

**PUBLIC HEARING NOTICE
PLANNING BOARD
TOWN OF HARRIETSTOWN**

NOTICE IS HEREBY GIVEN that the Planning Board, Town of Harrietstown, Franklin County, NY will hold a Public Hearing on **Wednesday, August 8 at 6:00 PM** in the Town Hall Building and Planning Department, Lower Level Conference Room, 39 Main Street, Saranac Lake, New York 12983.

1. **Pursuant to Section 106-67 Initiation of Amendments under the provisions of the Town of Harrietstown Land Use Code for a zoning reclassification for tax parcel # 435.-2-24.200. The owner of record is Vanguard Atlantic Ltd. Located on NYS Route 86, Saranac Lake, NY. Adjoining property owners are Wayne Granish, Jessica Fleming, Jacqueline Martin, Nancy James, Vernon James , Scott Farr, Mark Deshaies, Rita Madden, James McCormick.**

During the Public Hearing, any interested person may speak and comment. Written comments on the application may be submitted at the Public Hearing or may be mailed or delivered to the Harrietstown Planning Board, Building & Planning Office, 39 Main Street, Saranac Lake, New York 12983, or e-mailed to: ceo@harrietstown.org or faxed to (518) 891-9020. Written comments delivered to the Town's Building & Planning Office or sent by postal mail or e-mail or fax must be received no later than **4:00 PM on Wednesday, August 8, 2018.**

This meeting is open to the public. The application and accompanying plans are on file in the office of the Zoning Administrator to the Planning Board and Building/Planning Department, Edwin Kristof Randig, at the Town of Harrietstown Town Hall, 39 Main St., Saranac Lake, NY 12983. Upon submittal of a completed Freedom of Information Request, application and plans may be inspected on any business day between the hours of 8:30 AM and 4:00 PM.

Edwin Kristof Randig, Zoning Administrator
New York State Registry # 0597-7257B, Town of Harrietstown
(518) 891-0202 PHONE or FAX (518) 891-9020

Date: July 26, 2018

Publish: July 30, 2018

ADJOINING PROPERTY OWNERS
TO
VANGUARD ATLANTIC, Ltd.

Wayne Granish
1 Trudeau Road
Saranac Lake, NY 12983

Jessica Fleming
2 Trudeau Road
Saranac Lake, NY 12983

Jacqueline Martin
5 Trudeau Road
Saranac Lake, NY 12983

Nancy James
15 Trudeau Road
Saranac Lake, NY 12983

James Vernon
25 Trudeau Road
Saranac Lake, NY 12983

Scott Farr
29 Trudeau Road
Saranac Lake, NY 12983

Mark Deshaies
33 Trudeau Road
Saranac Lake, NY 12983

Rita Madden
35 Trudeau Road
Saranac Lake, NY 12983

James McCormick
55 Trudeau Road
Saranac Lake, NY 12983

**LEGAL SERVICES AGREEMENT
BETWEEN
TOWN OF HARRIETSTOWN
and MILLER, MANNIX, SCHACHNER & HAFNER, LLC**



THIS AGREEMENT is entered into this 27 day of July, 2018 by and between the TOWN OF HARRIETSTOWN (Town) and MILLER, MANNIX, SCHACHNER & HAFNER, LLC (Counsel).

WHEREAS, Counsel has been requested by the Town to serve as Special Legal Counsel to assist the Town Board, Town Planning Board, Zoning Board of Appeals, Town Zoning Officer and/or Town Attorney James Maher, Esq. in the review process for the zoning reclassification of the parcel known as Tax Map Number 435.-2-24.200 concerning the Vanguard Atlantic Ltd. solar array project;

NOW, THEREFORE, the Town and Counsel hereby agree as follows:

1. **SCOPE OF SERVICES.** Counsel shall provide the Town Board, Planning Board and related entities with legal services as requested by the Boards, Town Zoning Officer and/or Town Attorney.

2. **COMPENSATION.** Counsel shall be paid by the Town for its legal representation based on the amount of time spent in accordance with Counsel's hourly rates of up to \$250 per hour. Counsel shall submit monthly invoices for payment by the Town accompanied by any voucher forms that the Town may require.

3. **PROFESSIONAL LIABILITY INSURANCE.** Counsel shall maintain professional liability insurance at all times during the course of its representation of the Town.

4. **COMPLIANCE WITH LAWS.** Counsel shall not discriminate against anyone on the basis of race, color, creed or national origin. Counsel shall comply with all Federal, State and local laws, rules and regulations.

IN WITNESS THEREOF, the parties have executed this Agreement by their duly authorized representatives as of the 27 day of July 2018.

TOWN OF HARRIETSTOWN

By: Michael Kilroy
Michael Kilroy, Supervisor

**MILLER, MANNIX, SCHACHNER &
HAFNER, LLC**

By: Mark Schachner
Mark Schachner, Esq.

TOWN OF HARRIETSTOWN – FREEDOM OF INFORMATION FORM

APPLICATION FOR PUBLIC ACCESS TO RECORDS

To: RECORDS ACCESS OFFICER Fee: \$0.25 per page ALL APPLICABLE FEES ARE NON-REFUNDABLE

Name: Wayne Granish Please indicate amount fee should not exceed: _____

Agency: _____ Telephone Number: 518-891-2082 cell -518-~~891~~⁵³⁴ 1740

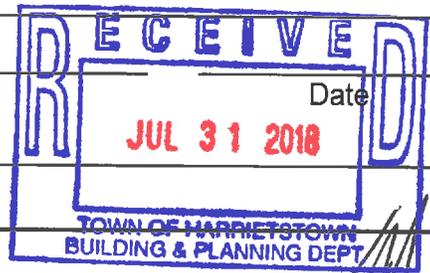
Address: 1 Trudeau Rd Saranac Lake N.Y 12983

I HEREBY APPLY FOR THE FOLLOWING RECORD:

zoning reclassification request plans for parcel 435-2-24

200
[Signature]
Signature

Representing



Mailing Address

FOR AGENCY USE ONLY

Approved Denied Record is not maintained by this agency.

Record of which this agency is Legal Custodian cannot be found.

Time needed for research: _____

Date of notice of cost: _____

Estimated date of readiness: _____

Date of Payment: _____

Date of FOIA request complete: _____

[Signature]
Signature

CEO
Title

7-31-18
Date

NOTICE: You have the right to appeal a denial of this application to the head of this agency

Name: _____

Business Address: _____

who must fully explain the reasons for such denial in writing within seven days of receipt of this appeal.

I HEREBY APPEAL:

Signature

Date

His last of 6 month's probation is 7/16/2018. Permanent employment? A motion to make Billy Donaldson a permanent employee having completed his 6 month probationary period. (Riley, Meagher m/s/p)

Radios for Fuel Trucks

Replacement for radio out of service and new for the new fuel truck.
The above was approved(Meagher, Riley;m/s/p)

HOUSING AUTHORITY:

SPECIAL DISTRICT:

BUSINESS PARK:

CODE/ZONING:

Ed Randig wanted approval from the May 18th 2018 Land Use Reclassification Planning Board on August 8th.(Riley, Meagher;m/s/p)

COMMENTS FROM BOARD MEMBERS:

ADJOURN:

6:29 Motion to go into Executive Session to discuss medical,financial credit or employment history of a particular person/corp, or matters leading to said dismissal, removal,promotion,appointment, employment, discipline, demotion, or suspension. (Meagher, Mallach m/s/p)

6:39 motion to return to regular session. (Schrader, Riley, m/s/p)

6:40 Motion to adjourn. (Meagher, Riley m/s/p)

Bill Donaldson appointed permanent

§ 106-66

ZONING

§ 106-67

ARTICLE XIII
Amendments

§ 106-66. Amendments authorized; method.

This chapter or any part thereof, including the Zoning Map¹⁶ indicating the various district boundaries, may, from time to time, be amended, supplemented, changed, modified or repealed by the Town Board in the manner provided by §§ 264 and 265 of the Town Law.

§ 106-67. Initiation of amendments.

An amendment to this chapter may be initiated in any of four (4) ways:

- A. By the Town Board upon its own motion.
- B. By resolution of the Planning Board, filed with the Town Clerk, wherein certain changes to or repeal of specific provisions of this chapter are recommended, in which case it shall be the duty of the Town Board to act on such proposed amendment within ninety (90) days of the time such resolution is filed by the Planning Board with the Town Clerk.
- C. By petition duly signed and acknowledged from the owners of fifty percent (50%) or more of the frontage in any district or part thereof requesting an amendment, supplement or change in the regulations prescribed for such district or part thereof, in which case it shall be the duty of the Town Board to act upon such petition for amendment within ninety (90) days of the time such petition is filed by the petitioners with the Town Clerk.
- D. When an amendment to the Zoning Map involves reclassification of land to the C-1 (Conservation) District, the Town Board shall, upon notice and accompanying accurate map from the New York State Department of

¹⁶ Editor's Note: The Zoning Map is on file and available for inspection in the office of the Town Clerk.

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Environmental Conservation that the land shown on said map has been acquired by the State of New York as part of the forest preserve or for other purposes under the administrative jurisdiction of said Department, initiate proceedings to amend the Zoning Map to reclassify the land to the C-1 District in accordance with the provisions of this section.

§ 106-68. Referral to Planning Board; report.

- A. All proposed amendments, supplements or changes originating by petition or by motion of the Town Board shall be referred to the Planning Board for a report and recommendation thereon, provided that, in connection with proposed Zoning Map amendments involving changes to the C-1 District, the referral shall be for informational purposes only and the Planning Board shall not be required to report thereon. In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the items specified below:
- (1) Whether such change is consistent with the purposes embodied in this chapter as applied to the particular districts concerned.
 - (2) Which areas and establishments in the town will be directly affected by such change and in what way will they be affected.
 - (3) Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change.
 - (4) The indirect implications of such change in its effect on other regulations.
- B. The Planning Board shall submit its report within forty-five (45) days after receiving such referral. Failure of the Planning Board to report within the required time shall

be deemed to be a recommendation of approval of the proposed amendment.

§ 106-69. Public notice and hearing.

The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

- A. By publishing a notice at least ten (10) calendar days prior to the time of such hearing in the official newspaper of the town, specifying:
- (1) The nature of the proposed amendment;
 - (2) The land or district affected; and
 - (3) The date, time and place where the public hearing shall take place.
- B. By providing a copy of such notice of any proposed change or amendment affecting property within five hundred (500) feet of any other municipality to the Clerk of such municipality at least ten (10) calendar days prior to the date of such public hearing.

§ 106-70. Referral to County Planning Board.

The Town Board shall transmit a full statement of any proposed amendment, either map or text, that meets the referral requirements of §§ 239-l and 239-m of the General Municipal Law to the Franklin County Planning Board for its review and recommendation. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the Franklin County Planning Board or thirty (30) calendar days have elapsed since said Board received such full statement.

§ 106-71. Environmental quality review.

Proposed amendments are actions subject to the provisions of the New York State Environmental Quality Review Act.¹⁷ Prior to formal consideration and public hearing, the Town Board shall make a determination as to the type of action, lead agency status and environmental significance of the proposal in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR 617.

§ 106-72. Town Board action.

The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four (4) members of the Town Board, i.e., a majority plus one (1), shall be required if:

- A. Action being taken is contrary to the advisory recommendation received from the Franklin County Planning Board under the provisions of §§ 239-l and 239-m of the General Municipal Law; or
- B. In accordance with the provisions of § 265 of the Town Law, a protest petition against such amendment has been duly signed and acknowledged by the owners of at least twenty percent (20%) of the land area included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or that directly opposite, separated only by a private or public thoroughfare.

¹⁷ Editor's Note: See Art. 8 of the Environmental Conservation Law.

§ 106-73

ZONING

§ 106-75

ARTICLE XIV
Miscellaneous Provisions

§ 106-73. Construal of provisions; greater restrictions to apply.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions or those imposing the highest standards shall govern. Furthermore, this chapter shall not be deemed to interfere with, abrogate, annul or otherwise affect any easements, covenants or other agreements between parties, provided that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are required by those easements, covenants or agreements, the provisions of this chapter shall prevail.

§ 106-74. Existing violations.

No site plan or special permit shall be approved, no building permit or certificate of occupancy or use issued or variance granted under this chapter for premises upon which there is an existing violation of this chapter or any related town regulation governing either building construction or the use of land and structures within the Town of Harrietstown. This limitation does not, however, prohibit such an approval, issuance or grant with respect to a legal nonconforming use or legal noncomplying structure.

§ 106-75. Periodic review required.

From time to time, at intervals of not more than five (5) years, the Planning Board shall conduct a review of the effectiveness of the provisions of this chapter, including the



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§ 106-75

HARRIETSTOWN CODE

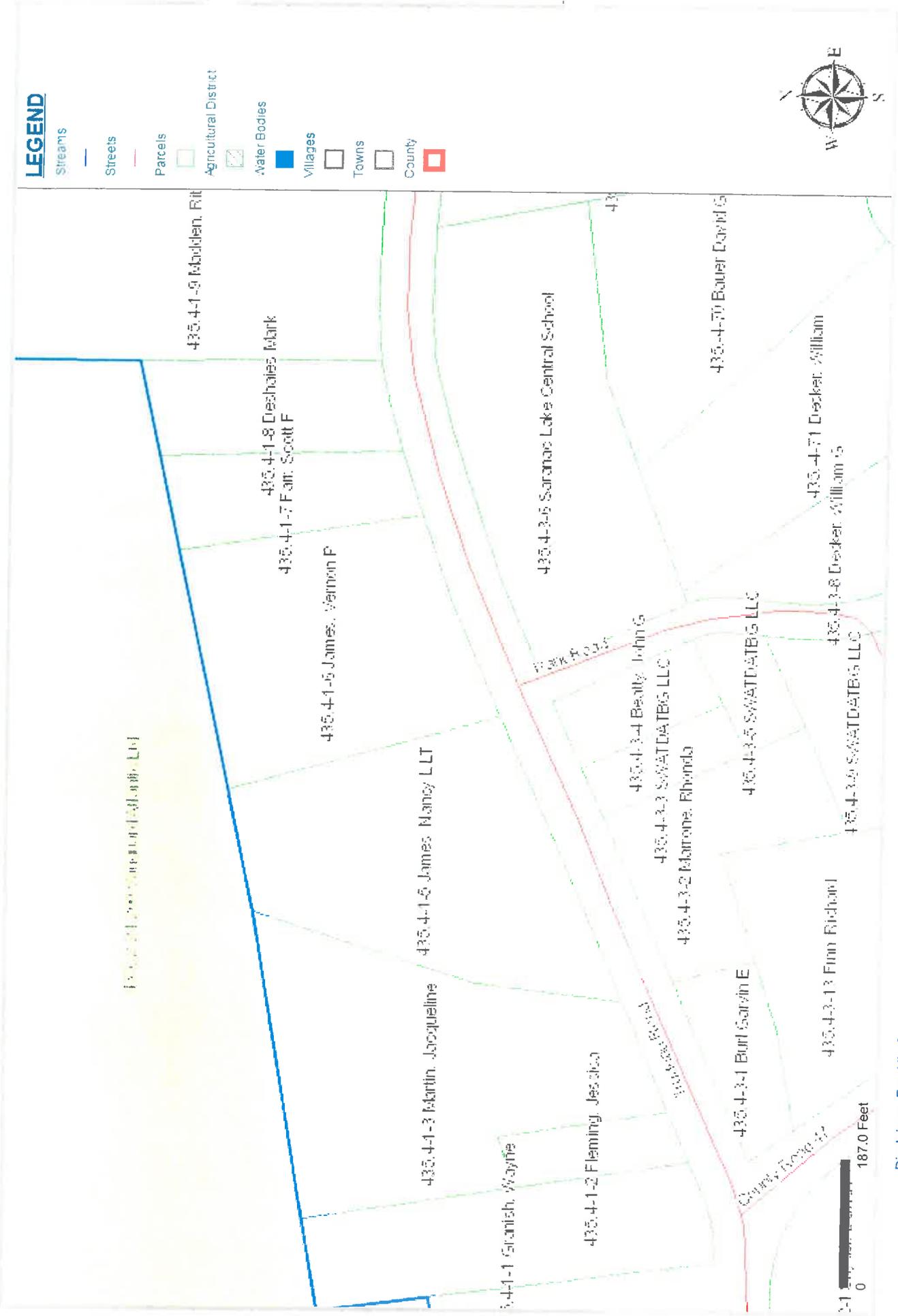
§ 106-76

location of district boundaries, and shall submit a report thereon to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or welfare.

§ 106-76. Superseded legislation.

The Zoning Ordinance of the Town of Harrietstown, New York, enacted by the Town Board on May 27, 1971, together with all changes and amendments thereto, is hereby comprehensively amended and superseded by this chapter.

Vanguard Atlantic Ltd. 435.-2-24.200



Disclaimer: Franklin County is not responsible for the accuracy of maps or data obtained from third party sources.

July 12, 2018

Ed Randig

From: Ed Randig <ceo@harriestown.org>
Sent: Friday, July 20, 2018 6:13 AM
To: Edwin Randig
Subject: Fwd: Draft of my notes for potential use in hearing

Sent from my iPad

Begin forwarded message:

From: "Lee Keet" <Lee@VanguardAtlantic.com>
Date: July 14, 2018 at 9:02:43 AM EDT
To: "Edwin Kristof Randig" <ceo@harriestown.org>
Subject: Draft of my notes for potential use in hearing

Hi Ed,

See if the following is what you suggested I write:

On February 19,1999, my company, Vanguard Atlantic Ltd. (VAL) purchased "21.8 commercially zoned acres" [purchase offer] from James McCormick, which was subject to a post-closing subdivision permit and APA approval. On March 30, 1999 the Harriestown Planning Board issued a subdivision permit for the 21.8 acres as surveyed by Glenn Odone. Thereafter the property [Parcel 164689, tax roll 435.-2-24.200] has been taxed and exists on the county tax rolls as "330 - vacant commercial" property.

For the past 18 years VAL has been searching for the highest and best use for the property. In 2015 VAL was approached with the concept of a community solar installation. In December of 2015 VAL hired Sunvestment Energy Group of Rochester, New York to conduct a feasibility study for a solar farm on the property. In November 2016, VAL applied and received a non-jurisdictional letter from the APA. In 2017 Sunvestment began preliminary engineering studies the resulted in a site plan which was submitted to National Grid for their use in determining interconnection costs, for which VAL paid a \$16,800 fee. Early this year (2018) National Grid finally gave VAL and Sunvestment its interconnection requirements and costs. The final field size and interconnection costs are still being worked out with National Grid and NYSERDA.

In anticipation of construction and to develop a financing plan, in April VAL hired an appraiser [Al DeKrey, Senior Vice-President, McGrath & Company, Inc.] to confirm the pre-existing value of the property. In researching the status of the land Mr. DeKrey discovered that despite its having been being appraised and taxed as commercial property, the Harriestown tax map had never been updated to reflect that status. Hence, for 18 years VAL has been operating under the expectation that its agreement with McCormick, the subsequent subdivision, and the classification on the County tax roll all would permit commercial development on the property.

I therefore ask the Harriestown Planning Board and the Harriestown town board to take the necessary steps to bring the tax map in accord with the purchase agreement and the tax rolls.

7
Cheers,

A handwritten signature in black ink, appearing to read "Ernest Keet", with a horizontal line extending to the right.

Ernest E. [Lee] Keet, President

Vanguard Atlantic Ltd.

+1-518-261-6608 (office)

+1-518-524-0618 (cell)



J2016-0726



Feet
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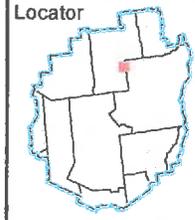
 Lot in question

 Wetlands*

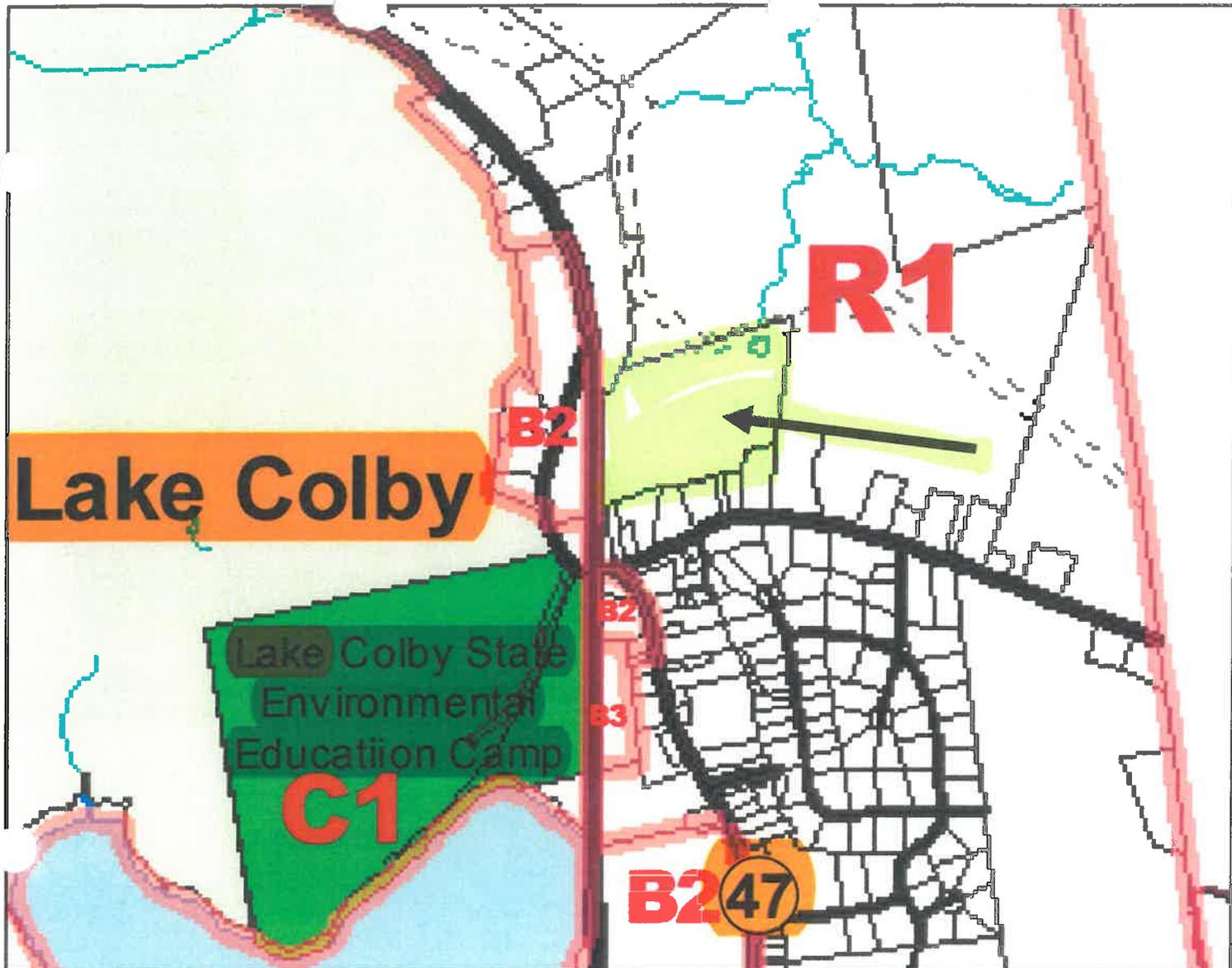
*Subject to field verification.

**Adirondack
Park Agency**

Locator



Prepared by M. Rooks 11/3/16. (487)



RECEIVED
APR 24 2018
TOWN OF HARRIETSTOWN
BUILDING & PLANNING DEPT.

A handwritten signature in black ink, appearing to be 'MAY', is written over the bottom right corner of the 'RECEIVED' stamp.



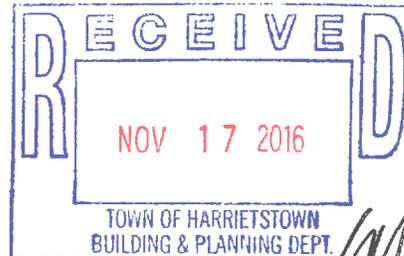
Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

November 17, 2016

Michael Roach
Sunvestment Energy Group
216 Hoffman Road
Tully, NY 13159



Dear Mr. Roach:

RE: Jurisdictional Determination J2016-0726

The proposed solar array installation described in the materials received on October 25, 2016 and November 14, 2016 does not require a permit from this Agency, provided the facts submitted are accurate and complete, and provided there is compliance with the restrictions below.

Description

It is our understanding that the project consists of the following:

1. The property is a 21.76±-acre parcel located in the Town of Harrietstown, Franklin County, on NYS Route 86, tax map designation 435.-2-24.200.
2. The property is owned by Vanguard Atlantic, LTD, as described in a deed recorded on February 25, 1999 in Liber 717 of Deeds, page 235 in the Franklin County Clerk's Office.
3. According to information available in Agency files, the property was part of a larger parcel as of the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan in that the owner(s) on that date owned adjoining tax parcel 435.-2-24.100. Pursuant to Agency settlement agreement E2005-163, tax map parcel 435.-2-24.2 is considered a lawful lot for purposes of Agency jurisdiction.
4. The property is vacant.
5. You propose to install a community solar array, as shown on the map entitled, "Lee Keet Saranac Lake CS 979.2 KW DC Ground Mounted Solar Array," dated November 14, 2016.

Michael Roach
November 17, 2016
Page 2

No additional subdivision or new land use and development is proposed at this time.

If any of the above is incorrect, please contact the Agency as a different determination could result.

FOR YOUR INFORMATION:

This determination is based upon the existing laws, regulations and Park Plan Map administered by the Agency. If they change before substantial commencement of the proposed project, this determination may also change.

The property is located in a Hamlet land use area on the Adirondack Park Land Use and Development Plan Map.

Agency staff has determined that there are wetlands subject to Agency jurisdiction on the property, based on review of aerial photography. However, the project as proposed will not affect these wetlands. The enclosed map shows the approximate location and boundary of wetlands in relation to the property. Field inspection by Agency staff is the only way to confirm the presence, location and size of wetlands. If you have reason to believe that any wetlands would be affected by the proposal, you are encouraged to contact the Agency to arrange a site visit prior to undertaking the project.

The property is not located in a statutory critical environmental area.

The property is not located in a designated river area pursuant to the New York State Wild, Scenic and Recreational Rivers System Act.

Restrictions

Although the proposed project described above does not require an Agency permit, the following restrictions are imposed by law.

1. Projects must be undertaken in accord with Agency regulations implementing the State Freshwater Wetlands Act. Enclosed is a flyer describing some of the activities which require a wetlands permit.
2. No structure other than residential radio and television antennas and agricultural use structures may exceed 40 feet in height without an Agency permit. For Agency purposes, height is measured from the highest point of the structure to the lowest point of finished or natural grade, whichever is lower.

Michael Roach
November 17, 2016
Page 3

The proposal may require approvals from other government entities. We recommend that you check with Town authorities to obtain all necessary approvals prior to beginning your project.

If you have any questions, please do not hesitate to contact the Agency.

Sincerely,


Denise M. Wagner
Project Administrator

DMW:DWM:mp
Enclosures: Wetlands map and flyer

cc: Lee Keets, Vanguard Atlantic Ltd
Town of Harrietstown (via email)