

Town of Somerset
Planning Board
August 1st, 2019

Present: Norman Jansen, Chairman
Chris Czelusta
Krista Atwater
Laura Bishop
Charles Neal
David Haylett, Town Attorney

Attendance: 4 residents

Chairman Jansen called the meeting to order at 7:31 pm.

PUBLIC HEARING – PAUL & KELLY BRANDEL - SPECIAL USE PERMIT – 2124
Hosmer Road, SEQR Review

Notice of said public hearing was duly published in the Lockport Union Sun & Journal with the same notice being posted on the sign board at Somerset Town Hall and the town website.

Representatives for Paul & Kelly Brandel were present, Molly and John from Solar Liberty. They are proposing a 7.68 kw pole mount system. A 24 module, 2 pole array per site plan provided. The array will be roughly 420 sq ft. The pole stands at a max of 15 ft. Because it is a County road, they attended the County Board meeting on July 15th and they got the approval from them with no recommendations.

Questions from the board: C Neal asked about the kw. Discussion with John from Solar Liberty ensued. C Neal asked if this was tied to the grid. If the power goes off down the street, does this system go down? John from Solar Liberty said yes it does. The lifespan is approximately 40 years at minimum. Do any of the systems you make have a battery back up? Or automatic disconnect transfer switch that the residents would continue to have power in the event the street power went down? John stated yes, Solar Liberty offers two options to add now or later. What is the lifetime of the backup batteries? Approximately 10 years. Is this system

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leased or purchased? John stated this system is purchased, and the owner (Brandels) would be 100% responsible for insurance.

C Czelusta asked the size that would be visible. John stated roughly 12 ft would be visible. It is going to be facing south. K Atwater asked if there was going to be a reflection issue in the road. N Jansen stated that the panels do not reflect, they suck the sun in. John stated reflection is not an issue. If it were near an airport some type of reflective coating might have to be used but we don't have that issue here. Discussion ensued over diagrams submitted.

The neighbors have been contacted. No responses have been heard.

Jon Hotaling asked where the solar panels were made. John from Solar Liberty said these panels were made in Mexico.

Attorney Haylett asked about maximum height? 15 feet at full tilt and is it accessible to emergency personnel? Yes. No artificial lighting? No. Any adverse impacts on the environment? No.

Public hearing is closed for the SUP at 7:47 pm.

Public hearing for Atwater Farms Subdivision is open at 7:48 pm.

PUBLIC HEARING - SUBDIVISION – ATWATER FARMS – Farmland located on northwest corner of Johnson Creek Road and Lower Lake Road.

Sue Atwater stated that there are two building lots on the north end of the property. They want to square up the field and split the two building lots off and sell off the lots. They have a buyer for one of the lots and would like to sell the other. C Neal asked if there were plans to sell off other pieces and she stated no, this was all they were selling. They are going to farm the rest.

Attorney Haylett asked if a survey had been done and she stated no.

Jon Hotaling stated that not too long ago this property was separated, the north property from the south property. He wondered if that would be a problem. Herb Linderman lives on Somerset Drive and asked Attorney Haylett to clarify the subdivision rule. Attorney Haylett stated that if it's a subdivision of 4 or less lots it's a minor subdivision and you just need approval from the Planning Board. If it's a major subdivision we need a full plat which is basically a large survey showing all the new lots, dimensions, where the utilities are going to run and involves a much more in depth environmental review.

No further questions.

Public hearing is closed at 7:56 pm.

APPROVAL OF MINUTES

On motion of K Atwater, second by C Czelusta, the following resolution was

ADOPTED	Ayes	5	Jansen, Atwater, Czelusta, Bishop, Neal
	Nayes	0	

Resolved the minutes of the June 6, 2019 meeting are accepted.

COMMUNICATIONS – The quarterly meteorological reports were received from APEX. C Czelusta recommended that a letter be sent to APEX regarding snow fence. Attorney Haylett stated that the permit didn't state snow fence, it stated protective fencing. A letter can be sent and 30 days given to comply with the terms of the SUP. Set a public hearing up for September or October and if they aren't fixed you can vote to revoke it. Either Attorney Haylett or the Buffalo attorneys can handle this.

Attorney Haylett stated that the County Planning Board sent him a letter and did recommend approval for the Brandel Solar Project. What that means is that if you

are inclined to vote against it you would need a majority plus one vote to defeat that recommendation. If you want to approve it then you need a simple majority.

OLD BUSINESS – No old business.

PAUL & KELLY BRANDEL - SPECIAL USE PERMIT SEQR DECLARATION:

Attorney Haylett stated that this is an unlisted action and some findings have to be made.

1. Will the proposed action create a material conflict to an adopted land use plan or zoning regulations. No or small impact may occur.
2. Will the proposed action result in a change in the use or intensity of use of land? No or small impact may occur.
3. Will the proposed action impair the character or quality of the existing community? No or small impact may occur.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a critical and environmental area. No or small impact may occur.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No or small impact may occur.
6. Will the proposed action cause an increase in the use of energy and fails to incorporate reasonable available energy conservation or renewable energy opportunities. No or small impact may occur.
7. Will the proposed action impact existing public private water supplies and public private wastewater treatment utilities? No or small impact may occur.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No or small impact may occur.
9. Will the proposed action result in an adverse change to natural resources. No or small impact may occur.
10. Will the proposed action result in an increase in potential flood erosion, flooding, or drainage problems? No or small impact may occur.
11. Will the proposed action result in an increase in potential flood erosion, flooding, Will the proposed action create a hazard to environmental resources or human health? No or small impact may occur.

On motion by C Czelusta and second by K Atwater, the following resolution was

ADOPTED Ayes 5 Jansen, Atwater, Bishop, Czelusta, Neal
 Nays 0

RESOLVED, that this proposal will result in small or no adverse environmental impact and will not cause a significant damage to the environment.

On motion by C Czelusta and second by K Atwater, the Special Use Permit be approved.

ADOPTED Ayes 5 Jansen, Atwater, Bishop, Czelusta, Neal
 Nays 0

RESOLVED, that this application for the Special Use Permit be approved.

On motion C Czelusta by and second by Laura Bishop, the site plan for the solar project is approved with the following conditions: At the time of disposal of the solar panels it is the applicant's responsibility, or subsequent landowners, to dispose of them and comply with all state and federal recommendations.

ADOPTED Ayes 5 Jansen, Atwater, Bishop, Czelusta, Neal
 Nays 0

RESOLVED that the site plan, with the conditions stated, is approved.

ATWATER SUBDIVISION SEQR DECLARATION: Chairman Jansen recused himself from the vote stating that he does work for the Atwaters.

Attorney Haylett stated that this is an unclassified action under SEQR and some findings have to be made.

1. Will the proposed action create a material conflict to an adopted land use plan or zoning regulations. No or small impact may occur.
2. Will the proposed action result in a change in the use or intensity of use of land? No or small impact may occur.
3. Will the proposed action impair the character or quality of the existing community? No or small impact may occur.
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7. incorporate reasonable available energy conservation or renewable energy opportunities. No or small impact may occur.
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On motion by C Czelusta and second by L Bishop, the following resolution was

ADOPTED Ayes 4 Atwater, Bishop, Czelusta, Neal
 Nays 0
 Abstain 1 Jansen

RESOLVED, that this proposal will result in small or no adverse environmental impact and will not cause a significant damage to the environment.

On motion by C Czelusta and second by K Atwater, the Subdivision application be approved.

ADOPTED Ayes 4 Atwater, Bishop, Czelusta, Neal
 Nays 0
 Abstain 1 Jansen

RESOLVED, that this application for the subdivision be approved.

NEW BUSINESS: No new business.

There being no further business, Charles Neal moved to adjourn the meeting at 8:20 pm, seconded by Laura Bishop. Carried unanimously.

Respectfully submitted,

Melinda F. Austin
Planning Board Secretary