

Town of Enfield Planning Board Meeting
August 1, 2007

Members Present: Virginia Bryant, Ann Chaffee, James McConkey, Rich Neno Sr., Calvin Rothermich, Debbie Teeter, Doug Willis

Guests: Peggy Hubble - Town Board liaison, John Rancich, Mary Jo Lovelace, Bruce Varner

Call to order 7:05 p.m.

Privilege of the Floor

- Mary Jo Lovelace said she was glad the town is moving forward with a wind ordinance.
- Bruce Varner, who lives across from a proposed wind tower location, understands he may have two towers very close to his property. He is very concerned about the possible impact of wind tower installation on nearby property values. He would like the wind energy investors to cover any resulting loss in property values, or buy out interested neighboring landowners. He's heard of a low frequency vibration or hum that can cause seizures in children.
- John Rancich said he is also glad the Planning Board is moving forward with a wind ordinance; he has reviewed the draft ordinance and thinks it looks good overall, and perhaps needs some minor adjustments. He is willing to meet with any neighbors at any time to discuss their concerns.
- Mr. Varner mentioned a letter describing tower-related noise and asked if a noise survey or study will be done; board members replied this is part of the draft ordinance and would be covered during the SEQR process.

May 2, 2007 and July 5, 2007 Minutes: Motion by A. Chaffee to approve, seconded by D. Willis, approved without dissent.

Subdivision Regulations

J. McConkey was not able to prepare a draft of the form we discussed at the last meeting, but will have it next time.

Draft wind ordinance

- D. Willis said he hasn't spoken with many supporters of this project, and most of the supporters seem to be from out of town; he understands landowners concerns.
- C. Rothermich mentioned the Town of Fenner wind farm is not locally owned. J. McConkey said this was true; however, many of the Fenner residents who opposed the project in the beginning now support it, primarily due to the amount of money coming into the town as a result of the wind farm. This type of project could result in more money coming to a town if it was locally owned.
- R. Neno said a moratorium stops or least stalls the currently proposed project, while an ordinance would allow it to move forward.
- C. Rothermich said if we passed an ordinance this project would be approved. J. McConkey responded that no, an ordinance provides a framework for the project to move forward; it would need to adhere to the ordinance and still require approval.
- D. Willis asked why we need to do this. J. McConkey responded this is the Planning Board's responsibility.
- D. Teeter said she has done a lot of reading on this topic, and while she was not an expert, she's ready to move forward with the development of an ordinance. She asked C. Rothermich if he was proposing a resolution for a moratorium on wind energy.
- R. Neno said he didn't think a moratorium was in the best interests of the town.
- Motion by C. Rothermich to place an 18 month moratorium on the development of commercial scale wind towers in the town, seconded by D. Willis. Bryant - no, Chaffee - yes, Neno - no, McConkey - no, Rothermich - yes, Teeter - no, Willis - yes. Motion defeated.

- D. Teeter referred to the Tompkins County Environmental Management Council's (EMC) Model Municipal Ordinance for Utility-Scale Wind Energy Conversion Systems (U-SWECS). She recommended that #4, Regulatory Framework, on page one be deleted as Enfield has no zoning.
- On page two, #13, a specific radius is needed; J. McConkey reported reviewing topographic maps and it appears that 1.5 miles would be sufficient.
- D. Teeter recommended removal of #6.6, Scenic Resources, or changing it to a Town of Enfield designation, if the Town does not want to be held to county designations.
- A. Chaffee asked who will be responsible for road maintenance. Black Oak is designated as one of the county's most dangerous, and the county has said it will not repair the road until this project is completed.
- D. Teeter was not aware of this and asked if this was known to be a fact; D. Willis said work on Black Oak Road had been scheduled and now it is not. J. Rancich offered that in his talks with the county highway department he suggested they might want to hold off on repairs to this road until this project is done.
- Planning board members asked J. Rancich what the road usage is likely to be for this project. He replied probably 200 to 300 concrete trucks plus overweight and over length trucks.
- C. Rothermich asked why use Black Oak Road for this project, why not go up Route 13 and then Millard Hill? J. Rancich responded Black Oak is a public road and the most direct route.
- D. Teeter said she was troubled that the county may have delayed work on Black Oak Road at the suggestion of this project's developer. She is concerned about the possible implications for the neighborhood, particularly if this road is a need of immediate attention.
- D. Willis said he thinks the Planning Board should pass development of this ordinance on to the Town Board.
- R. Neno suggested perhaps the ordinance should go to a referendum.
- V. Bryant said the Planning Board needs to move forward with development of an ordinance and forward it to the town board for action.
- D. Teeter was concerned about noise levels from the turbines for nearby residents and that the 500' setback observed at the Fenner wind farm was not sufficient in light of her experience there.
- J. McConkey said NYSEERDA indicates property lines should always be considered, but set backs from them could be exempted if an adjacent property has an existing wind turbine from the same agency.
- J. Rancich said the setback from property lines presents a problem for small lots, such as those 400' to 460' wide and 1000' long, even though those setbacks would not apply if the land was under lease to the developer. He's concerned that since all lots cannot have a turbine, and therefore not all landowners will benefit from the resulting income, some landowners might refuse to lease their land out of spite.
- There was discussion regarding setbacks on lots, as opposed to only residences. D. Teeter was not in favor of removing or reducing setbacks from property lines, especially in view of the number of small, undeveloped residential-size lots in the area. A turbine too close to those lots will make them undevelopable. Referring to #6.9, she would like to see #1's setback increased to at least 1.5. She would be comfortable reducing the setback in #2 to the same number.
- A Chaffee suggested all items under #6.9 should have a consistent setback, except perhaps # 5.
- There should also be a "consent" statement, which exempts property under lease to the developer from the setback minimums.
- In reference to #3 under this section, D. Willis asked if the setbacks were to the right of way or the center of the road? To the right of way.
- Resolution by D. Teeter to take the EMC's Model Municipal Ordinance for Utility-Scale Wind Energy Conversion Systems and strike #4; insert 1.5 miles into #13; change "locally" to "Town of Enfield" in #6.6; make the setback for all items under #6.9, 1.5 times the total height of the tower and add a "consent" statement; under #6.13 add "depending on land use" after "5' below final grade", add "Town has right of Salvage" clause and change "maybe" to "shall be"; and add "if any, not included in the Environmental Assessment" after "Additional Information" on page 3; and forward this amended ordinance to the Town Board. Seconded by V. Bryant. Bryant - yes, Chaffee - yes, Neno - yes, McConkey - yes, Rothermich - yes, Teeter - yes, Willis - yes. Motion approved.

Meeting adjourned 9:01 p.m.