

**Town of Florida  
Planning Board Special Meeting  
Monday, November 28, 2022  
7:00PM**

**MEMBERS PRESENT:**

Michael Taylor, Chairman  
Peter Rea, Member  
Charles Saul, Member  
John Hutchison, Member  
Nicholas Armour, Deputy Chairman  
Rudy Horlbeck, Member  
Don Perretta, Member  
Deborah Slezak, Attorney

**ABSENT:**

Stephen Viele, Alternate

**I. Call to Order**

A meeting of the Town of Florida Planning Board was called to order at 7:04pm, by Chairman Michael Taylor.

**II. Pledge of Allegiance**

**III. Adoption of the Agenda**

Motion was made by Don Perretta and seconded by Rudy Horlbeck to accept the Agenda. All other members present were in favor.

**IV. Business**

**1. New Leaf Energy SEQR Review Draft Part II & III**

Steve LeFevre of Barton & Loguidice was present to review the Part II SEQR draft that was initially done with Brad Grant at October's Planning Board Meeting. He brought DEC guidance publications regarding SEQR to use as reference. He explained that SEQR is subjective. Part I that was filled out by the applicant should be used as a reference as well as any studies that were done and comments from interested and involved agencies and the comments from the public.

Attorney Deborah Slezak asked what the Planning Board's responsibility was to determine if an impact is mitigated sufficiently and how do they ask for sufficient mitigation? Steve explained that if a Positive Declaration for SEQR is found then the Planning Board has the right to require an Environmental Impact Statement. Even though all studies that were requested have been done; the applicant would then take that information and do another more extensive document. Information regarding SEQR and the process is available on the NYS DEC website. Steve then went over SEQR Part II again to see if the Planning Board had any changes to make or questions to ask for more information.

KEY: NI – No Impact; SI – Small Impact; MI – Moderate Impact; LI – Large Impact

**1-c** – Could be moderate to large impact depending on how much bedrock is on the surface. Applicant can be asked to determine depth before answering. David Strong said they could anchor to the bedrock if it is stable and strong enough and not blast. Rudy Horlbeck pointed out that there is a lot of shale in the area and it can be removed with a backhoe or pneumatic hammer. Blasting would not be needed. **Changed from NI to SI**

**1-d** – Refers to mining according to DEC guidebook. **Changed from SI to NI**

**1-f** – Water will flow to natural wetlands and then to ditches along YMCA Road. Amount of bedrock will affect run-off. **Leave as MI**

- 3-c** – No dredging of wetlands will occur. **Change from SI to NI**
- 3-d** – Putting the access road through the wetlands. Will be purchasing “wetland” credits from DEC because there is no place on site to create new wetland. This will be .23 acres. **Change from NI to SI**
- 3-e** – No water body, by DEC definition, on site. **Change from MI to NI**
- 3-h** – No receiving water body other than wetlands. Not creating storm runoff pools. Army Corps of Engineers gives permit. **Change from MI to SI**
- 3-i** – Turbidity will not affect wetlands after construction. **Change from MI to NI**
- 5-d** – Water will flow to wetlands and also toward YMCA Road. No channels will be created other than the natural ones that are there. There will be drainage along the access road. **Change from MI to SI**
- 7-a** – Raptors and bats are not on the site. Near the site. **Leave as SI**
- 7-b** – Raptors hunt on or near the site but do not roost or nest. **Leave as MI**
- 10-c** – SHPO had an archaeological survey done and did not identify anything of archaeological significance at the site. Discussion over whether there could be anything on site or in close proximity to the site. **Leave as MI**
- 13** – Construction traffic is different than long term traffic. This refers to current transportation; ie buses, cabs etc. **Change “a” through “e” to NI**
- 13-f** – Waiting for Albany Airport for their review. There has to be Federal Public Comment for any agencies that use the airspace. Notification system used for all airports, medi-vac, military planes. The FAA report can be shared with the Planning Board when it is done. The location of the turbine is added to the FAA list of structures. **Leave as MI**
- 15-c** – There will be no odors from the turbine. **Change from SI to NI**
- 15-f** – Peter Rea brought up the RF study that is supposed to be done. There will be a pre and post study. What will be done if it is already up and there is interference? All other studies of impacts are able to be done before and issues are pointed out ahead of time. If there is an issue with RF interference would New Leaf be required to shut the turbine down? Could a shutdown requirement be written into the approval? Was there no experiment done in the lab regarding RF? Dave Strong said there was not because there is no measurement standard to go by. Discussion regarding FCC actions should an issue arise. Rudy Horlbeck asked who would be the manufacturer of the turbine? Vestes or GE. Specific language could be added regarding RF interference. **Change from SI to MI**
- 16-f** – Oil & grease are self-contained within the turbine motor. Visual impacts, noise, RF, TV reception interference, light flicker. **Change from SI to MI**
- 17-h** – Does not fit with this section; move to 16-f and change 16-f to MI.

Visual mitigation measures can be requested from the applicant. Such as a fund for tree plantings at residences who don't want to see the turbine. Based on elevation and site line.

Rudy Horlbeck asked if wind turbines were included in the NYS 94C process. David Strong said they were not getting any NYSERDA credits toward this project.

The geotechnical report will be shared with the Planning Board when it is completed, to be reviewed before the project can begin construction.

Town Councilman Matthew Gogis announced that Rudy Horlbeck, Don Perretta and Mike Taylor have all put in their resignations. A new Chairman for the Planning Board will be needed.

**V. Public Comment: 9:23pm**

Ken Moritz, 270 Belldons Road. The hill plus the height of the tower and he can see the test tower from his house. Gave a handout of visuals to the Planning Board. Concerned about the subjectivity of the SEQR process.

Bill Bonner, 410 Fuller Road. Agrees with Ken Moritz. Noise concerns. Flicker concerns for anyone in the vicinity of the turbine.

Kristeen Jaracz, 221 Fuller Road. Concerned about the oil on site. More than the applicant is saying. Does not meet the setbacks. New size for turbines. Very concerned.

Alex Hopkins, 435 State Highway 161. YMCA building is occupied by people; is a residence. How does this turbine benefit the Town of Florida?

Becky Moritz, 410 Fuller Road. Has there been height comparisons by the Planning Board members for visual? How will the bid be awarded for this project? To the lowest bidder? Will it be good, safe work?

Nathan Staley, 437 Bullshead Road. The power lines are checked via helicopter regularly. This could alter how they can check them. If the turbine fails could it damage the power lines that run near it? What about cable and phone lines or gas lines.

Joe Wells, 318 Shellstone Road. 2 ½ acres of farmland. Will there be a fence around the perimeter to keep people out who want to go next to the turbine? If not what will the security radius be?

Vanessa Curry, 6244 State Highway 30. How is this a community project? Least efficient for generating power.

Lori Rulison, 208 Shellstone Road. Encouraged the Planning Board to do more research. Will change the Town and the future of the Town. Take time to do a thorough review.

**Public Comment Closed:** 9:37pm

## **VI. Adjournment**

A **Motion** was made by Charles Saul and seconded by Don Perreta to adjourn at 9:38pm; all in favor.

Respectfully Submitted  
Emily Staley  
Secretary