

TOWN of PAVILION PLANNING BOARD

Regular Meeting Minutes
September 13, 2016

Present: Susan Kinney (Chairperson), Terry Bartholomew (member), Don Brooks (member), Gary Kingsley (member), Liz Conway (member), Kelly Kinney (clerk)

Absent: Craig Prucha (Vice Chairperson), Gary Freeman (member),

Guests: Dan Lang (Zoning), Matt Mahaney (Zoning)

Public Hearing Attendees: Gerald Brock, John Eisenhard, Don Oberlin, Megan Gaffney, Sharon Herman, Rebecca Hackett, Dan & Lynette Beaumont

The meeting was called to order at 6:50 PM by Chairperson Susan Kinney. The first order of business was the Pledge of Allegiance.

Minutes from 08/09/16 were reviewed. Motion made to approve by Don Brooks and seconded by Gary Kingsley. Voice vote was unanimous.

PUBLIC HEARINGS:

7:00 PM Coots Pond

9787 Linwood Rd, Pavilion; tax map # 4.-1-11.13, 5.4 acres total parcel, the proposed pond would affect less than one acre. A letter was reviewed from Genesee County Soil and Water recommending the pond and approving it with suggestions for specific placement, depth and such.

An attendee questioned the affects the pond might have on a nearby well, less than 900 feet and Dan Lang replied that Genesee County Soil and Water did not think the placement of the pond would adversely affect any neighboring wells. And that he had seen that a pond will usually improve local wells in terms of water retention and filtration.

There were no other questions or comments. This does not meet the thresholds for a SEQR review.

7:15 Hackett Windmill

6359 Telephone Rd, Pavilion; tax map #8.-1.32, 22.6 acres total parcel, the proposed windmill would affect less than one acre. One 153' windmill for residential use set behind residence. Genesee County Planning Board has approved with modifications, specifically recommending courtesy letters be sent to all adjoining property owners. The Zoning Board of Appeals has approved variances for right of way and set back pending SEQR approval by the Town of Pavilion Planning Board. There were no questions or comments.

7:22 Tillotson Windmills

10771 Cook Rd, Pavilion; tax map # 12-1-17.12, 6.2 acres total parcel, the proposed windmills would affect less than one acre. Two 25' windmill hybrids for commercial agricultural use set behind residence. Genesee County Planning Board has approved without modifications. The ZBA has approved the variance for right of way and set back requirements pending SEQR approval by the Town of Pavilion Planning Board.

An attendee questioned the restoration and decommissioning requirements. Dan Lang read the regulations to them in explanation. There were no more questions or comments.

7:30 Don Brooks left.

7:37 Beaumont Pond

9787 Linwood Rd, Pavilion; tax map # 4.-1-11.13, 5.4 acres total parcel, the proposed pond would affect about one half acre. A letter was reviewed from Genesee County Soil and Water recommending the pond and approving it with suggestions for specific placement, depth and such. The Genesee County Planning Board approved with modifications regarding set backs and notification to surrounding land owners. All items of this pond and it's planned placement are in compliance with the Town of Pavilion zoning ordinances.

There were no questions or comments. This does not meet the thresholds for a SEQR review.

The public hearings are concluded, but shall be kept open in case of any late comers to the meeting until business is concluded and decisions shall be made.

Land Separation- Kimberly Coates with 9.5 acres on Hartwell Rd tax map 1-1-43.12 would like to spit her property into a 5.082 acre parcel and a 4.5 acre parcel to be sold and merged with the adjoining neighbor (Reamer property). Parcels meet all requirements including road frontage and total minimum square footage.

Motion to approve this land separation made by Terry Bartholomew and seconded by Gary Kingsley.

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

7:48 PM Public meetings are now closed.

Actions made by the Town of Pavilion Planning Board:

1. Beaumont Pond – Approved Special Use Permit

Motion made by Gary Kingsley and seconded by Liz Conway

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

1. Coots Pond – Approved Special Use Permit

Motion made by Terry Bartholomew and seconded by Gary Kingsley

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

1. Hackett Windmill

1. Town of Pavilion Planning Board seeks Lead Agency for SEQR review.

Motion made by Gary Kingsley and seconded by Liz Conway

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

SEQR part 2 review completed.

The only item of question is that the property has an overlap of and Archaeological Sensitive Area zone. The proposed project is not located on that overlapping section.

1. Site Plan Review is approved contingent upon approval by the Town's attorney and insurer, proof of the performance bond and decommissioning bond and proper documentation from United Wind meeting the minimum requirements of liability insurance.

Motion made by Gary Kingsley and seconded by Terry Bartholomew

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

1. Special Use Permit is approved contingent upon approval by the Town's attorney and insurer, proof of the performance bond and decommissioning bond and proper documentation from United Wind meeting the minimum requirements of liability insurance.

Motion made by Gary Kingsley and seconded by Terry Bartholomew

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

1. Tillotson Windmills

1. Town of Pavilion Planning Board seeks Lead Agency for SEQR review.

Motion made by Gary Kingsley and seconded by Liz Conway

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

SEQR Part 1 overview finds the need of the applicant to clarify that they are receiving government money in the form of a \$20,000 USDA Grant.

SEQR part 2 review completed.

Note: The findings indicate that the location is in an Archaeological Sensitive Area zone. The proposed project is located within that zone indicating the need for a State Historic Preservation Office (SHPO) review due to the use of government funding by the Tillotsons for the windmills.

1. Site Plan Review is a Conditional Negative Declaration contingent on results being obtained from the SHPO and the board's final approval of the Part 2 SEQR review as well as contingent upon approval by the Town's attorney and insurer, proof of the performance bond and decommissioning bond, proper documentation from Sky Wolf meeting the minimum requirements of liability insurance and documentation from the applicant with proof of liability insurance whether as an addendum to the homeowner's insurance or a separate policy.

Motion made by Gary Kingsley and seconded by Liz Conway

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

1. Action of the application for Special Use Permit is a Conditional Negative Declaration contingent on results being obtained from the SHPO and the board's final approval of the Part 2 SEQR review as well as contingent upon approval by the Town's attorney and insurer, proof of the performance bond and decommissioning bond, proper documentation from Sky Wolf meeting the minimum requirements of liability insurance and documentation from the applicant with proof of liability insurance whether as an addendum to the homeowner's insurance or a separate policy.

Motion made by Terry Bartholomew and seconded by Gary Kingsley

Susan Kinney – Yes Gary Kingsley - Yes
Liz Conway – Yes Terry Bartholomew – Yes

9:34 PM Motion to adjourn by Terry Bartholomew and seconded by Gary Kingsley.
Voice vote was unanimous.

Submitted by: Kelly Kinney
09/27/16