

Town of Torrey Zoning Board of Appeals

May 24, 2021

Present: Bob Constantine, Mark Gifford, George Dowse, Chris Hansen

Others: Deanne Lamborn, Ashley Champion, Jon Stone, Paula Edelmann Lois Hall, Mary Joan LeClaire, Roe & Grace Mirchandani, Jeff Williams, Raymond & Curvin Zimmerman, Dale Stell, Allen Raines, Mike Schnelle, Dwight James

Vice Chairman Bob Constantine called the meeting to order at 7:00Pm and asked the secretary to note members present.

Area Variance # 20 -02 Jon Stone of Norbut Solar is requesting an Area Variance for proposed (3) Solar Array project at Hansen Point Rd Tax Map # 52.04-1-4.13 in the Town of Torrey.

An Area Variance is required as the solar project exceeds the maximum lot coverage regulations in an Ag/Residential District per Torrey Zoning Law § 98.42

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

Notices sent to the following by clerk:

City Hill Excavation 2183 Rte 14 Penn Yan NY 14527
Tim Hansen 2244 Hansen Spur Penn Yan NY 14527
Paula Edelmann 210 Lovell Ave Elmira NY 14905
Fiona Gibson 2015 Perry Point Rd Penn Yan NY 14527
Gary & Judy King 105 High Gate Place Ithaca NY 14850
Ivan Eberly 2105 Rte 14 Penn Yan, NY 14527
Lakeland Farms 4395 County Rd # 1 Canandaigua NY 14424
Chris & Brianne Hansen 515 Hansen Point Rd Penn Yan, NY 14527

Torrey Planning Board on November 16, 2020 recommended approval.

Ashley Champion Nixon Peabody Law Firm representing Norbut Solar appeared on this application. Since November the area coverage has been reduced. Discussion on what is actually considered coverage.

Dale Stell spoke in support of this application. Property was for sale for over 15 months with no interested buyers.

Paula Edelmann questions why 2 solar farms are needed in one area. View from back is terrible. What property will the power to grid pass over.

Ashley Champion stated the view of these solar panels will be a lot less than the view she has present time from the solar farm directly in front of her house. Where the power to the grid location has not been determined yet.

There being no further questions by board or attendees Bob closed this application hearing at 7:17PM

Bob opened the public hearing at 7:20PM on Norbut Special Use application

Special Use Application # 20-06 Norbut Solar Farms to build three (3) solar arrays on property of Dale Stell TM # 52.04-1-4.13, at Hansen Point Road Town of Torrey. A special use permit is needed to operate a commercial business in an Ag/Residential District per Torrey Zoning Law.

Notices sent to the following by clerk:

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Gary & Judy King 105 High Gate Place Ithaca NY 14850

Ivan Eberly 2105 Rte 14 Penn Yan, NY 14527

Lakeland Farms 4395 County Rd # 1 Canandaigua NY 14424

Torrey Planning Board on October 19, 2020 recommended approval of this application.

Norbut Solar Farms is applying to construct three (3) Solar arrays for commercial business in an Ag District. Each solar array would be 5-Megawatt ground mounted. The power line runs along Route 14 and the site would be connected to it by way of Hansen Point Road. This renewable energy can be sold to area businesses and residential. Hansen Solar Farm was submitted way ahead of Norbut regarding approval status. This farm land was up for sale previous to this application. Has a contract with Dale Stell for purchase upon approval of permits needed for solar array project.

Discussion on solar project at Yates County landfill.

Discussion on how and who can get energy from this solar farm.

Discussion on life of panels and decommissioning.

Bob closed this hearing at 7:36PM

Bob opened the public hearing at 7:37PM on Curvin Zimmerman application.

Special Use App # 21- 02 Curvin Zimmerman 2347 Rte 14, to operate a storage shed manufacturing and sales operation on his property. A special use permit I needed to operate a business in an Agricultural/Residential District per Torrey Zoning § 98.33.

Town Law Section 267 Art. 16 All_property owner(s) within 500' of property line of land affected by a zoning change must be notified.

Notices sent to the following by clerk:

Steve Eskildsen 760 City Hill Rd Penn Yan, NY 14527
Raymond Zimmerman 2456 Rte 14 Penn Yan, NY 14527
Paula Edelman 210 Lovell Ave Elmira NY 14905
Thomas & Sarah Eskildsen 542 City Hill Rd Penn Yan, NY 14527
Scott & Lisa Reinard 1871 Perry Point Rd Penn Yan NY 14527
Alvin & Anna Zimmerman 509 Long Point Rd Penn Yan, NY 14527
Deanna Lamborn 497 Long Point Rd Penn Yan, NY 14527
Bill & Connie Serrett 487 Long Point Rd Penn Yan, NY 14527
Jeffrey Welch 461 Long Point Rd Penn Yan, NY 14527

Yates County Planning Board on April 22,2021 recommended approval
Torrey Planning Board on April 26,2021 recommended approval

Ray Zimmerman presented the application.

Deann Lamborn a neighbor directly affected by this stated her concerns of Traffic, Noise, Hours of Operation, Disposal of refuse and footprint of project. Presently Long Point Rd has a mining operation permitted so there is a large dump truck presence running up and down the road now, what increase to traffic will this new business add.

Mr. Zimmerman stated delivery of supplies by tractor trailers, occasional customers ordering buildings and completed sheds going out for delivery will be the increase in traffic.

The new building will be insulated for noise but there may be nail gun/compressor noises in the warmer months when the windows and doors are open. Hours of operation will be Monday – Friday 7-5

The barn will be slightly larger than the cow barn that was previously onsite. Discussion on height and size of barn, where completed sheds will be located. Completed sheds will be at southern side of operation waiting for delivery.

There being no further discussion Bob closed this public hearing at 7:49PM

Bob opened the public hearing on Michael Schnelle application at 7:51PM

Special Use Modification # 21-03 Michael Schnelle 846 Rte 14, to relocate roadway, and parking area at his business for a tasting room pavilion and future winery addition. A modification is required to original special use permit as operation foot print is expanding per Torrey Zoning § 98.33

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

Notices sent to the following by clerk:

Rohit & Grace Mirchandani- 701 Route 14 Penn Yan
James & Stacie Hillmire - 5150 Italy Hill Rd Branchport 14418

Frost Wines – 3962 Rte 14 Dundee 14837
Roger Jensen – 1122 Angus Rd Penn Yan
Sharon Lockner – 840 Rte 14 Penn Yan
Petruzzello Trust – 9 Dummond Place, Glenn Head 11545
Serenity Vineyard 930 Davy Rd Penn Yan
Jim Smith 875 Serenity Rd Penn Yan

Yates County Planning Board on April 22,2021 recommended approval
Torrey Planning Board on April 26,2021 recommended approval

Mr. Schnelle presented his application. The modification to his special use permit will be the footprint changes to parking lot and driveway with addition on pavilion. In the future he would like to build an addition to the winery. All changes are on top of property.

Rohit & Grace Mirchandani support this modification.

There being no further questions or discussion,
Bob closed the public hearing at 7:56PM

Bob opened the public hearing on Jeff & Linda Williams application at 8:00PM

Area Variance # 21-01 Jeff & Linda Williams 1730 Log Cabin Rd, to install a 180' tram system to beach front. An Area variance is required as Tram system will be located 5' from side property side and not meet side setbacks per Torrey Zoning § 98.106.

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

Notices sent to the following by clerk:

Allen & Dorothea Raines 2482 Rte 364 Penn Yan, NY 14527
Jeffrey & Sigrid Gilkerson 1240 Colesville Rd Binghamton NY 13904
Beldon & Linda Gee 49 Nuttenberg Lane Middlebury Center, Pa 16935
Paul Pollack Sr 764 Beardsley Rd Dundee NY 14842
Steven & Kimberly Zdanowicz 467 Tears Rd Mansfield Pa 16933
Susan Spence Gwen Chamberlin 6 Grove Drive Canandaigua, NY 14424
Shane O'Hara 1743 Log Cabin Rd Penn Yan, NY 14527
John & Linda Zimmerman 1739 Log Cabin Rd Penn Yan, NY 14527
Brian & Kimberly Schmitt 162 Shaemus Drive Rochester, NY 14626
Pamela Marcotte 73 Holleybrook Rd Rochester, NY 14623
Judith VanLare 3308 Rosekemp Ave Baltimore Maryland 21214
Harold & Sheryl Schrockn 1734 Log Cabin Rd Penn Yan, NY 14527
Log Cabin LLC Jim Lawrence 9585 Kellar Rd Clarence Center, NY 14032
Peter & Laura Danish 299 Morgan Rd Scottsville NY 14546
Michael & Jill Burnett 2291 New Jerusalem Rd Eden, NY 14057

Torrey Planning Board on April 26,2021 recommended approval.

Allen Raines presented a letter of support of this application. He is an investing partner in the project, and will share use of the tram.

Discussion on construction of tram, excavation and concerns of the slope. Only one maple tree will be removed and soil disturbance is limited to Pillars driven into ground for frame/base.

Bob closed public hearing at 8:05PM

Respectfully submitted

Betty Daggett

DRAFT

Town of Torrey Zoning Board of Appeals

May 24, 2021

Regular meeting Present: Vice Chairman Bob Constantine, Mark Gifford, George Dowse Chris Hansen

Others present: Paula Edelmann, Lois Hall, Mary Jon LeClaire, Ashley Champion, Jon Stone, Allen Raines, Jeff Williams, Mike Schnelle, Curvin & Raymond Zimmerman Dale Stell, Dwight James

Motion by Chris 2nd Mark to approve February meeting minutes carried, George recused.

Area Variance # 20 -02 Jon Stone of Norbut Solar is requesting an Area Variance for proposed (3) Solar Array project at Hansen Point Rd Tax Map # 52.04-1-4.13 in the Town of Torrey.

An Area Variance is required as the solar project exceeds the maximum lot coverage regulations in an Ag/Residential District per Torrey Zoning Law § 98.42

Motion by Mark to accept application as complete 2nd George, carried. Chris recused

The board reviewed rules for issuance of area variance

1. Whether an undesirable change will be produced to the character of the neighborhood, *No there is a permitted solar farm next door.*
2. Whether the benefit sought by the applicant can be achieved by some method feasible for applicant to pursue, other than an area variance.
No other than reduce footprint
3. Whether the requested area variance is substantial, *37% above code roadway is part of calculation.*
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, *No- Minimal disturbance*
5. Whether the alleged difficulty was self created - Yes

After a brief discussion, Bob made motion 2nd George to grant Area Variance

WHEREAS, an Area Variance application # 20 -02 Norbut Solar was received on 11/16/2020 requesting an Area Variance for proposed (3) Solar Array project at Hansen Point Rd Tax Map # 52.04-1-4.13 in the Town of Torrey.

An Area Variance is required as the solar project exceeds the maximum lot coverage regulations in an Ag/Residential District per Torrey Zoning Law § 98.42 and was filed with the Town of Torrey Zoning Board of Appeals (hereinafter ZBA) and,

WHEREAS, after due public notice of such, a public hearing on said application, deemed complete, was held by the ZBA on May 24, 2021 in the Town Highway Garage 56 Geneva St Dresden, Yates County New York, at this time information was presented on the applicants behalf, and,

WHEREAS, at said hearing all desiring to speak in favor or opposition of this application were allowed to speak, now,

THEREFORE BE IT RESOLVED that the Area Variance application # 20 -02 of Norbut Solar for proposed (3) Solar Array project at Hansen Point Rd Tax Map # 52.04-1-4.13 in the Town of Torrey is hereby **GRANTED**.

Roll Call Constantine- Aye, Dowse- Aye, Gifford- Aye carried 3-0-Chris abstained

Special Use Application # 20-06 Norbut Solar Farms to build three (3) solar arrays on property of Dale Stell TM # 52.04-1-4.13, at Hansen Point Road Town of Torrey. A special use permit is needed to operate a commercial business in an Ag/Residential District per Torrey Zoning Law

Motion by Mark to accept application as complete 2nd George, carried. Chris recused

SEQRA on this project was completed by Town planning board.

Following a discussion Bob made a motion to grant 2nd George, Roll call vote Bob – Aye, George- Aye, Mark – Aye carried 3-0-1 Chris abstaining

Special Use Permit granted with following stipulations

1. Provide a decommissioning plan
2. Approval by Yates County Planning Board

Final vote on this SUP # 20-06 tabled until after Yates County Planning Board recommendation decision of May 27, 2021

Special Use App # 21- 02 Curvin Zimmerman 2347 Rte 14, to operate a storage shed manufacturing and sales operation on his property. A special use permit I needed to operate a business in an Agricultural/Residential District per Torrey Zoning § 98.33.

Motion by Mark 2nd George to accept application as complete carried.

Chairman read the SEQRA short form questions to the members for decision.

Each item read and a negative findings was determined.

Motion by Chris 2nd Mark to accept the completed SEQRA and a negative declaration made that the proposed action will not result in any significant adverse environmental impacts,

George offered the following resolution 2nd by Mark,

WHEREAS, as an application SU # 21-02 Curvin Zimmerman 2347 Rte 14, to operate a storage shed manufacturing and sales operation on his property. A special use permit I needed to operate a business in an Agricultural/Residential District per Torrey Zoning § 98.33.by Torrey Zoning Board of Appeals (hereinafter ZBA) and,

WHEREAS, after due public notice of such, a public hearing on said application was held by the ZBA on May 24, 2021 in the town highway garage at 56 Geneva Street, Dresden, Yates County, New York, at this time information was presented on the applicant's behalf, and

WHEREAS, at said hearing, all present were allowed to speak in favor or opposition of this application, and

WHEREAS, This application involves a Type II action as defined by the State Regulatory for Environmental Quality Review so that no further Environmental Assessment is required, now

THEREFORE BE IT RESOLVED that the application Special Use SU # 21- Curvin Zimmerman 2347 Rte 14, to operate a storage shed manufacturing and sales operation on his property in an Agriculture/Residential District is **GRANTED**.
Hansen- Aye, Gifford - Aye Constantine - Aye Dowse- Aye 4 Ayes 0 Nays

Special Use Modification # 21-03 Michael Schnelle 846 Rte 14, to relocate roadway, and parking area at his business for a tasting room pavilion and future winery addition.

Motion to accept application as complete by George 2nd Bob carried.

Chairman read the SEQRA short form questions to the members for decision.

Each item read and a negative findings was determined.

Motion by George 2nd Mark to accept the completed SEQRA and a negative declaration made that the proposed action will not result in any significant adverse environmental impacts, carried by all.

Bob offered the following resolution, 2nd by George

WHEREAS, as an application SU Modification # 21-03 Michael Schnelle 846 Rte 14, to relocate roadway, and parking area at his business for a tasting room pavilion and future winery addition. A special use permit modification is needed as the original footprint will be expanded in an Agricultural District per Torrey Zoning § 98.33.by Torrey Zoning Board of Appeals (hereinafter ZBA) and,

WHEREAS, after due public notice of such, a public hearing on said application was held by the ZBA on May 24, 2021 in the town highway garage at 56 Geneva Street, Dresden, Yates County, New York, at this time information was presented on the applicant's behalf, and

WHEREAS, at said hearing, all present were allowed to speak in favor or opposition of this application, and

WHEREAS, This application involves a Type II action as defined by the State Regulatory for Environmental Quality Review so that no further Environmental Assessment is required, now

THEREFORE BE IT RESOLVED that the application Special Use SU # 21-03 Michael Schnelle 846 Rte 14, to relocate roadway, and parking area at his business for a tasting room pavilion and future winery addition in an .Agricultural District is **GRANTED**.

Hansen- Aye, Gifford - Aye Constantine - Aye Dowse- Aye 4 Ayes 0 Nays

Area Variance # 21-01 Jeff & Linda Williams 1730 Log Cabin Rd, to install a 180' tram system to beach front.

Motion by George 2nd Bob to accept application as complete, carried by all

The board reviewed rules for issuance of area variance

1. Whether an undesirable change will be produced to the character of the neighborhood, *No*.
2. Whether the benefit sought by the applicant can be achieved by some method feasible for applicant to pursue, other than an area variance. *No*
3. Whether the requested area variance is substantial *No*
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, *No*
5. Whether the alleged difficulty was self created - *Yes*

After a brief discussion, Chris made motion 2nd George to grant Area Variance

Roll Call Hansen – Aye Constantine- Aye, Dowse- Aye, Gifford- Aye carried 4-0

Motion to adjourn made by George 2nd Mark carried at 8:39PM

Respectfully submitted,