

**TOWN OF SODUS
ZONING BOARD
JUNE 26, 2017**

PRESENT

Don Buchwald
Steve Zonneville-Chairman
Bill Lesniak
Ron Baker-Ad Hoc
Kim Buell
John Hayslip

ABSENT

James Russell

GUESTS

Caitlin Fitzgerald
Michael Fitzgerald
Keith Gardner
Paul Sozio
Henry Spicer
Donald Young
Dan Compitello
Ron Sedore

The Chairman called the meeting to order at 7:00PM. Chairman called for any corrections to last month's meeting. None offered. Motion to approve previous minutes made by Don Buchwald, seconded by John Hayslip, all aye. Motion carried. Motion to declare the Fitzgerald and Dathyn applications Type 11 under SEQR made by Bill Lesniak, seconded by Don Buchwald. All aye. Motion carried.

The first application was an area variance for Mike Fitzgerald of 6669 Redman Rd. Sodus, NY 14551 to build a 12' x 16' Utility shed 25' from south property line when 50' is required. Since applying for the variance, Mr. Fitzgerald has found that his property may extend beyond the telephone pole that was designated as the property line. He called the Code Office in the morning of the meeting date to determine a set-back for a leach field. He was told there is no set measurement, but that 10 feet was a measurement used to accommodate the digging equipment. He stated that after measuring, his leach field extends beyond the telephone pole in question by about 15 feet which makes him even closer to meeting the 50' set back. He stated that this a portable shed and would not become permanent. Asked about other areas for shed placement, he stated that most of the back portion of his property is woods, there is an old barn foundation he intends to remove at some point, and a leach field to consider. This leaves not much other cleared ground for the shed. Asked about neighbor's input, Mr. Fitzgerald stated there were none in attendance, but that the two bordering had no objections. Bill Lesniak made a motion to approve as presented, Don Buchwald seconded. All aye. Motion carried.

The second application was for an area variance for Ken Dathyn of 4607 Route 88 Sodus, NY to build a 30' x 48' labor camp 150' from road when 200' is required. The property is a 23 acre parcel at 4454 Route 88 part of which is located in Arcadia. Keith Gardner, the contractor for the project explained the variance. The property would be cleared for a septic system and the camp. The camp would be for seasonal labor, but would be insulated so it could be used year round if desired. The camp would be for 8 people, and would be post and beam on a concrete foundation. John Hayslip asked if there was not some other location to build on the acreage. Keith said not really, as the topography is either really steep or has shallow spots. Asked about water, Keith stated there is municipal water. Bill Lesniak asked about moving camp closer to the driveway. Keith pointed out the culvert on the map and stated that that area has one of the lower lying spots. Ron Baker asked about placing with an older existing camp on another property. Other members of the Board stated that the location Mr. Baker questioned was also a somewhat swampy area. J. Hayslip asked about Mr. Dathyn not being in

attendance. Keith stated that , being the contractor, he was generally the person that represented his clients at these meetings. The Board agreed that the hardship was the topography of the location. Don Buchwald made a motion to approve as presented, Kim Buell seconded. All aye. Motion carried.

The third application was a Special Permit application from Brickchurch Solar, LLC to build a solar farm at 8593 York Settlement Rd. Sodus, NY . The property is zoned agricultures and the use would be for a commercial project. Dan Compitello and Don Young were in attendance representing Brickchurch Solar, LLC. Bill Lesniak asked about wind and problems. Dan stated that the panels are able to withstand winds up to 150 mph. Ron Baker asked about disturbing wetlands. Dan says they would not be doing so. John Hayslip asked about time for completion. Dan said that approximately three months for construction and three months for commissions until up and running. Ron Baker had the recommendations from the Wayne County Planning Board. There were six suggestions in total. These were read aloud by the Secretary to the Board. All of the points made by Wayne County were addressed in the presentation. Bill Lesniak asked about land underneath the panels. Dan said that they would maintain, but were actually looking into working with the state to use plants that would attract pollenating insects. The owner of the property, Ron Sedore, was in attendance. He told the Board that the issue of the pet cemetery of his family is no longer a concern, as the project is about 60 feet away from it and won't be disturbed. Ron Baker asked about the driveway to the project re: snow. Dan stated that if it got to be over 1 foot they would clear the road, but the panels don't require much maintenance. Asked about snow build up on panels. Dan stated that the panels are designed for minimum accumulation. Kim Buell asked about the trees that would be removed. Dan stated that they would engage a tree service to handle the disposal. Ron Sedore stated that the trees are not good for firewood. Don Buchwald made a motion to declare a negative Type 11 action under SEQR. Bill Lesniak seconded. All aye. Motion carried. Motion was made to approve the application as presented by John Hayslip. Seconded by Don Buchwald. All aye. Motion approved. Motion was made to adjourn by John Hayslip. Motion was seconded by Don Buchwald. All aye. Motion approved. Meeting was adjourned at 7:50PM.

Respectfully submitted,

Holly Warner
Secretary

RESOLUTION

ISSUING NEGATIVE DECLARATION RELATIVE TO THE BRICKCHURCH SOLAR PROJECT

WHEREAS, the Town of Sodus received an application from Brickchurch Solar, LLC (the "Application") requesting approval of a proposal to construct a solar photovoltaic array system on lands at 8593 York Settlement Road, Sodus, NY 14516 (the "Property"); and

WHEREAS, the Town of Sodus Zoning Board of Appeals has been established as the lead agency for purposes of the environmental review pursuant to New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the Zoning Board of Appeals has held a public hearing to consider the Application, at which time all parties and citizens were afforded an opportunity to be heard; and

WHEREAS, the Zoning Board of Appeals has carefully considered and taken a hard look at all potential environmental impacts of the Project, carefully considering all documentary, testimonial, and other evidence presented to the Town, together with any input from Town staff, and any applicable advisory boards and agencies; and

WHEREAS, the Zoning Board of Appeals has completed Parts 2 and 3 of the EAF, which are attached hereto, and has carefully considered the information contained therein.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to SEQR, the Zoning Board of Appeals hereby adopts and approves the attached Parts 2 and 3 of the EAF; and, be it further,

RESOLVED, that based upon the information, documentation, testimony, and findings, and after examining the relevant issues by taking a hard look and engaging in reasoned elaboration, the Zoning Board of Appeals determines that the Project will not have a potentially significant adverse impact on the environment, and hereby issues a negative declaration.

RESOLUTION

APPROVING SPECIAL USE PERMIT FOR THE BRICKCHURCH SOLAR PROJECT

WHEREAS, the Town of Sodus received an application from Brickchurch Solar, LLC (the "Application") requesting approval of a proposal to construct a solar photovoltaic array system at 8593 York Settlement Road, Sodus, NY 14516 (the "Property"); and

WHEREAS, the Application requires a Special Use Permit; and

WHEREAS, the Town of Sodus Zoning Board of Appeals has completed SEQR for the Application, issuing a Negative Declaration; and

WHEREAS, the Zoning Board of Appeals has duly held a public hearing to consider the Application, at which time all parties and citizens were afforded an opportunity to be heard; and

WHEREAS, the Zoning Board of Appeals has carefully considered all documentary, testimonial, and other evidence presented to it, together with any input from Town staff, and any applicable advisory boards and agencies; and

WHEREAS, the Zoning Board of Appeals has considered and applied the Special Use Permit criteria to the Application.

NOW, THEREFORE, BE IT RESOLVED, that, consistent with those reasons set forth in the applicant's report, the Zoning Board of Appeals finds that the Special Use Permit criteria favor approval of the Application; and be it, further

RESOLVED, that the Zoning Board of Appeals hereby approves the Application, including approval of a Special Use Permit.