

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes

Wednesday, May 6, 2015, 7 pm

Board Members present: Marty DeVinney, Chair; Board Members: John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane - CEO

Others Present: Dan Paddock, Alex Fox, Leon Button

Agenda/Site Plan Reviews:

1. App. #040615-SPR / Mr. Dan Paddock is requesting Site Plan Review for construction of a Single Family Residence on land located on South Hill Road, Tax ID # 22.03-1-11.4, (AG)
2. App. #011415-SPR/Mr. Ryan Storke, representing agent for property owners, Mr. Leon & Phyllis Button of 5662 North Vine Valley Rd., Tax ID # 12.02-1-1, requests Site Plan Review to install a wind turbine on property located at North Vine Valley Road, (AG)

Meeting came to order at 7:00pm

Chairman DeVinney entertained a motion to approve the draft minutes for April 1, 2015. Planning Board meeting. Board Member St. Lawrence offered the motion which was seconded by Board Member Lersch. All Board Members present voted in favor and the motion carried.

1. Application #040615-SPR - Ms. Kane, CEO summarized the application for the Planning Board Members, stating this parcel had come to the Planning Board in January as part of a subdivision request and had been approved. The parcel has a pole barn structure and Mr. Paddock is now requesting to have Site Plan Review to be able to construct a single family residence on the parcel which is located on South Hill Road in the Low Density Residential District. Mr. Dan Paddock presented his application, stating the plans were designed by Mr. Don Marks. The plans were to build a one- story house to be set on a cement pad into the embankment to include handicapped accessibility with 36 inch doors. Mr. Paddock will be building the interior walls, and roof with "Superior Walls" delivering by tractor trailer.

After a short discussion, it was learned that the site was flat, would have a gravel entrance driveway, all spoils from excavating would be pushed to the back of the property to be used for installing sod grass at completion. There is a 6 inch swale to an existing pond. The site had a new hand dug water well that is spring fed that is 75 feet deep and located 150 ft. from septic field. It will be submersible once it is seeded. The onsite septic was designed by Dan Paddock and is certified. Dan sought advisement on the project from both Kevin Olvany and George Barden.

With no further discussion, the Planning Board stated they were ready to review the SEQR for the application. The application was determined to be a Type II action needing no further review and to have no significant environmental impact. A negative declaration was determined with a motion offered by Chairman DeVinney and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Board member St. Lawrence moved to approve the application as presented and Board Member Gilbert seconded the application. All Board Members present voted in favor and the motion carried.

2. App. #011415-SPR/Mr. Ryan Storke, representing agent for property owners, Mr. Leon & Phyllis Button of 5662 North Vine Valley Rd., Tax ID # 12.02-1-1, requests Site Plan Review to install a wind turbine on property located at 5768 North Vine Valley Road (AG)

Ms. Kane summarized the application for the Planning Board, stating Mr. Leon Button would like to install a 50 Kw Endurance wind turbine at 5768 N. Vine Valley Rd. in the Agricultural District. She stated tonight's review would be only conceptual due to recently submitted changes to the application which would, at her request, entail a new application. Changes were a submitted FAA report stating the wind turbine would need safety lighting because of its' 171.5 foot height and its' traffic pattern determination. Ms. Kane then introduced Mr. Alex Fox, agent representing CEC Energy of Cazenovia NY to provide further details and answer any questions from the Planning Board.

Mr. Fox explained the E-3120 50 kW Endurance Wind Power E- Series Monopole Wind Turbine is proposed to reduce electricity for the Button farm. Recent changes to the previously submitted application included moving the interconnector 220 volt underground cable from the nearest house to the turbine installation site which has a "commercial meter" to the Button Farm site. This underground cable would be buried 42 inches deep, have a 24 inch wide trench that would span a half mile distance to the farm. The turbine would produce 600 volts, and then stepped down to 220 at the meter.

Mr. Fox stated that United Wind would finance the project and subcontracted it to CEC Energy to install. They would lease the turbine, manufactured by Endurance Windpower of Canada, to the property owner with a 20 yr. lease. The approximate kilowatt hours of the turbine's potential was proposed to be 10-12 Kilowatts based on an annual average. A 5 year Repair/maintenance Warranty of parts and labor was offered the property owner, covering the turbine & controls.

It was unclear how the overall height of the 171 ft., 6 inch turbine was determined and the board requested clarification. The concrete foundation was proposed to 20 ft. x 20 ft. square by 13 feet deep of which part of this measurement would be in ground.

The FAA "Determination of Hazard" Report dated March 30, 2015, stating all interested and concerned parties had been mailed a copy of the report giving deadlines for petition appeal. It was noted that the Town of Middlesex had not received previous notice. It listed the turbine height as 154 feet and then stated anything over 154 feet would be considered a "Determination of Hazard."

Resident Dan Paddock stated he was all for helping the local farmers reduce their costs, but inquired if a smaller unit might have been considered since the Overaker's Schoolhouse which was on the National Register for Historic Sights was located within the spread line of the turbine as well as within the close proximity to the Middlesex Airport who received public air traffic. A discussion of alternative energy sources was reviewed by those present.

After some discussion, the Planning Board requested the following information to be submitted for the Preliminary review and stated a final summary would be sent detailing all requested information about the physical data of the turbine after a review by the Town Attorney:

- a. Key inset to site map showing where underground cable interconnection will connect to Leon Button's farm and whether this turbine would be serving only the farm and not the residences connected to the farm.
- b. All required setbacks to be shown to the proposed structure's foundation.
- c. Relocate tower so that TIP distance does not intersect other existing structures.
- d. Foundation design specific to location to include all fence or safety protection that would surround turbine's foundation location. Width, depth and height shall be indicated on site map.
- e. A clear definition of turbine's height as represented in feet to include foundation, monopole, blade and head measurements once installed.
- f. Final Construction elevations on specific wind turbine model to be installed.
- g. Include a Construction Sequence Plan that details all temporary site preparation necessary for construction, e.g., construction entrance, laydown area for materials, spoils area for excavated material, etc. Include a note as to where any offsite disposal of spoils will be located. Show erosion control plans.
- h. Indicate burial depth of high voltage cable, route to be taken from tower site to Button farm, and exact location of commercial meter at Button farm. Note that an as-built will be required for all buried services. Indication of which structures on the Button farm would benefit from the wind turbine's presence.

- i. Show permanent access off public road for turbine maintenance. Any new access to public roads must be applied for through the appropriate Highway Department.
- j. Analysis of noise decibels of proposed wind turbine when in full rotor speed.
- k. SEQR Review Part 1 to be filled out by applicant and submitted to Code Office.
- l. FAA Aeronautical Study No. 32014-WTE-7331-OE "Determination of Hazard", issued on March 30, 2015: shall be reapplied for with appropriate height of tower, notification and response deadlines to include neighboring parcels and the Town of Middlesex.
- m. Due to the turbine's location being in close proximity to the Middlesex Airport, serving public air traffic, the appropriate height (AGL - to include the proposed foundation as specifically designed for this location) of the installed Wind Turbine of 171 feet, 6 inches, as shown on the submitted site map instead of 154 feet as reviewed by the FAA and determined as "not a hazard to air navigation," shall be resubmitted to the FAA for additional review as so stated in the report, "Any height exceeding 154 feet above ground level, will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation."
- n. All required Safety Lighting as reviewed by the FAA shall also be reviewed with appropriate height (AGL) indication of proposed Wind Turbine once installed to include the height of the final foundation design.
- o. The construction location of the wind turbine is incorrectly listed on the FAA Supplemental Notice as 5662 North Vine Valley Road. It should be changed to 5768 North Vine Valley Road. Also, the name of the nearest public use airport should also include the Middlesex Airport as well as the listed Canandaigua Airport.

It was noted by Chairman DeVinney that the Planning Board will be reviewing the Town's Master Plan to see how the proposed structure complies with designated "Historical Scenic Vistas and Locations" of the Button Century Farm and the Overackers Schoolhouse which are both located on the proposed Wind Turbine location. The SEQR Review, also noted by Chairman DeVinney might show mitigation difficult to do when reviewing visual impact, which would then require a long EAF.

Ms. Kane summarized the key requests and stated she would do whatever she could to place them on the agenda for June 3rd once in receipt of the requested information from CEC Energy. Planning Board Clerk Lynn Lersch will provide applicant with a detailed list of requested items as soon as it was available.

The Planning Board Members' current terms of office were discussed with new current member terms to be appointed by the Town Board. Each Planning Board Member cast one vote for the expired terms of John Gilbert, Bruce St. Lawrence and Lynn Lersch terms to be updated for another 5 year term on the Planning Board. Chairman DeVinney entertained a motion to approve the nominations, with a second offered by Board Member Mincer. A roll call vote was presented and the motion carried.

Roll call vote:

John Gilbert	aye	Bruce St. Lawrence	aye
Lynn Lersch	aye	Marty DeVinney	aye
Robert Mincer	aye		

Board Member Lynn Lersch made a motion to adjourn and Board Member St. Lawrence offered a second. The motion carried with all Board Members present voting in favor. Meeting adjourned at 8:18pm

Draft Minutes submitted by Planning Board Clerk, L. Lersch/revisions to LSammy5@frontiernet.net
Minutes approved on June 17, 2015