

**Town of Manheim Public Hearing on Zoning Ordinance Amendment and Regular Board Meeting  
April 12, 2016 @7:00pm**

MEMBERS PRESENT

Supervisor John Haughton  
Councilman Frederick Doerrer  
Councilman Peter Jaikin  
Councilman Kevin Snell  
Councilman Rodney Swartz

OTHERS PRESENT

Carl Stallman, Wilbur Hills,  
Attorney Grace Mellen, Dave Corbett,  
Raymond Smith, Judy Mijares  
Andreas Rivera

Supervisor Haughton called the meeting to order, roll call was taken and the pledge of allegiance recited.

**Public Hearing on Zoning Ordinance Amendment**

A Motion was made by Councilman Jaikin and was seconded by Councilman Doerrer to open the Public Hearing at 7:15pm. Ayes All

Attorney Grace Mellen read the following amendment to the town zoning amendment:

**Amendment**

**Town Of Manheim Zoning Ordinance  
Fee Schedule and Reimbursement of Costs**

**Purpose:**

The purpose of this zoning amendment is to amend the Zoning Ordinance of the Town of Manheim to establish, maintain and revise, as necessary, a fee schedule associated with applications, permits, and reviews of certain zoning matters to offset and reimburse the Town and its Boards and Departments for the cost of reviewing applications, issuing permits and conducting the reviews required by the Zoning Ordinance, state and local law, or deemed necessary by the Town and its Boards and Departments.

**Amendment:**

Section 202 of Article II of the Zoning Ordinance is amended as follows:

- The existing text of section 202 of Article II is stricken.
- A new section 202 of Article II is added to read as follows:

"Section 202 Application Fees and Costs

1. The Town Board of the Town of Manheim is authorized to and shall establish a fee schedule for fees relating to the administration and enforcement of the Town of Manheim Zoning Ordinance, including fees and costs of professional services associated with applications, permits, and reviews required by the Zoning Ordinance, state and local law, or as deemed necessary by the Town and its Boards and Departments (hereinafter collectively the "Town") in connection with certain zoning matters.
2. The Town Board of the Town of Manheim is authorized to amend or supplement the fee schedule by resolution of the Town Board, by simple majority vote, when and as deemed necessary by the Town Board.
3. Payment of Fees:
  - a. All fees paid to the Town pursuant to the fee schedule are nonrefundable.
  - b. Any required fee shall be paid at the time such application or appeal is submitted for review or consideration.
  - c. No application shall be considered complete until the required fees have been paid.
  - d. No review shall commence and no permit or approval shall be authorized to be issued until the applicant has paid all of the required fees.
  - e. Any expenses incurred by the Town in connection with any review, application, permit, or appeal shall be due upon receipt of the Town's invoice for the same.
4. Costs of Review:
5. The costs incurred by the Town to review any application, permit or review which may be required by the Zoning Ordinance, state and local law, or deemed necessary by the Town shall be the responsibility of the applicant.
6. The applicant shall reimburse the Town for all costs for professional services, including but not limited to engineering and legal fees, incurred by the Town associated with any application, permit, or review required by the Zoning Ordinance, state and local law, or as deemed necessary by the Town in connection with such application, permit, or review.

7. At the time an application or request for review is submitted to the Town, the applicant shall establish an escrow account in an amount determined by the Town as reasonably necessary to cover the anticipated professional fees and costs associated with the review of such application.
8. The escrow account will be administered through the Town Supervisor's office.

All costs for professional services in connection with reviewing an application will be charged against this escrow account.
9. A positive balance must be maintained in the escrow account until the application receives final approval. If at any time the cost of the review exceeds the initial amount of funds deposited in the escrow account, the applicant will be advised and the review stopped until the escrow account is renewed in an amount to be determined by the Town. Any funds remaining in the escrow account at the time the application receives final approval will be returned to the applicant."

The Supervisor asked if anyone had any question. Wilbur Hills asked what the fees would be. Supervisor Haughton said that the Town Board received suggested fees from the Planning Board just today and are not prepared to act on them tonight.

Attorney Mellen read through the proposed resolution that would allow the town to amend the zoning ordinance with regard to establishing a fee schedule for permits, applications and reviews. No one in the audience had any question.

**A Motion** was made by Councilman Jaikin and was seconded by Councilman Snell to close the public hearing at 7:25pm. Ayes All

**A Motion** was made by Councilman Jaikin and was seconded by Councilman Doerrer to open the regular meeting at 7:25pm. Ayes All

Supervisor Haughton asked for motion and a second on the following resolution.

**RESOLUTION NO. 25 of 2016**  
**Dated: April 12, 2016**

**RESOLUTION THAT THE TOWN AMEND THE ZONING ORDINANCE WITH REGARD TO  
ESTABLISHING A FEE SCHEDULE FOR PERMITS, APPLICATIONS AND REVIEWS**

MOTION made by Councilman Peter Jaikin, seconded by Councilman Kevin Snell

**WHEREAS**, the Town of Manheim Zoning Ordinance ("Zoning Ordinance") was enacted pursuant to section 264 of Article 16 of the Town Law in March 1996; and,

**WHEREAS**, the Town Board has reviewed the Zoning Ordinance in regard to applications, permits and reviews required by the Zoning Ordinance and state and local law in connection with certain land use and zoning matters; and

**WHEREAS**, the Town Board has recognized the need to amend its Zoning Ordinance to authorize, and revise as necessary, a fee schedule to offset and reimburse the Town and its Boards and Departments for the cost of reviewing applications, issuing permits and conducting the reviews required by the Zoning Ordinance, state and local law, or deemed necessary by the Town and its Boards and Departments; and,

**WHEREAS**, the Town Board has considered whether its proposal to amend the Zoning Ordinance to establish a fee schedule is an "Action" under the State Environmental Quality Review Act ("SEQRA"); and,

**WHEREAS**, the Town Board has determined that the proposed amendment of the Zoning Ordinance to establish a fee schedule should be classified as a "Type II Action" pursuant to New York Code Rules and Regulations, Part 617.5(c) (20) as constituting "routine or continuing agency administration and management, not including new programs or reordering of priorities that may affect the environment"; and,

**WHEREAS**, the Town Law and the Zoning Ordinance provide that any proposed amendment of the Zoning Ordinance requires that a public hearing be held upon notice being given to the public as required by law; and,

**WHEREAS**, section 210 (3) of the Zoning Ordinance requires that every proposed amendment of the Zoning Ordinance "shall be referred to the Planning Board for a report before the public hearing;" and

**WHEREAS**, the Town Board has determined that it would be in the best interest of the Town to amend its Zoning Ordinance to authorize a fee schedule to offset and reimburse the Town for its costs in connection with certain land use and zoning matters; and

**WHEREAS**, the Town Board having referred the proposed amendment to the Town Planning Board and having received the required report, and having held the required public hearing, the Town Board has determined it is in the best interest of the Town to adopt the amendment to the Zoning Ordinance;

**Now Therefore, Be It Resolved**, that the Town Board of the Town of Manheim approves and adopts the Amendment to the Zoning Ordinance, as annexed hereto, which establishes and provides for the future revision of a fee schedule to offset and reimburse the Town and its Boards and Departments for the costs of reviewing applications, issuing permits and conducting the reviews required by the Zoning Ordinance, state and local law, or deemed necessary by the Town and its Boards and Departments; and,

**It is further Resolved**, that the Town Board of the Town of Manheim hereby directs the Town Clerk to enter the Amendment in the minutes of the Town Board and file this Resolution and the Amendment to the Zoning Ordinance annexed hereto to in the Town Clerk's office; and,

**It is further Resolved**, that the Town Board of the Town of Manheim hereby directs the Town Clerk to cause a copy, summary or abstract of the Amendment to be published once in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, as the town board may designate, and cause the affidavits of the publication thereof to be filed with the Town Clerk; and,

**It is further Resolved**, that the Amendment shall take effect ten days after the publication of a copy, summary or abstract of the Amendment; and,

**It is further Resolved**, that the Town Board of the Town of Manheim hereby directs the Town Clerk to cause a copy of the Amendment to the Zoning Ordinance be attached to the Zoning Ordinance and to be sent to the Clerk of the Planning Board, the Clerk of the Zoning Board of Appeals and to the Code Enforcement Officer and cause the Amendment to be posted on the Town's Website.

Roll Call Vote:

John Haughton, Supervisor	Aye X	Nay_____
Peter Jaikin, Councilmember	Aye X	Nay_____
Frederick Doerrerr, Councilmember	Aye X	Nay_____
Kevin Snell, Councilmember	Aye X	Nay_____
Rodney Swartz, Councilmember	Aye X	Nay_____

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 12th day of April, 2016

\_\_\_\_\_  
Marie Gressler, Town Clerk

Supervisor Haughton reiterated that the Town Board will further review the planning board's suggested fee schedule.

**A Motion** was made by Councilman Jaikin and was seconded by Councilman Doerrerr to table any action on a new fee schedule at this time. Ayes All

Attorney Mellen discussed assessing solar projects. If the project is industrial, commercial or business it is eligible for an exemption under section 485B of the Real Property Law. The project has to be worth between \$10,000.00 and \$50,000.00 and the developer has to apply it before March 1<sup>st</sup> of the year. The assessment would be at 50% for the first year and is pro-rated for 10 years. Solar farms on farmland are not eligible. U

Under Section 487 a solar farm is exempt from taxes for 15 years after they have a fully executed contract with national grid. They are only taxed on the value of the land. The town could opt out of this by adopting a local law to do so. The town could possibly negotiate a PILOT with the developer. Andreas Rivera said that Monolith is having trouble with national grid not allowing their projects to hook into the grid. (There is no accountability for national grid) Mr. Rivera is lobbying Albany for help in dealing with national grid. Supervisor Haughton gave him

letters of support to present to Assemblyman Butler and Senator Farley on behalf of the town. Legislator Smith said that the county is having the same problem with their solar project at HCCC. National grid will allow them to hook in if the county gives them \$500,000.00. National Grid is literally holding the County hostage. The county planned to use the money saved thru this project to off set taxes.

### **SEQRA-Joint Fire District**

Attorney Mellen lead the board through part 2 of the full environmental assessment form. The board determined that the establishment of a joint fire district would have no impact on land, geological features, surface water, groundwater, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, open space and recreation, critical environmental areas, transportation, energy, noise, odor and light, human health, consistency with community plans and the consistency with the community character. Part 3: The Town of Manheim as lead agency declares a negative impact declaration for this project based on the State Environmental Quality Review conducted.

The following resolution was motioned, seconded and adopted.

### **RESOLUTION NO. 26 of 2016 Dated: April 12, 2016**

#### **RESOLUTION AS LEAD AGENCY UNDER SEQRA TO ISSUE A NEGATIVE DECLARATION ON THE FORMATION OF A JOINT FIRE DISTRICT**

MOTION made by Councilman Frederick Doerrer, seconded by Councilman Peter Jaikin

**WHEREAS**, the Town of Manheim Board “(the Board)” submitted an application to all involved agencies stating the Board wished to be lead agency in the coordinated SEQRA Review; and,

**WHEREAS**, the Board received written consent from all involved agencies to allow the Board to be lead agency; and,

**WHEREAS**, the Board is required to conduct a SEQRA Review for the proposed Joint Fire District; and,

**WHEREAS**, the Board has completed a Part I long form EAF and submitted it for review; and,

**WHEREAS**, the EAF addresses the potential environmental effects of the proposed Joint Fire District which includes the Town of Manheim, the Village of Dolgeville, and the Village of Dolgeville within the Town of Oppenheim; and,

**WHEREAS**, based upon the Environmental Assessment Form submitted to and reviewed by the Board, the Board has determined that this Project is an Type I action; and,

**WHEREAS**, the Board has reviewed and completed Part 2 and Part 3 of the long Environmental Assessment Form; and,

**WHEREAS**, after considering both the magnitude and importance of each of the potential environmental impacts of the proposed development of a Joint Fire District the Board has determined that this Project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared,

**Now Therefore Be It RESOLVED**, that the Board does hereby determine, based upon the Environmental Assessment Form submitted to and reviewed by the Board, that the Project is an Type I action; and,

**Be It Further RESOLVED** that the Board approves and adopts the completed Part 2 of the Full Environmental Assessment Form; and,

**Be It Further RESOLVED** that the Board of the Town of Manheim, as Lead Agency for the purposes of the coordinated SEQRA review of this Project, has determined that the proposed action will not have a significant adverse environmental impact; and,

**Be It Further RESOLVED** that the Supervisor of the Board is directed to sign Part 3 of the Full Environmental Assessment Form to issue a Negative Declaration and cause the same to be filed with the Town Clerk; and,

**Be it Further RESOLVED** that the Negative Declaration Analysis and the Table of Documentation shall be attached to and be a part of the long Environmental Assessment Form (Part 3) Negative Declaration; and,

**Be It Further RESOLVED**, that the Clerk of the Board is directed to send a copy of the Board's Negative Declaration to each of the Involved Agencies and to the Applicant.

Roll Call Vote:

John Haughton, Supervisor	Aye X	Nay _____
Peter Jaikin, Councilmember	Aye X	Nay _____
Frederick Doerrer, Councilmember	Aye X	Nay _____
Kevin Snell, Councilmember	Aye X	Nay _____
Rodney Swartz, Councilmember	Aye X	Nay _____

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 12<sup>th</sup> day of April, 2016

\_\_\_\_\_  
Marie Gressler, Town Clerk

**A Motion** was made by Councilman Doerrer and was seconded by Councilman Swartz to approve the minutes of the March 22, 2016 board meeting. Ayes All

**A Motion** was made by Councilman Jaikin and was seconded by Councilman Doerrer to approve Abstract #4 of 2016 as audited. Ayes All

**A Motion** was made by Councilman Doerrer and was seconded by Councilman Swartz to approve Payrolls #6 & #7 of 2016 as audited. Ayes All

**A Motion** was made by Councilman Jaikin and was seconded by Councilman Doerrer to accept the Supervisor's report for February 2016. Ayes All

**A Motion** was made by Councilman Doerrer and was seconded by Councilman Snell to accept the Clerk's report for March 2016. Ayes All

#### **Public Comment Period**

Judy Mijares reported getting two new vendors for this year's farm day. The next committee meeting will be Thursday May 5<sup>th</sup> at 7:00pm. The plywood milking cow will be lent to the FFA club.

#### **Superintendent's Report**

The 2010 auto car went into the ditch and had to be towed. Unlike what was reported at the diner, there was no damage to the truck.

Carl will order the dumpsters for the first Saturday in May.

The deal went through on the purchase of the truck with the Town of Newport. Carl will pick it up later this week. Newport is also giving us parts they have in stock for the truck. They've ordered their new truck at a cost of \$376,000.00.

<b>Quote Opening</b> for west wall project on the garage;	D & J Construction	\$8,000.00
	S&R Roofing, LLC	\$6,461.46
	Sunrise Construction	\$4,880.00

All quotes met specs. There was discussion as to just what the project involves.

**A Motion** was made by Councilman Jaikin and was seconded by Councilman Doerrer to accept the quote from Sunrise Construction upon proof that they are insured. Ayes All

Councilman Jaikin asked what was happening with the Timmerman Road reconstruction project. Carl said the paperwork is extensive; an engineer would have to be hired, and an attorney would have to be retained to acquire easements, he can't use his own workers and he doesn't think the \$240,000.00 awarded will cover the costs. The repair he's already done is holding up.

**Old Business**

Charles Randall has withdrawn his letter of resignation as DCO.

Comments on the 3/24/16 Supervisors meeting. Supervisor Haughton and Councilman Swartz attended. Those towns that seem to be having financial problems want the county to return the 1% sales tax they took away from the towns years ago.

The next fire district advisory committee will be held here, 6:00pm, Monday April 25<sup>th</sup>.

**New Business**

HOCCPP is offering a workshop on solar energy workshop on Thursday June 9<sup>th</sup> at MVCC. Supervisor Haughton encouraged all board members to attend.

The court clerk is resigning. The board members decided to exercise their right to interview applicants and participate in the hiring of the new court clerk

The clerk turned over \$5,127.97 in tax penalties to the Supervisor.

Board members received 1<sup>st</sup> quarter appropriations and revenue updates and told if they had any questions to see the clerk.

**Correspondence**

Supervisor Haughton said he received a note that a board member has more than the allowed amount of unlicensed vehicles on his property. The note wasn't signed nor did it mention the councilman by name. The town does not deal with unsigned complaints.

**A Motion** was made by Councilman Doerrer and was seconded by Councilman Swartz to adjourn at 9:22pm. Aye All

Respectfully Submitted

Marie Gressler  
Town Clerk