressed by the code enforcement officer not the planning board.

Attorney Snyder stated that the use is not allowed in an agricultural district. The applicant could apply for a use variance, but they would have to demonstrate that there is no other reasonable permitted use for the property, which would be extremely difficult. Attorney Snyder stated the other approach would be to request that the zoning law be changed to allow their proposed use. He recommended that the applicants obtain zoning law wording from another municipality that reflects the change they would like to have made to the Homer zoning law. Such a change to the zoning law would allow the applicants to apply for a conditional use permit under the agricultural district section of the zoning law.

The board members adjourned discussion of the matter and recommended that the applicants submit a request to the Town Board.

Chairman Wright opened discussion for the **solar energy project recommendations**. Member May asked Attorney Snyder if there were any regulations against using another municipality's solar zoning law as a model, as Member McMahon had provided an example of the Town of Geneva's which the board members were satisfied with. Attorney Snyder stated that there are no regulations against using another municipality's zoning as a model.

Attorney Snyder stated that he believes the town is looking for wording to add to the comprehensive plan. Attorney Snyder reviewed his recommendation that he compiled based on the comments and suggestions from the board members at the last meeting. Attorney Snyder reviewed the paragraph to be added to the comprehensive plan; which is titled Adoption of Solar Energy Recommendations. This paragraph is attached here to these minutes.

Member Young made the motion to adopt the resolution and send it to the Homer Town Board. Member May seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 5,0,0.

Adjournment

The meeting was adjourned at 9:05pm.

Lindsay M. Andersen, Recording Secretary

PROPOSED AMENDMENT TO THE TOWN OF HOMER
COMPREHENSIVE PLAN

Under VII Implementation, section A. Town Zoning

Add a new Section 11 entitled : Adoption of Solar Energy System Regulations

There is an increasing demand for solar energy projects. Renewable energy is considered to be desirable by the state and local governments, as well as the public. The Town should allow solar energy projects in any zoning district, consistent with sound land use planning.

Solar energy projects should be subject to site plan review to insure that adequate setbacks are achieved, glare onto adjoining properties is avoided, and visual impacts are mitigated. Solar energy projects should not be constructed on prime farmland if other alternatives are feasible. Removal of trees and other vegetation should be minimized or offset by other plantings. The solar energy regulations should also address the decommissioning and removal of the equipment when it is no longer in operation.