

# MINUTES OF THE MEETING OF THE TOWN OF RICHLAND PLANNING BOARD

**Date:** Monday July 19, 2021

**Place:** H. Douglas Barclay Courthouse

**Board members present:** Acting Chairman Joe McGrath, David Scott (7:50), Brian Leary, and Alternate Craig Sternberg.

**Others in attendance:** John Howland CEO/ZEO, Jeremy Karpt and John Miller.

**Call to order:** The meeting was called to order at 7:03 pm with Acting Chairman leading the pledge of allegiance.

Public Hearing for special permit & site plan application # 21-44 & 21-45 submitted by John Miller 6730 St. Rt. 3 for a retail sale/retail service business. A motion was made by Leary and 2<sup>nd</sup> by Sternberg to open the public hearing. No one spoke regarding the application so a motion by Leary 2<sup>nd</sup> by Sternberg to close the public hearing. Mr. Miller explained that he sells and repairs leather goods and feed. Sternberg requested that the site plans submitted are more professionally drawn. The board would request that the design and installation of signs are made of better quality. Leary made a motion and Sternberg 2<sup>nd</sup> to approve of the special permit. All members in favor. A motion was made by Sternberg and 2<sup>nd</sup> by Leary to approve the site plan with the condition that 1 ADA parking spot is added to the parking area. All members in favor.

Next item was special permit and site plan application #21-31 & 32 submitted by Omni-Navatis for Dean & Toni Nicholson 1527-66 Co. Rt. 28. Before the board continued with the next item acting chairman Joe McGrath would like to read a letter to the planning board members and have it submitted as part of the minutes. (See attached letter) Jeremy Karpt- representative of Omni-Navatis explained to the board that their company would like to construct a 5 MW commercial solar farm at the Nicholson farm off VanAlstyne Dr. Mr. Karpt explained that the proposed application will be completely in compliance with the new local law regulating solar farms. Acting chairman McGrath asked what the difference was from 2 months ago and tonight with the application. The moratorium was lifted, and the local law was filed with the State on Friday July 16<sup>th</sup> but a receipt of its filing was not recorded with the clerk's office as of tonight's meeting. Therefore, the local

law for solar is not in effect as of tonight's meeting. The board completed the SEQR long form and by motion from Sternberg and 2<sup>nd</sup> by Leary the board declared a negative declaration for the SEQR. All members in favor. Motion Sternberg and 2<sup>nd</sup> Leary to deem application complete and schedule a public hearing for August 16, 2021. All members in favor.

Next item was an amended site plan # 20-70 submitted by Blue Sky Towers for the cell tower located at the Joe Harris property at 4551 St. Rt. 13. The contractor submitted a curb cut application to the DOT but was denied because the State did not want to allow a 2<sup>nd</sup> driveway to the same property. The new site plan shows the driveway coming in off the existing driveway to the Harris property and then cutting over to the area where the cell tower is to be constructed. Motion Sternberg and 2<sup>nd</sup> Leary to approve the amended site plan. All members were in favor.

The board had a long discussion on RV's . The board feels that the zoning law needs to be addressed and changed to address the issues that the town has with RV's. The biggest issue is how to regulate and how to enforce any new laws.

Next item was a review of the June 21, 2021 minutes. A motion by Leary and 2<sup>nd</sup> by Scott to approve the minutes. All member in favor. A motion by Scott and 2<sup>nd</sup> by McGrath to adjourn at 9:05 pm. All members in favor.

①

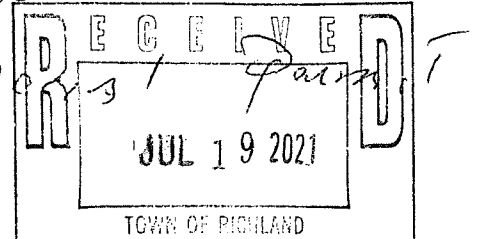
Good Evening,

I would like to take this opportunity to address ~~my~~ <sup>some</sup> ~~concerns~~ <sup>bring us up to speed on the application</sup>.

Two months ago we had on our agenda a SEQR Review and Application Review for Special Permit application #21-31432. With absolutely no prior knowledge our Chairman stated that at 4:20 pm that Monday afternoon our Town Attorney said the Town Planning Board could not legally ~~even~~ begin the SEQR Review. I and

I will speak for my fellow Board members were ~~frustrated~~ <sup>confused</sup> at first.

The explanation was that the Town Board had passed a moratorium on Solar Farms. Of which I had no knowledge. When I discovered that the moratorium had been ~~added~~ <sup>voted</sup> on after the ~~app~~ <sup>Special Permit</sup>



(2)

WAS Applied For And That This Resolute  
had NOT YET BEEN FILED WITH  
THE DEPARTMENT OF STATE, I  
WAS VERY UPSET. I ~~HAVE~~ <sup>HAVE</sup> AND WILL  
AGAIN APOLOGIZE TO MR. WURK  
MR. HOWLAND AND MY FELLOW BOARD  
MEMBERS FOR MY EMOTIONAL  
OUTBURST. MY OUTRAGE WAS FUELED  
FIRST BY MY EMBARRASSMENT THAT A  
REPRESENTATIVE OF THIS COMPANY HAD  
LAWN SEVERAL HOURS IN GOOD FAITH  
ONLY TO BE TOLD WE WOULD NOT HAVE  
THE APPLICATIONS MADE US LOOKING VERY  
UNPROFESSIONAL. I WAS UPSET.  
SECOND IS MORE PERSONAL. I HAVE  
BEEN A MEMBER AND/OR CHAIRMAN OF  
THIS BOARD SINCE 1988, SINCE THAT  
TIME <sup>BEFORE</sup> EVERY ACTION BY A TOWN BOARD  
CONCERNING LAND USE OR ZONING THE  
TOWN BOARD HAS READ OUT FOR AN  
OPINION FROM BOTH THE PLANNING BOARD  
AND ZONING BOARD OF APPEALS.

(3)

ALTHOUGH NOT REQUIRED TO DO SO  
BY STATUTE THE PRACTICE MADE  
A LOT OF SENSE AS THOSE TWO BOARDS  
WERE RESPONSIBLE FOR WORKING  
DIRECTLY WITH THE PUBLIC, NOT  
THE TOWN BOARD. ALL OF A SUDDEN  
THINGS STARTED TO CHANGE. FIRST A  
WINDMILL LAW WAS PASSED WITH  
OUT OUR INPUT. ~~NO BY DEED AS I~~  
~~DON'T SEE FOR MANY~~

THEN THIS MONSTROUS ONE ON SOLAR  
FARMS. AGAIN WITH NO INPUT  
FROM THE PLANNING BOARD.

MY DISPLEASURE WITH THIS ~~ACTION~~ <sup>ACTION</sup>  
WAS FAIRLY CLEAR BUT I HAD MY  
REASONS. AS A BOARD WE HAD  
ALREADY GRANTED OVER THE PAST  
COUPLE OF YEARS FOUR SPECIAL  
PERMITS FOR SOLAR FARMS. NOT ONE  
HAD ANY REPRESENTATIVE ~~FOR THE~~ <sup>FROM THE</sup>  
TOWN BOARD VOICED ANY CONCERNS  
OVER THE FOUR PERMITS ALREADY  
ISSUED.

(4)

IF THE TOWN BOARD HAD COME TO  
THE PLANNING BOARD WITH WHATEVER  
CONCERNS THEY HAD WE WOULD  
HAVE PLACED ~~THOSE~~ CONDITIONS  
TO MITIGATE <sup>THEIR CONCERNS</sup>  
ON THE SPECIAL PERMIT. ~~THOSE~~

IF THERE WAS COMMUNICATION  
THERE WOULD HAVE BEEN ABSOLUTELY  
NO NEED FOR A MONITORIUM  
OR A NEW LAW. MONEY WAS  
WASTED AND WE HOLD UP THIS  
PROJECT FOR NO REASON.

ALSO AS AN ASIDE IT APPEARS THAT  
NATIONAL GRID CAN ONLY SUPPORT  
FIVE SOLAR FARMS IN THE TOWN OF  
RICHLAND SO MOST LIKELY THIS  
WILL BE THE LAST ONE.

THIS BRINGS US TO THIS EVENING.  
ON THE AGENDA TONIGHT WE HAVE AGAIN  
APPLICATION 21-3143) FOR A SPECIAL  
PERMIT FOR A SOLAR FARM IN A  
RA DISTRICT. WE WARE HOME TONIGHT TO

⑤

DO A SEOR REVIEW AND TO DETERMINE  
IF THE APPLICATION IS COMPLETE, SEND  
TO THE COUNTY AND SCHEDULE A PUBLIC  
HEARING. WE HAVE I GUESS BEEN  
GIVEN PERMISSION TO INITIATE THIS  
APPLICATION AS WE AS A PLANNING BOARD  
AND THE APPLICANT HAVE AGREED TO  
FOLLOW THE <sup>CONDITIONS</sup> NEW SOLAR LAW. THANK  
YOU FOR YOUR INDULGENCE IN ALLOWING  
ME TO ARTICULATE HOW WE GOT  
HERE TONIGHT.

BEFORE WE BEGIN OUR REVIEW I HAVE  
~~ONE MORE THING TO SAY~~ I SEE  
A BIT OF LET'S SAY 12000 IN TONIGHT'S  
MEETING.

TWO MONTHS AGO WE DID NOT  
INITIATE THIS APPLICATION BECAUSE  
THE TOWN BOARD HAD CONCERNS.  
AT THAT TIME THERE REALLY WAS  
NO LEGAL MENTORSHIP ON LAW  
IN PLACE. THE NEXT MONTH  
AGAIN WE COULD NOT INITIATE  
THE PROCESS.

(6)

Tonight we are finally going to  
hear this permit. And in  
my opinion we are in the same  
place we were ~~two~~ months  
ago.

- ① There is no paper in  
most towns
- ② There is no local law  
as it has not come back  
from the state.

But we will hear it tonight  
because all parties have agreed  
to mitigate the town's concerns.  
by following the conditions drafted in the law  
I would like to suggest that  
~~if the town board had come~~  
~~to us four months ago we~~  
~~would have added today's meeting~~  
gives ample evidence for my  
concerns being credible. We  
really have no law today; ~~we~~  
~~do know the town's concerns~~



But unlike two months ago we  
are aware of the town's concerns  
tonight and are willing to be sure  
they are addressed.

~~As I said three months ago  
all the town~~

I am asking that the town  
board demonstrate respect for  
the planning board and zoning  
board of appeals, trust that  
we will not only learn but  
will act on your concerns  
and realize that we are the  
boards that deal month after  
month with land use issues  
and are best positioned to  
offer an opinion. Open  
communication on this issue  
would have saved time, money,  
emotions and embarrassment.