

PUBLIC HEARING
February 22, 2017
7:00 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith, Frank Rose Jr. and Norman Gates

Absent: None

Others: James Campbell (Attorney for the Town), Joseph Eyer, Gerald Brock and Joe McIlroy

Supervisor Deming opened the Public Hearing at 7:00 p.m. with Town Attorney, James Cambell reading the following:

LEGAL NOTICE

Notice of Public Hearing & Special Town Board Meeting

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of York at the Town Hall, located at 2668 Main Street, York, New York at **7:00 p.m. on Wednesday, February 22, 2017** for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A local law to amend and supersede as applicable the zoning map of the Town of York, Livingston County, New York, as officially adopted to create a Wind Overlay Zone pursuant to Article VI of the Zoning Ordinance of the Town of York.

The property for which a Wind Overlay Zone is being requested is known as Tax Identifier Map Parcel Number 40.-1-16.115, also known and identified as 2330 Cowan Road, Town of York, County of Livingston and State of New York.

A Special Town Board Meeting has also been scheduled for 7:30 p.m., the same evening to render a decision pertaining to the above request.

A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular hours or by visiting the Town website at www.yorkny.org.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: February 9, 2017
By Order of the York Town Board
Christine M. Harris, Town Clerk

Mr. Deming asked if anyone had questions or comments pertaining to the proposed Local Law.

Attorney Campbell explained due to the Town's current zoning regulations, it is a requirement of each applicant to follow this procedure, ultimately requesting of the Board approval by way of a Local Law. Once the hearing has been closed the Board will then enter into their Special Town Board Meeting to render a decision on the matter, with possible adoption.

Councilman Smith asked Mr. Eyer if he has spoken with his neighbors about the project. Mr. Eyer responded that he has not spoken with them, but felt if Aaron Donnan had an issue with the project as the closest parcel, he would have come forward. Councilman Smith asked if there is any noise with this unit, which Mr. Brock replied none.

Mr. Campbell asked, approximately how much energy will be produced, percentage wise? Mr. Brock answered based on Mr. Eyer's 2,000 square foot residence, this unit would pay for roughly 80% of his electric. Mr. Campbell commented as he understands it, solar produces more than wind. Mr. Brock responded that is correct.

Mr. Brock stated with the two units on the Tillotson farm in Pavilion the average was 12.5 miles per hour, the unit in Livonia at 8-9 mph and what is expected for Mr. Eyer on Cowan Road is 10 mph. Mr. Brock commented that this unit will be a benefit for Mr. Eyer.

Councilman Smith asked if this unit will change his property insurance at all, which Mr. Eyer replied not that he is aware of. Mr. Smith questioned, if there was a catastrophic failure what would happen. Mr. Brock stated in the event an issue took place the fall zone is contained as well as the blades on the unit. Mr. Campbell asked what the warranty is for the converter/generator. Mr. Brock stated that there is a 20 year warranty for the generator, with other items having nothing more than the manufacture warranty. Mr. Campbell inquired if the solar panels are on the shroud, which Mr. Brock answered Yes they are, 8 total. Mr. Brock added with the proposed unit, generating much wind speed it will be 60-80% efficiency, which is 3 times more efficient than the unit at the York Animal Hospital.

Planning Board Chairman, Joe McIlroy asked Mr. Eyer why the unit is being proposed in the front lawn. Mr. Brock replied that the unit is approximately 100 feet in front of the garage, not directly in the front lawn. Mr. Brock added that the units he erected in Pavilion and in Livonia are also in the front and have not had any adverse reaction or negative feedback with it.

Attorney Campbell read aloud from the Town's Zoning regulations, specifically addressing "accessory buildings" and its definition, but commented that this project is not a building, more of an accessory structure, which our code does not address.

After no further comments or questions...

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to close the Public Hearing at 7:15 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

SPECIAL TOWN BOARD MEETING
February 22, 2017
7:30 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith, Norman Gates and Frank Rose Jr.

Absent: None

Others: James Campbell (Attorney for the Town), Joe McIlroy (York Planning Board Chairman), Joseph Eyer and Gerald Brock

Supervisor Deming stated that Attorney Campbell will review the Local law process starting with SEQR review.

Mr. Campbell explained that with this Local Law we are required to complete a Short Environmental Assessment Form, containing three sections. Part I is the actual Project Information, which has already been completed, but does require the Supervisor's signature. Part II-Impact Assessment, consists of 11 questions to be asked of the Board for a response. The response may be one of two options: No, or small impact may occur OR Moderate to large impact may occur. Attorney Campbell read all 11 questions to the board, with each response as, No or small impact may occur. Part III- Determination of Significance, further detail would be required if any of the 11 questions asked in Part II had resulted in, "Moderate to large impact", which they did not.

RESOLUTIONS

1) Supervisor Authorization- Part I:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell authorizing the Supervisor permission to sign Part I of the EAF. Voted on and approved, Yes-5, No-0.

2) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to Adopt the Findings that were made in the review of Part II of the Short Environmental Assessment Form as set forth therein. Voted on and approved, Yes-5, No-0.

3) Negative Declaration:

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to adopt a Negative Declaration based on the findings made in the review of the EAF. Voted on and approved, Yes-5, No-0.

4) Supervisor Authorization-Part III:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith authorizing the Supervisor permission to sign Part III of the EAF. Voted on and approved, Yes-5, No-0.

Mr. Campbell also addressed the fact that Livingston County Planning had documented their advisory comments on this Local Law, and recommended approval.

ADOPTION

1) Local Law #1 of 2017:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adopt Local Law #1 of 2017 as presented. Voted on and approved, Yes-5, No-0.

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Rose to adjourn the Special Town Board Meeting at 7:37 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk