

**TOWN OF JACKSON  
PLANNING BOARD MEETING  
November 1, 2022**

The Town of Jackson Planning Board met on November 1, 2022, at 6:30 pm at the Town of Jackson Town Hall. The following people were in attendance-

**Board Members:**

- Amy Maxwell
- Irene Headwell
- Steve Chuhta
- Kelly Donahue
- EriK VandenBerg
- Mark Mahoney

**Others Present:**

- John Hill
- Jeffrey D. Tucker
- Paul and Amy Sherwood
- Renee Carter
- Richard and Peter Czachor
- Jen Dunn

**Absent:** Tim Thomas

**PUBLIC HEARING**

The public hearing for John Hill's subdivision on Dot Hill Way was opened at 6:30 pm. Mr. Hill gave a brief description of the subdivision on his 28-acre parcel and presented the locus map of the property. The proposed lot 1A is a 2-acre parcel that will be sold to his daughter to build a home on. The proposed lot 1 is the remaining 26 acres of land surrounding lot 1A that contains John Hill's home. Entry to lot 1A will be on Shields Road. The Board opened the floor for public comments. There being no comments at this time, the Public Hearing was closed at 6:31 pm.

***OPEN REGULAR MEETING: 6:32 PM***

**MINUTES**

A **motion** was made by Erik VandenBerg and seconded by Kelly Donahue to approve the October 4, 2022 meeting minutes as written. Motion carried in favor 6-0.

**JOHN HILL**  
**6205 Dot Hill Way**  
**Parcel Id#: 231.02-2-1**  
**Surveyed by: William A. Wiley**  
**Survey Completed: September 22, 2022**

A motion to approve the subdivision was made by Mark Mahoney and seconded by Erik Vandenberg.

Motion carried in favor 6-0.

Roll Call:

Erik Vandenberg	Aye	Irene Headwell	Aye
Mark Mahoney	Aye	Amy Maxwell	Aye
Steve Chuhta	Aye	Kelly Donahue	Aye

**PAUL & AMY SHERWOOD**

Paul and Amy Sherwood of 393 Cambridge Battenville Road were present with a sketch plan for a boundary line adjustment. They currently own 10 acres and were looking to add additional acreage from their neighboring father's property. After reviewing the map and the application, the Board came to the conclusion that the 4.6 acreage involved would exceed the 2-acre limit for a BLA. Therefore, the project would need to continue as a minor subdivision. Chair Maxwell provided the applicants with a minor subdivision checklist and requested they return at a later date once they acquire the survey map.

**MUNICIPAL TRAINING SUMMARY**

Board members Kelly Donahue, Irene Headwell and Erik Vandenberg attended an in-person training seminar presented by NYDOS Division of Local Government Training at the Washington County Municipal building. Topics discussed at the training event were 'Hot Button Land Uses' and 'The Short Environmental Assessment Form'. Kelly Donahue spoke to acknowledge the number of towns also dealing with similar challenges as Jackson, such as regulating solar projects. She also pointed out several helpful tools and resources provided by NYDOS in regards to the SEQR form.

***CLOSE REGULAR MEETING: 7:01 PM***

**PUBLIC HEARING**

The public hearing for Jeffrey Tucker's subdivision at 224 Colfax Road was opened at 7:02 pm. Mr. Tucker gave a brief synopsis of the subdivision of his property, which will include 3 lots. The proposed lot 1 is an 18.67-acre lot on the west side of Colfax, the proposed lot 2 is a 64.75-acre lot located easterly of the remaining lands that contains his camp, and the third lot is a

31.80-acre lot that contains his home and barns. At the time of September’s Planning Board meeting, Mr. Tucker was given a variance to allow this project to proceed without the regulation 50 ft road frontage for lot #2 after he provided evidence of a hardship to the PB. After confronting an issue with this at October’s Planning Board meeting, Mr. Tucker came back to the Board with a new locus map which provides the 50 ft road frontage on the south end of lot #2. He is still hoping to keep lot #2 and lot #3 at this time and hopes to potentially sell lot #1 in the future, possibly to neighbors. A couple of residents spoke to show interest in lot #1 but Mr. Tucker stated that Mr. Jennings who owns the neighboring property would have the first option to buy the property if he so wished. There being no further questions at this time, the Public Hearing was closed at 7:06 pm.

***OPEN REGULAR MEETING: 7:07 PM***

**JEFFREY TUCKER  
224 Colfax Road  
Parcel Id#: 239.-2-52  
Surveyed by: Brian Holbritter  
Survey Completed: June 19, 2022**

A motion was made by Kelly Donahue and seconded by Steve Chuhta to rescind the approval of the Jeffrey Tucker subdivision made on October 4<sup>th</sup>, 2022.

Motion carried in favor 5-0 with Erik VandenBerg abstaining.

Roll Call

Erik VandenBerg	Abstain	Irene Headwell	Aye
Mark Mahoney	Aye	Amy Maxwell	Aye
Steve Chuhta	Aye	Kelly Donahue	Aye

**JEFFREY TUCKER  
224 Colfax Road  
Parcel Id#: 239.-2-52  
Surveyed by: Brian Holbritter  
Survey Amended: October 12, 2022**

A motion to approve the subdivision was made by Mark Mahoney and seconded by Steve Chuhta.

Motion carried in favor 5-0 with Erik VandenBerg abstaining.

Roll Call

Erik VandenBerg	Abstain	Irene Headwell	Aye
Mark Mahoney	Aye	Amy Maxwell	Aye
Steve Chuhta	Aye	Kelly Donahue	Aye

At this time, Mr. Tucker requested to comment to the Board. He pointed out his frustration with having to wait for a response from the Town Attorney regarding whether or not a variance could be granted for his original map of the subdivision. Mark Mahoney spoke to say the wait was not the fault of the Board and that the Board did what they could and historically does what they can do to help. Chair Maxwell assured Mr. Tucker that she would bring this issue to the Town Board so they are aware of the time issue with respect to legal counsel.

**BRIAN AND JEANNETTE DUNN**

Jenny Dunn was present with a survey map for property at 2673 State Route 22 (tax map #239.-2-41), owned by Jenny and her husband Brian. A 4.47-acre lot containing a farmhouse and barn would be subdivided from an 81-acre parcel that abuts other land owned by the applicant. The intention of the new lot is to potentially sell it in the future for residential/agricultural use. Both lots have road access via State Route 22.

Ms. Dunn presented a new SEQR form to the Board. The Board reviewed part I and completed part II.

A motion was made by Kelly Donahue and seconded by Erik Vandenberg to give the project a negative declaration.

Motion carried in favor 6-0.

Roll Call:

Erik Vandenberg	Aye	Irene Headwell	Aye
Mark Mahoney	Aye	Amy Maxwell	Aye
Steve Chuhta	Aye	Kelly Donahue	Aye

A motion was made by Steve Chuhta and seconded by Kelly Donahue to classify the project an unlisted action.

Motion carried in favor 6-0.

Roll Call:

Erik Vandenberg	Aye	Irene Headwell	Aye
Mark Mahoney	Aye	Amy Maxwell	Aye
Steve Chuhta	Aye	Kelly Donahue	Aye

A public hearing will be scheduled for Tuesday, December 6<sup>th</sup>, 2022 at 6:30 pm. The clerk will mail letters to the adjacent property owners to notify them about the project.

### **New Business:**

- Chair Amy Maxwell recently had a discussion with lawyer Terresa Bakner regarding the use of variance through subdivision regulations. Ms. Bakner said that variances generally fall back on a ZBA (Zoning Board of Appeals). Seeing as the Town of Jackson does not have zoning laws (and therefore does not have a ZBA) this would not apply to the Town of Jackson. Amy will look into this further to get more clarification on how to issue or appeal variances. Board Member Kelly Donahue offered to use some of the training resources from the County training seminar to see if she can get some information as well.

### **SOLAR LAW DRAFT**

After meeting with Terresa Bakner following the last Planning Board meeting, Chair Maxwell and Board Member Donahue brought up a few key points of discussion:

- The Board questioned the 50 ft setback requirement stated in the regulations of the Office of Renewable Energy Siting. Board Member Mark Mahoney pointed out that there is already a 50 ft easement from the center of the road for the municipality of said road. All board members agreed that 50 ft would not be enough. Chair Maxwell pointed out that Ms. Bakner advised to be cautious of how much higher you go than this number in your law. Board Member Steve Chuhta brought up adding conditions of approval regarding the setback to be applied to each individual project. The Board all agreed that setting the buffer for 200 ft and going from there might be the best course of action to protect the Town from projects being too close to the road.
- The Board discussed how to approach solar vs. agriculture land use to best protect the interests of a rural community. They agreed that encouraging solar projects to use land that is not currently being used for farming or is non-tillable would be the optimal approach. Board Member Steve Chuhta offered to get a copy of the agriculture district map from the County so they are able to view farm land in the Town. Chair Maxwell offered to get clarification from Ms. Bakner regarding the acreage of projects per mega wattage and defining agricultural districts in the law.
- The Board discussed how to handle the abandonment of commission in solar projects. Board Member Erik VandenBerg questioned how the Town would know that a solar project is no longer producing energy for sales. He stated that it is pertinent to the law that these large-scale solar projects continue producing. If they don't, decommissioning should be regulated by an inspector. Chair Maxwell will run this by Ms. Bakner.

The Board agreed that setting a joint Planning Board/Town Board meeting on the Solar Law for the end of the month will give Amy time to bring revisions back to Ms. Bakner and come up with an agreeable draft. After discussing availability for the last week of November, it was decided that Amy will set a date at the Town Board meeting (pending availability) for any days between Nov. 28<sup>th</sup> – Nov. 30<sup>th</sup> and December 2<sup>nd</sup>.

[After Wednesday's Town Board meeting, the joint meeting was set for November 28<sup>th</sup>, 2022 at 7:00 pm.]

A **motion** was made by Board Member Steve Chuhta and seconded by Mark Mahoney to adjourn the meeting at 8:49 pm.

Motion carried in favor 6-0.

Roll Call:

Erik Vandenberg	Aye	Irene Headwell	Aye
Mark Mahoney	Aye	Amy Maxwell	Aye
Steve Chuhta	Aye	Kelly Donahue	Aye

**Next Meeting (Joint Planning Board/Town Board Meeting):** Monday, November 28, 2022 @ 7:00 pm

**Next Regular Meeting:** Tuesday, December 6, 2022 @ 6:30 pm

**Adjourned:** @ 8:49 pm

Respectfully submitted,

Molly Dixson, Town of Jackson