

## **Town of Enfield Planning Board Meeting**

**Wednesday May 5, 2021 7 PM**

**Zoom.us/j/863 0628 6687**

**Call: landline or smartphone 646-876-9923**

**Password 14850**

**Attendance:** Planning Board Members; Dan Walker, Ann Chaffee, Henry Hansteen, , Aaron Abb, Joe Dawson, Mike Carpenter  
Enfield Town Supervisor Stephanie Redmond, Enfield Town Councilperson Robert Lynch  
Rick Snavely (Family Life Network), John Coulter (Family Life Network),  
Patrick Head  
Deputy Clerk Laura Norman,

**Call to order: 07:10 PM**

**Motion to Approve Minutes:** Minutes for March, and April 2021 will be approved at the next Planning Board meeting.

**2<sup>nd</sup>:**

**Vote:**

**All Aye:**

**All Nay:**

### **Public Hearing for Site Plan Approval of Family Life Network Radio Tower** **North of Enfield Center Road**

Dan Shared a google image of the Family Life tower site.

Rick described the project

Family Life is looking to put up a tower, they have one in horseheads and are looking to move it to the Ithaca area. This site gives them better coverage of this area, the land owner is excited to have the tower on their property, tower is 199 feet tall (under 200 feet means it does not need to be painted our lighted)

Self-Supporting tower, it is straight not tapered, you need straight for an FM signal

Dan Walker

Site is on Enfield Center Road, it is more than about 1500 feet from Enfield Center Road, 1800 Feet from Sheffield Road, Dan shared a diagram of the town showing how it will look.

Dan also shared an image of the tax parcel showing the site that will be leased from the property owner

Comments from the public:

Roberta Drake

48 E Enfield Center Road

Roberta Drake: : Where you guys going in to put the road to the tower?

Rick Snavely: We are going to create a road off of Enfield center road. where there is a small existing driveway.

Roberta Drake: Is family life going to maintain the driveway?

Rick Snavely: Yes, we will maintain

Roberta Drake: How long will it take to put up the Tower?

Rick Snavely: A month to 6 weeks

Roberta Drake: How safe are the towers, any health risks?

Rick Snavely: it's very safe, FCC requires they post signs, will be 50x50 chain link area to prevent anyone from entering, as far as interference, any radio station that interferes will be at low end of dial in this is in the middle so shouldn't be much if any interference, FCC requires that if they are notified of any interference they are required to take care of it,

Dan Walker: How would you take care of that?

Rick Snavely: The only issue was a translator on top of an apartment building and a gentleman had rabbit ears that had some interference and they put filters on his antenna to block that particular signal.

Dan Walker: Roberta's property is 210ft from property line.

Rick Snavely: The tower is designed to collapse if there are any structural issues, the towers are made by Vermont and we have had very good success with the towers.

John Drake

354 Sheffield Road

Dan Walker: It's over 1000 feet from property line, pretty much screened by trees

John Drake: Has a pacemaker will the tower cause issues

Rick Snavely: It will not

John Drake: Will there be more towers after they build this one

Rick Snavely: No, multiple towers are just AM stations

Marcus Gingerich

101 Rumsey Hill Road

Marcus Gingerich: How many watts is the Ithaca translator?

Rick Snavely: Ithaca translator is 50 watts,

Marcus: How many watts is tower? Does this tower replace Ithaca translator?

Rick Snavely: Yes the Ithaca repeater will be moved, this will go out 25-30 miles vs the 5 miles of the translator

Marcus Gingerich: What is the power of the spencer station?

Rick Snavely: 17k watts, FM is line of sight, where other signals get weak this tower will take over with a strong signal. Ithaca Connecticut hill 50k watt tower, needs a translator in Ithaca as well cause of gaps, there is a balance between heights and power, the higher you go the lower the power output you can put out.

Dan Walker: What is the Frequency of station?

Rick Snavely: its 101.1, satellite dish with in the 50x50 compound (6ft ground mounted)

Dan Walker: anyone else from public

How is the signal going to come in?

Rick Snavely: we use satellite delivery there will be a dish within the 50x50 compound, the dish is 6ft ground mounted.

FCC application went in on April 7th, Family Life expects to have the station on the air by September 2021, if everything goes well.

Robert Lynch

175 Grey Road

Robert Lynch: I sent invitation to Rick Snavely in April 2021 and did not receive a response.

Rick Snavely: I did not receive it

Robert Lynch: It was sent right after last planning board meeting, the town board meeting was on 14<sup>th</sup>

Rick Snavely: sorry I would have loved to be there and would like to go to the next town board meeting.

Robert Lynch: The next town board meeting is a week from tonight. How do you plan on getting electricity to the Tower site?

Rick Snavely: We plan on burying the line

Robert Lynch: Primary or secondary?

John Coulter: Primary buried back through to power company specifications, buried 3ft down in sand within 200ft of transformer

Robert Lynch: Driveway needs to be a specific width so that emergency vehicles can get through, has the fire dept. or code enforcement officer been contacted about it?

John Coulter: not as of yet

Dan Walker: That will be dealt with during site plan review.

Rick Snavely: Is the board meeting virtual or in person?

Robert Lynch: Virtual

Rick Snavely: I will be present

Dan Walker: Any other member of public wish to speak if not then closing the public hearing. Maybe we should have a diagram that shows road on tax map? Will connect to existing path that is viewable on the map

Do you need a 20 foot road?

Alan Teeter: I think it needs to be a 20 foot road which will probably be there any to get a crane back there but I will look it up and check for sure.

John Coulter: Does the town of Enfield have zoning code or use NYS

Dan Walker: use NYS unified building code and fire dept.

John Coulter: was asking, because most locations only require 12 foot road with pull outs

Alan Teeter: perhaps 12 foot is ok but I have to look it up.

Dan Walker: any other discussion from the planning board, Basic site plan concept questions?

No one had any questions

Dan Walker: Environmental review needs to be done on site, type 1 for SEQR, needs to be long form not short form.

Rick Snavely: Only one other time they had to do the long form, and that was because people on the zoning board were upset it was not on their property.

Dan Walker: We do not have zoning, the SEQR says a structure over 100 ft unless the town has zoning that deals with structure heights. We do have in site plan review law, if it is over 100 ft, needs site plan approval, will ask for more official determination from town attorney if references to towers in our site plan law would cover the zoning statement. will cover the SEQR next month, Can't approve until a SEQR is done. In agreement with site plan needing more detail prior to final approval.

Rick Snavely: I am puzzled that there has not been a long form SEQR in past but one is required here?

Dan Walker: SEQR has been updated in last couple of years, heights of structures is mentioned in site plan law but we do not have zoning.

Rick Snavely: So it is because of site plan law that we need long form?

Dan Walker: Section 617.4 TYPE ONE ACTIONS, paragraph B the following actions are type one, sub paragraph 7. any structure exceeding 100 feet above ground level in a locality without any zoning regulation pertaining to height. That's why I am saying that it is type 1 which required long form.

Based on SEQR law (NYS) Enfield does not have its own SEQR law, does not see any environmental impacts but have to do this because of state law, Dan will contact rick this week and will have family life on the agenda for June meeting.

Rick Snavely: The application was filed on April 7<sup>th</sup> with FCC, usually takes 3-4 months to approve application, will probably start road work (look to be on the air around September if everything goes well)

### **Discussion of Norbut Solar Enfield Applegate Road SEQRA Review**

Environmental Review of Norbut Solar Farms Applegate Road Project Proposal

The Planning Board proceeded on an uncoordinated review of the proposed project as an Unlisted action which was incorrect as the size of the project makes it a Type I action according to the SEQRA regulations.

Type I actions require a coordinated review with the requirement that Planning Board acting as lead agency must Declare the intent to be lead agency and issue a notice of intent to other involved or potentially interested agencies prior to finalizing the environmental review.

The Involved agencies are ones that have an approval to be issued for the Norbut solar farm project include:

- The Enfield Town Board, approval of a PILOT Agreement and financial surety for decommissioning
- The Town of Enfield Planning Board, Site Plan approval and solar permit
- Tompkins County IDA, PILOT Agreement
- Tompkins County Planning, 239 Review

- Ithaca City School District, Pilot
- NYSERDA, Funding
- NYSDEC. SWPPP
- SHPO, Historical review
- US Army Corps of Engineers, Wetland Jurisdictional Determination

The Enfield Planning Board will send notice of intent to all listed agencies to complete the formal notification process.

A 20-30 day time to state we should be the lead agency or contest that we are, we did a thorough tech review

The technical review of the Project was completed in accordance of the Site Plan review law and completion of the Environmental was completed and the project was modified as requested by the Planning Board to be in compliance with the Solar Addendum.

After the notification and comment period is completed the planning Board will review documentation and issue a determination.

Next step, planning board reviews documentation and reissue a resolution of determination. We issued a site plan approval which is considered a preliminary approval pending completion of SEQR.

Discussion:

Henry Hansteen: Do we need to hold another public hearing because of the changes to the site layout?

Dan Walker: No, it's not required. No need for any more public hearing unless the planning board wants to do it. The site layout was in compliance with town regulations

Henry Hansteen: What was it about size that makes it type one?

Dan Walker: Because the site is over 10 acres, 2 acres of roadway, not disturbing land under panels

Discussion about correspondence from legal counsel, anything to do with money is under the Town Board not the Planning Board, the Town Board will discuss Surety Bonds at next meeting. The planning Board is welcome to give input on it.

Discussion on difference in bond types, Performance Bonds, Surety Bonds are not a sure thing, the town needs guaranteed money.

Norbut should be informed sooner rather than later is Surety Bonds will not be allowed.

John should be invited to the next Town Board meeting when the Board discusses Surety bonds for the Norbut Solar Farms. The land owner and project owner are same entity.

Next step, planning board did all work for reviewing SEQR, then send out notification, when we hear back we can go ahead and proceed as if notifications were done properly, then final subdivision and solar permit.

Mike Carpenter, In last month's meeting. Norbut sent letter that they have not found examples of what it would look like for us to have policy for complaints.

Dan we do have policy, it will be in the permit, standard property complaint issues with code enforcement, can also contact Norbut directly as well. Official complaint resolution through code office.

Mike, In the solar law there distinct way that we wanted complaints done, solar law asks for written complaint resolution process, would like Norbut to write out the steps in a document, in keeping with letter and spirit of the law. Helpful if someone has a complaint that you have a document to give them with the process. This should be a standard in all applications so that a future project doesn't state. "Well Norbut didn't submit one".

Dan will call John and see if we can get a letter stating what was discussed for the complaint process.

Any planning board have comments on what next: none moving on

### **Sketch Plan Review Head Subdivision Enfield Center Road**

Patrick Head: Multifamily project Enfield center and Van Dorn, now have different concept, decided against the 4 unit building because of amount of taxes, putting up for separate houses instead. have a house going in right now, 3 lots on Enfield center rd. 188x244, one slender on Van Dorn 155 wide x 244, 5 acres, about 1 acre each, will that work for septic and wells, yes the health dept. looked at it.

Subdivision plan and bring it in , TG Miller is going to put it together and will bring it in

Any comments,

Henry Hansteen: Taxes on 4 unit building vs houses

Patrick Head; selling houses, instead of renting units less in taxes

What process needed for approval?

Sketch plan tonight, not type one action, cause it's not enough lots, less than 10 acres, will check to see if property is AG district, not listed as AG exceptions

Dan Walker will look at AG district map and check on it.

Not keeping with subdivision law, what kind of review

Skeet, Preliminary, final get surveyed, and plat map drawn up, anything needed for DEC, Dan Walker doesn't think so, since they are individual lots.

Right now one property, in order to give approval for subdivision its anticipating so much ground disturbance over the course of the project. Only if Patrick does all 4 at one time. SWPP looks at whole use of property over course of time, still have to get SWPP done

If it was a traditional subdivision were building roads then yes, subdivision plat, single family homes should not require, but will check into it. Single family homes are exempt from SWPP requirements but subdivisions may require Dan Walker will check into it.

Dan Walker: will you have final plat ready by next month,

Patrick Head: better be, I'm gonna push them,

Dan Walker: short form SEQR

Mike Carpenter: My advice is to get a copy of subdivision law and read it through, make sure that nothing will trip you up, it will go through much quicker that way as well.

Any general comments from Planning Board Members

Discussion from Town of Enfield Legal Counsel about surety bond from an email to Town Supervisor Stephanie Redmond from Town Legal Council that was forwarded to Planning Board members.

Henry Hansteen, mike's question on surety for decommission, was reading forwarded email, once town board delegated to planning form then the waiver was solar law, Guy email bond in lieu of cash deposit. Quote from guy email, decision was not made by planning board, guy said decision was made, not sure if he is referring to law not sure, he is saying that

Mike Carpenter, things it was the delegation of authority to the planning board, not sure what guy is talking about.

The Planning Board did not make a determination any recommendations on surety bonds for Norbut Solar Farms. The planning Board did not issue a waiver to Norbut Solar Farms for the Bond. Approval last month was site plan and amount of funds needed for surety needed, not the form of funds. Planning board did not give waiver.

Would be good to hear from Norbut to see what they think they have approval for, if a bond is approved then a waiver would be required.

Supervisor Stephanie Redmond, we will invite the Planning Board to the board meeting and will unmute them.

Adjournment: Anne Chaffee made motion, Henry Hansteen seconded,

Adjourned at 8:44pm