

TOWN BOARD SPECIAL MEETING
JANUARY 29, 2018

A Special Meeting of the Town Board of the Town of Somerset, County of Niagara and the State of New York was held at the Town Hall, 8700 Haight Road, Barker, New York on the 29th day of January 2018.

Present: Daniel M. Engert ----- Supervisor
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Chris Bronson----- Councilwoman
Jon Hotaling ----- Councilman
Tracy L. Carmer----- Town Clerk
Mindy Austin ----- Confidential Asst. to the Supervisor
David Haylett----- Attorney

Absent: Michael M. Flint ----- Supt. of Highways
Melvin H. Denny ----- Supt of Water/Sewer/Grounds
Brian Sibiga ----- Engineer

Attended by: approximately 65 residents

Notice of said meeting sent to the Lockport Union-Sun and Journal on January 11, 2018 with same notice being posted at the Town Hall and on the website on the same day.

Supervisor Engert called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance.

**PROPOSED LOCAL LAW AMENDING THE SUPPLEMENTAL REGULATIONS
RELATED TO COMERCIAL/INDUSTRIAL WIND ENERGY CONVERSION SYSTEMS AS
AMENDED**

Supervisor Engert called the hearing to order at 6:01PM.

Clerk Carmer read the Notice of Public Hearing.

Taylor Quarles thanked the board for the second opportunity to comment this month. He noted that the changes in the laws in 2016 took place over multiple months and roundtable discussions were held with input from both sides. But not this time. He feels the proposed changes are borne out of a vocal desire of certain residents that no wind project ever be allowed to be built in Somerset. He said the opponents claim to need setbacks far and above any seen in the 20+ successfully operating wind projects across the state. He stated that he is here tonight representing more than 100 signed landowners and numerous unsigned supporters who are in support of reasonable siting guidelines that are informed by peer reviewed science and technical justifications along with a review process which incorporates subject matter experts. He feels the laws proposed tonight seem to be geared

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toward wholly restricting wind. He said it is clear that this is a wind ban and a significant restriction of landowners' property rights. Regarding the changes necessitating the 2nd round of hearings, he thinks these are being proposed without appropriate justification. He said the town claims to be regulating sound for purposes of health, safety and welfare but the town permits up to 80 decibels during the day and 50 decibels at night for other uses. He stated these laws go far and above noise limits successfully being utilized in other wind projects across the state. He wants the board to vote against this action as he feels they represent a significant taking of landowner's rights.

Andrew Treitler read a letter from his wife Susan as she is too shy to speak in public. She remembers the turmoil in our community when the power plant was proposed. At the time many people were against it. The plant was built anyway and all of the negatives turned out to be non-issues. The Town has utilized the tax revenue and our community has benefited in many ways. The school district is considered excellent because of their budgets that were a result of the power plant. Our roads are beautiful and kept in excellent shape all year round. The one result of the plant that is sad to her is the pollution and production of carcinogenic chemicals. She is a strong supporter of clean energy and said the only legitimate reason she has heard in opposition to the wind project is that some people do not like the look of it. She wants the board to reconsider and feels that they will look back in 20 years and realize that the project is financially beneficial to our town and they will be honored for having supported it. She believes the revenue would stabilize taxes and property values. It will also allow us to continue to support our school and maintain our roads, and maintain our current level of services to our neighbors such as our volunteer fire department. Because of our fire department no one has to pay thousands of dollars to be transported in an ambulance. She also feels that young people are continuing to move here due to our low taxes, but the future does not look good without the power project. She noted that there will be an estimated \$1.5 million in additional revenue to our schools and local governments, plus the land lease payments that will go directly into local landowners' pockets. She feels that declining property values is caused in part by short sighted government and fear of the unknown by property owners who flee changes to their comfort zones. She would be thrilled and feel fortunate to have this project. She thinks the winds of Lake Ontario are becoming too valuable and the project will be built, even if not in our community. She doesn't want the Town Board to be the ones who let the project and its revenue get away.

Andrew Atwater said he talked with APEX about a wind energy lease and it came down to the fact that he needs his land (a small beef farm). He said it is up to the farmers of America to grow food to take care of hunger. He does not bare guilt for not allowing green energy on his property and doesn't think anyone should. He discussed the Robert Moses project that runs on water and said we have a lot of electricity and Niagara County is the King of Clean Energy. He feels the setbacks are fair and we need them as no one needs to suffer health wise. He said we have what we need and do not need to mess up our town. He stated that if we have a problem with clean energy in Western New York it is not

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because we are not producing it here. He thinks the power plant should be converted to natural gas instead of putting up these turbines and tearing up land. He said that with the large deficit that New York has, that we should not be spending that much on wind energy and New York State needs an energy policy that makes sense.

Sue Atwater stated that this latest law is an example of the extreme ends our leaders have gone to to try and stop the wind project. She feels this will stop most future development in our town for years to come and that we are going backward. She quoted Paul Ryan "Some leaders polarize. Some leaders unify. Leaders should lead to unify." She said that our leaders have made no effort to unify, to talk with APEX representatives or supporters, or to present to the community a clear picture of the financial benefits that can be gained from this project. She stated that many people in our town support this project because it financially benefits everyone. She feels that many supporters do not speak up because they do not want the stress, have busy lives, or feel it is a waste of time. She stated that they are not invisible and will not be silenced. She said the law is not good for the future of our town.

Marcia Ray said that several times over the past meetings there have been efforts for the opposition to speak and what they brought up tonight is against what has already been established in our town. She applauds the board for listening to the majority of our residents and she is in favor of the ban that the town is proposing.

Richard Meyers provided a little history on wind power in our town. He said that in 2007 the town board tried to ban wind power altogether. He said this proposed law is a ban on wind power and does not think it will withstand any legal opposition to it. He suggests that the board take a step back and consider what will happen if it is built. How will the town use the wind farm for the favor of the town? How will we use it to draw in more business or to form a Host Community Agreement that will benefit everyone in town? He said as the host community we can negotiate outside of the school and county for an agreement to benefit the town specifically. He said by putting up a wall we are waiting until the time passes and we will have no leverage to negotiate a good host community agreement and we will have to take what we get. He stated that now is the time to negotiate.

Cathi Orr applauded the board for all of the work they have done to reach out to the citizens and feels this revision is necessary. She has lived through a wind project and she is the only one in this room who has not been able to sleep at night. She said that a host agreement means nothing. She stated that the World Health Organization recommends 1-1/2 mile at least so she fully agrees with what the town is doing and thanked them for watching out for the health, safety and welfare of all of the citizens of Somerset.

Lyle Whitford stated that he does not have the words to express all of his concerns. He spoke of an article from the Union Sun & Journal that talked about the increasing cost of farm operations due to labor laws mandated by the state and depressed commodity prices.

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He said it puzzles him how our town elected officials can, in good conscience, raise property taxes, especially on the largest landowners. He stated that he asked at a public meeting what would replace declining revenue from the coal fired power plant. He said that he was told by Supervisor Engert "Not to worry, the Town of Somerset has money." He said the officials are prohibiting wind chargers and further restricting how these people can use their land. He said that they are willing to accept the tax dollars, but want them generated their way. He said he served over 20 years on the Planning Board and is puzzled by what he sees now.

Shaun O'Grady read some quotes. She said that in 2015 Supervisor Engert stated that when he started on the board the PILOT revenue was \$1.3 million, which covered 65% of the total appropriations to run the town. In 2015 the number has gone down to \$433,000. He said the town board responded to the revenue loss by cutting expenses, spending cash reserves and investing in infrastructure improvements in the hope of luring new businesses in Somerset. She stated that he also said these next few years are going to be challenging years for the Town of Somerset. We need to plan and prepare for a future that does not include the power plant. She asked if they are shutting down all plans for a wind project, what are they proposing to put in place of that? She said that Henry Sloma, Chairman of the Niagara County IDA, said the power plant is one of the biggest taxpayers in Niagara County, contributing \$5 million annually to the Town of Somerset, Niagara County and Barker Central School District.

Bill Engert stated there is no beauty in big turbines and we do not need them. He applauds the revisions.

Michael Lis stated that he represents the Elma Land Conservancy and he owns over 500 acres. He said he heard the song and dance and smoking mirrors of the hundreds of thousands of dollars he was going to make hosting turbines. He is speaking for himself and the Land Conservancy and they are concerned with the conservation of land and raptures. He stated they are in total support of this. They have done their research and could benefit from it, but they are totally against it. He said we hear about all of these other communities that want these turbines, so they should be put there.

Rick Cooper feels that from what he has read and researched, what happens tonight makes no difference because the siting board has the ability to say yay or nay. He said he is not for or against the turbines. He said the town raised taxes last year 1.88% and had the lowest taxes in the county. He thinks the board should make an effort to look for new revenue rather than stopping the revenue. He said he hopes the town has good legal representation because if we do this the town will be stopping the landowners who are the biggest taxpayers from utilizing their land how they want. He would like the town board to take a step back and think about getting new money for the town and think about the legal ramifications. He stated that in last year's budget, the town took taxpayer money to create a defense fund to fight this. He thinks that is not right to take his money to fight something

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that he did not choose. He thinks we should get a new referendum vote and segregate it from the shore line to Haight Road, and from Hosmer Road to Lyndonville and just include the property owners in that area in the vote. He said there is a big difference between a landowner and a homeowner.

Linda Fisk read a letter from Lyndonville resident Shirley Mank. She said that the supporters of Lighthouse Wind are not figments of Taylor Quarles' imagination and all the Supervisor has to do is look at the county records to see how many leases have been signed. She stated there is much support for the project and the strengthening of our economic vitality.

Rebecca Winters stated that the board was for the project four years ago when APEX arrived. She wants to know what happened to change their mind and how do they justify spending so much money on legal fees against the wind project especially when everyone in our community would benefit financially.

Sue Davis said that she is for the new law. She stated that the landowners do not own the town, the people own the town and that is why the survey was taken and the majority are opposed to the turbines.

Norm Jansen addressed scientific research. He said there is a lot of research to support WECS and those that support it focus on the research that supports their views. Either it is because they have a financial benefit or they are for saving the planet and slashing carbon emissions. Those that are against it focus their research on protecting their health, safety and welfare and there is plenty of scientific research out there to support this. He presented a map that was provided by NOAA from an article in the October 2017 issue of Discover Magazine. He stated that along the south Lake Ontario shoreline we are at an average hourly capacity factor of about 37.5%. Along Ridge Road it would be about 40%, and Orangeville is an average of 50%. He said that he is not against renewable energy systems, but they need to be sited where there is the greatest efficiency. He stated that Industrial WECS at 37.5% are not efficient, should not be sited in this area and should not be dividing this community. He feels that the people from Rochester who submitted letters of support for the project would not be happy if a nuclear power generation station was proposed for their area.

Julee Bird said she and her mother are landowners here and neither one of them want the turbines.

Howard Pierce thanked the board for allowing him to speak. He stated that the power plant was originally sited for Yates but was placed in Somerset. The opposition stated that the stacks would bellow black smoke; trucks would ruin our roads; warm water generated by the plant would ruin the fishing in the lake; and the trucks hauling coal to the plant would be dangerous to the area. He said that four years later when the plant was completed and the

PILOT program kicked in, a railroad was built to haul the coal; we have one of the finest schools in the state; the fire company and highway department got new equipment; and we have a new town hall. He was told that some of the best fishing is in the warm water near the power plant. He said that once the money started rolling in, the opposition disappeared. Today the power plant is soon to close and what is left of the PILOT will also be gone. He asked the Supervisor what happened to change his mind from 4 years ago when he was for the wind project. He stated that our town has a second chance. The project will bring in over 300 construction jobs and 13 long-term, well-paying jobs. Landowners will get \$1 million annually and \$1.5 million per year will go to the PILOT program. He said the Supervisor was quoted in the paper saying the supporters are a figment of Taylor Quarles' imagination. He said that with over 100 landowners signed up, it is a figment of the Supervisor's imagination if he thinks there is not any support in this town. He wants the Supervisor to get out of his office and visit the farmers in Somerset. He stated that this law would virtually be a ban on wind farms and it won't pass muster with the siting board. He asks the board to vote no and do not pass up the opportunity for another PILOT. He stated "Remember, this is a Right to Farm town."

Krista Atwater said that she is in support of this and one of the reasons is because of the four turbines near her property. One is continuously broken down since installation and has been repaired many times. She said the turbine fights the wind and is noisy that it is overheard over anything that is going on whenever there is wind. She said she is not anti-wind, but living next to these small ones has been an eye opener to the noise that can happen from certain machines. She said of the four, she only hears one. She said that we do not know what the impact is going to be but anything overshadowing her home is unfair. She said it is hard enough to be a farmer and keeping the morale up with the city people moving here. She stated that they are concerned with the animals getting loose, the smell, the spraying of manure and all of the activities that farmers have to do as farmers. She thanked the board for thinking of the noise as she would not have thought of this 10 years ago. She built her house 30 years ago knowing that it was near a power plant and she was ok with that. She does not want the project.

Jim Hoffman stated that he was on the Planning Board for 38 years. He endorses what the town board is doing and feels they have responded to the people. He feels though that a height restriction of 150 feet is plenty as anything above the tree line is visual pollution. He wants the laws to go further and ban turbines even if there are possible legal issues. He said there is legal precedent where towns in the Southern Tier have banned certain activity over a concern with way of life and the health and welfare of the people. He said that the ban has held up in the highest court in the state. In addressing the 3 mile setback, he said it is largely a concern with the birds and the bats but anything that is detrimental to birds and bats may be detrimental to us. He discussed a letter that was sent to APEX from David Stilwell of U.S. Fish and Wildlife in 2015. He reported that studies were done to gain knowledge of bird and bat movement along the south shore of Lake Ontario. He told APEX that the project is proposed in an area known to have very high aviation activity as

evidenced by the studies completed to date. He also advised that previously the service had recommended that the projects be constructed at least 3 miles from the shore line to reduce this risk. He reported on a letter that David Stilwell sent to the Public Service Commission in 2016. Relative to the Public Scoping Statement it had the same comment regarding the studies being done along the south shore of Lake Ontario. He stated that they encourage developers to follow current Service recommendations on siting and construction. Jim noted that the current recommendation is a 3 mile setback from the shore line. He also discussed a letter from APEX' lawyers to the Somerset Town Board on January 10th where they state that the US Fish and Wildlife Service "has not made any specific finding regarding the Lighthouse Wind Project itself nor have they provided evidence that wind projects within 3 miles of the Great Lakes result in greater impact to bird and bat species." Jim said there is plenty of evidence to reflect that US Fish and Wildlife Services solidly support a 3 mile setback. He thanked the board for supporting the majority of the people who are against the project. He stated that with his familiarity with Host Community Agreements the first thing they say is that you must agree not to sue them. He said if someone says that, watch out.

Floyd Koerner said he moved here in 1992 and has seen a steady decline since then. He said his property taxes have increased 300%, in part because they have made improvements. That includes the 11.85% increase in Town and County taxes this year. He feels the increase will continue with the loss of tax base from the power plant, and Lighthouse Wind will bring needed economic development to our area for all of our residents. He said that farming is our biggest industry and agriculture is being stressed by declining commodity prices. He said farmers are hard workers working from sun up to sun down and are being looked at as money grubbers. He said they are trying to make a decent living and the anti-wind opposition is denying their opportunity to improve their lives as well as the community. He stated that Supervisor Engert said at a recent hearing that Somerset would not see the business opportunities that Buffalo, Rochester and Syracuse will see because of our location. He agrees and said we will see very few opportunities come to us. He said that he encouraged the Supervisor to visit other townships to see the benefits of the wind but as far as he knows the Supervisor has not done that. He said that we will never get 100% approval on a new business, and businesses have been blocked in the past by a small number of opponents. He stated that Lighthouse Wind will bolster our community, help with tax relief, offer individual payments to landowners, and help with needed revenue for our towns and schools. He said that a lot of the opposition to wind farms is due to the belief that property values will decrease. He contacted the assessor in Orangeville and was provided with information on a specific property. It was 103 acres purchased in 1991 for \$55,000. In 2001 it was assessed for \$91,000. In 2012 the assessment was \$146,000. They sold 10 acres for \$10,000 and sold the rest for \$245,000. He feels that she was anxious to get out of Orangeville so she probably left money on the table too. He said this shows there is not a loss in property value so he wonders how much of the rest of the hysteria is based on falsehoods.

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Alice Wolanyk said she agrees with Jim Hoffman and thanked Jim and the board for all the work they have done. She is in favor of the revision.

Tom Staples is a lifelong Somerset resident and said that this project is not similar to any other project in the state so he thinks the proposal on setbacks is appropriate for our situation and is consistent with our Comprehensive Plan. He supports the proposed amendments.

Jeff Gardner thanked the board for trying to put some control into the situation. He stated that it is clear that Article 10 is taking advantage of municipalities making their own decisions and said that is probably why it was implemented because most towns do not want these. He stated it is unfortunate that the town has to defend us because of the size of the project and turbines. He said there is not any data backing up what proper setbacks are. He stated that Niagara County is probably the only county in the state with two sources of energy, the power plant and Robert Moses. He has solar panels on his house and the production has exceeded his expectations. He stated that our President is putting a ban on solar panels and a 30% tariff. He said that solar and wind energy are being supplemented so we all pay for it. With all due respect to the landowners saying that they have a right to do what they want with their land, he said that is a great thing as long as it does not affect people around them and that is why there ordinances. He said it is obvious there are problems with these things and that is why there are hush agreements with landowners and neighbors.

Mary Ellen Royce thanked the board and said she supports these resolutions. They moved here thinking it is the most beautiful place in the world and are now embroiled in this mess. She is pleased with the stance that the board is taking on behalf of the environment and the children who will be suffering from the noise disturbing their sleep and the disabled children who will be affected by the flicker.

Betty Wolanyk stated that industrial wind turbines are not farms. They are not biological organisms, they are industrial organisms. Because of that she supports the town saying that these should only be in the industrial area of town, not farm land. She said that we keep hearing that there are 100 leaseholders. She said there may be 100 contracts but not 100 lease holders or landowners. Maybe 35 have signed 100 contracts. She stated there is no information about 600'+ turbines being put on land near neighbors and she does not want to be a guinea pig. Regarding changes to zoning for sound she said that her mother suffers from motion sickness and infrasound causes that. She does not want her mother to be moved from her home for the rest of her life because of the turbines. She appreciates the town looking at what is happening around the world with organizations who are keeping industrial wind turbines from affecting people's health. She supports the changes.

Agnes LaPorte said that originally many people were for the project because they knew little about it so she is not upset that our Supervisor was originally for it. She went to

Wyoming County to see the wind farm and she said the turbines are much smaller. She spoke to the residents who are enduring it and said the benefits to the town and school will be so little that she cannot imagine selling out for that. She said the majority of the people who spoke in favor of it tonight, not all, are leaseholders and part of their contract says they have to uphold APEX so they cannot speak against the company. She is glad the town board is putting in the laws for distance and noise. She said if these turbines go up, in 20 years they will be sitting there rotting and we will have 20' of concrete in the ground. She said the board will be happy that they voted against it.

Mike Basil thanked the board for their wisdom and initiative in adjusting these laws. He stated this is our fourth year in the battle and that we have requested data numerous times from APEX on 600' turbines on land. He said they want to set us up for a lawsuit for being overly burdensome. He feels the public information phase was a rip off to our community. We still have no information as the data we are looking for is either proprietary or not available. He stated that we get about 100% of our energy from the Robert Moses and that is 100% clean, renewable energy. This project is supposed to be about \$400 million, of which \$300 million will come from the taxpayer. He said that our state is \$4.2 billion upside down in our budget. He said the board is protecting us but are being told that the people in SOS are spreading misinformation. He said the information they spread is what APEX deliberately misses or does not want to tell us. He wants the board to stick to their guns.

Bob Damon appreciates the tough call the board has to make with farmers stating the board is holding up their rights, and on the other hand they are protecting the residents' rights. He thinks the board is doing the right thing. He said this is a Right-to-Farm community and the board is not taking anything away from the farmers and are not restricting them on their farming. He said we keep hearing of all the money that will be coming in from this project. He stated that \$1.5 million split between 6 entities does not amount to much. The power plant in its heyday was paying \$4 million and it was not split among 2 towns, 2 counties and 2 school districts. He stated with the size of this project we should realize more revenue. He is glad the board is protecting the rights of all of the citizens of the community, even the lease holders. He supports this.

Pam Atwater said she is a very large advocate of renewable energy. Her opposition is not against wind energy, she feels this is not proper siting. She stated she has spoken to people who have smaller turbines and that not everyone is impacted but a lot of people are. She is aware of some people who have had to leave their home or are sick because of it. She said that is not a figment of their imagination. She appreciates the sound level law and said it is not a matter of looking at these but the total impact on our community.

Wendy Lowe said that she came here to hear what both sides have to say. She said she believes the science on climate change and believes we are all threatened by it. She thinks there are strong arguments on both sides. She said she does not completely understand the law we are proposing but feels God has blessed this part of the country with incredible

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hydro power and incredible wind potential. She said it allows us to have energy independence that we have needed for years as we have gone to war over oil. She hopes that whatever we do today will not get in the way of accepting wind if and when it is the right choice.

Vivian Zulist stated that she is a clean energy advocate and is happy that the power plant is being decommissioned due to the toxic implications that we were not aware of at the time. She said in the interest of future generations we should go for green energy in a big way, but also be prudent in researching it. This system is unfounded anywhere else and has not been proven on land. She feels the impact is unforeseen. She stated that the power plant is an amazing asset with power lines going from there to the grid and can't see why we cannot come together as a community and look at other systems. She said wind energy is not the only clean energy available to us. She would like to see a massive solar installation on the power plant property. She feels it would have the economic benefit some people are looking for and it would not be divisive giving one person money for their property and not another for theirs. She supports what the board is trying to do to fight this and thinks it is great to hear the community go back and forth.

Gail Damon said she keeps hearing the word "ban" and she understands that this is not a ban on wind energy. She said if they want to build turbines up to the limit, have at it.

Herb Linderman said that he hears a lot about the poor farmers but over the last 15 years \$46,461,000 has been granted to farmers. He said the Planning Board put in a code that he could not build a house that was over 35' tall so why allow 600'? Regarding the house that sold for \$245,000, he wonders who bought it. He said that he comes from a family of farmers but they did not get any money from the government. He said the biggest enemy a farmer has is another farmer. He said we hear about milk prices being low and he feels that is because they overproduce. He feels that we paid all this money for green energy that is highly subsidized and these wind turbines with a possible life expectancy of 20 years will be subsidized. He said that when he put up an 8 x 10 shed in his backyard, the assessor was there to write up an assessment. If a turbine is put up they want a PILOT. He said he pays his taxes every year, he wants a PILOT. He said that Amazon recently held a lottery to put up a new building and maybe that is what APEX should do. He said that when you have a long electric cord by the time you get to the end of the cord you do not have as much power as at the source. He discussed the options available for converting the power plant to gas.

Jane Phillips said that she supports the revisions and feels that being at this meeting listening to the comments pro and against has confirmed in her mind that the supporters of the project are all about the money. She has not heard anything about the benefit to our environment or the benefit to their fellow neighbors and this community. She has been taught to put other's concerns and the majority's concerns before our own. She feels that this is selfish because it has been clearly known that the majority of the community is

against the project. She said that some proponents have stated that there are no proven health risks, but she can personally assure us that there are health risks. Since hearing about this project she has increased her medication and has lost countless hours of sleep. She sits at her window looking at the horizon and envisions the ugliness that these turbines will be against our beautiful country, historic, rural community. She said that she is a proven fact that there are health risks before the project is even started. She wants the board to put the community members before any financial gain. Is money more important than the health and welfare of our residents, our environment, our nature and creatures of this earth? She said these turbines will interfere with the habitat in our area. She prays that the board will ask God for wisdom in designing these laws and put people before money.

Bob LaPorte said it is sad that a company from another state separates our community. He said that anyone can research on the internet and find that 30% of the population that live near wind turbines are devastated. They either have to move out or live in their cellars. He said that he supports the changes 100%.

Tom Zulist left the finance industry because of greed. He said they moved up here and started a business. They believe in green energy as they have solar power, wind, solar thermal, and a high efficiency indoor wood boiler. He stated that he is going to take a financial hit to take the wind turbine down this year because it makes a ton of noise that he was not told about and his neighbors have to hear it and they don't benefit from it. He is taking it down because it is the right thing to do. He said if the board votes in favor of the new rules, they have a chance to save the community. If not, this community will be ruined forever because they will be divided by opposing views all for money. He loves being here and does not want to see big wind turbines.

Cynthia Hellert She said she has been coming to the meetings for 3 years and has watched the board listen attentively month after month and are taking action. She said if they were thinking the industrial turbines would be good for the town that is fine. She thought so too at first until she did some research. She said that every single day there is a new finding. She feels it is admirable for the board to make the laws more protective and she supports the changes 100%.

Floyd Koerner said that he travelled to Utica and saw signs that were anti power lines. He inquired and found out that they want to bring hydro power in from Quebec because it is cheaper. He talked to the Public Service Commission and told them it doesn't make sense to bring in hydro power from Quebec while decommissioning power plants and taking the tax base and employment away from communities. He said their priorities are wrong.

Cathi Orr said that in Wyoming County there is potential for financial ruin. Orangeville is suing Invenergy because they are not maintaining their roads. She said there is also a citizen class action suit against Invenergy by the same lawyers that handled Love Canal. She stated that Michael McAnn, an appraiser from Illinois, says that wind turbines will cause a 25% - 40% drop in property values.

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Linda Fisk said she sat here listening to all the people who are going to die because of these windmills. She said the military is using them on all of our bases so all of the military is going to die and where will we be? She said if the government is using them for the guys who protect our lives, what is wrong with them?

Andrew Atwater stated that APEX originally petitioned the town for one met tower and that went smoothly. Then they petitioned the town for two more met towers and were asked by the Planning Board to fulfill certain new conditions. APEX took the town to court for that and bullied the town into giving them the two extra met towers. He said that anyone who drives a car in New York State has to have it inspected annually per state law. He said that the towers also need to be inspected after every wind storm and annually but as far as he knows APEX has not done that at all. He said they are not meeting the conditions.

With no one else desiring to be heard, the public hearing was closed at 7:40PM.

Supervisor Engert opened the regular meeting at 7:41PM.

ANNUAL REPORTS RECEIVED AND FILED

Town Clerk
Fort Hyde Kennel
Barker Senior Citizens

RESOLUTION 43-2018

UNYTS DONATE LIFE FUN RUN

Supervisor Engert stated that due to a scheduling conflict, the date of the Fun Run has to be changed.

On a motion of Councilman Dewart, and Councilwoman Bronson, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved the Donate Life Fun Run is approved to take place on March 17, 2018 at 10:00AM.

RESOLUTION 44-2018

APPROVAL OF KENNEL CONTRACT

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the following resolution was

ADOPTED Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved that the contract with Fort Hyde Kennels for \$5,700.00 for 2018 is approved.

RESOLUTION 45-2018

APPROVAL OF SUNNKGING RECYCLING AGREEMENT

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the following resolution was

ADOPTED Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

Resolved that the agreement with Sunnking for 2018 is approved.

RESOLUTION 46-2018

APPROVAL OF HIGHWAY APPROPRIATIONS

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the following resolution was

ADOPTED Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

Resolved to authorize the spending of Highway Funds per the 2018 budget.

RESOLUTION 47-2018

LOCAL LAW #1-2018 ENTITLED A LOCAL LAW AMENDING THE REGUATIONS APPLICABLE TO ALL ZONES, AND THE REGULATIONS APPLICABLE TO INDUSTRIAL DISTRICTS AND PLANNED UNIT DEVELOPMENT DISTRICTS

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the following resolution was

ADOPTED	By Roll Call Vote	Supervisor Engert	Aye
		Councilwoman Jansen	Aye
		Councilman Dewart	Aye
		Councilwoman Bronson	Aye
		Councilman Hotaling	Aye

WHEREAS, a proposed local law entitled, "A Local Law Amending the regulations applicable to all zones, and the regulations applicable to Industrial Districts and Planned Unit Development Districts" has been introduced; and

WHEREAS, an abstract of said proposed local law is as follows: Section 205-11 BB sets the definition of Industrial Wind Energy Conversion Systems and limits said systems to Industrial Districts. Section 205-40 A(8) provides that Industrial Wind Energy Conversion Systems are subject to all other requirements of Chapter 205. Section 205-55B(8)(g) prohibits Industrial Wind Energy Conversion Systems in any Planned Unit Development District; and

WHEREAS, the Waterfront Consistency Law is to protect the environment and resources of the LWRP area; and now it is hereby

THE FINDINGS OF THIS BOARD THAT THIS ACTION:

- 1) Fosters a pattern of development in the Town of Somerset that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development;
- 2) Protects existing water-dependent uses in the Town of Somerset and promotes the siting of new water dependent uses in suitable locations;
- 3) Protects existing agricultural lands;
- 4) Promotes the sustainable use of living marine resources in the Town of Somerset;
- 5) Protects and restores ecological resources including significant fish and wildlife habitats, wetlands and rare ecological communities;
- 6) Protects and improves water resources;
- 7) Minimizes loss of life, structures and natural resources from flooding and erosion;
- 8) Protects and improves air quality;
- 9) Promotes appropriate use of energy resources;
- 10) Minimizes environmental degradation from solid waste and hazardous substances and waste;
- 11) Improves public access to the water front and the use of public lands;
- 12) Enhances visual quality and protect outstanding scenic resources; and
- 13) Preserves and protects historic resources; and

NOW THEREFORE BE IT RESOLVED, it is the determination of this Board that these findings of this action are consistent with the LWRP policy standards and conditions of the Town of Somerset; and be it further

RESOLVED, that the Waterfront Assessment Form completed by Supervisor Engert on behalf of the Town Board is hereby adopted and ratified in all respects by the Town Board.

RESOLUTION 48-2018

LEAD AGENCY FOR LOCAL LAW #1-2018 ENTITLED A LOCAL LAW AMENDING THE REGULATIONS APPLICABLE TO ALL ZONES, AND THE REGULATIONS APPLICABLE TO INDUSTRIAL DISTRICTS AND PLANNED UNIT DEVELOPMENT DISTRICTS

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the following resolution was

ADOPTED	Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
	Nays	0	

WHEREAS, a Full Environmental Assessment Form having been prepared and filed by the Town of Somerset, relative to the proposed Local Law entitled, "A Local Law Amending the regulations applicable to all zones, and the regulations applicable to Industrial Districts and Planned Unit Development Districts", and

WHEREAS, coordinated review has taken place, and no other agency has objected to the Town Board assuming lead agency, and the time for such comment or objection has passed,

NOW, THEREFORE, IT IS,

RESOLVED AND DETERMINED, that the Town Board of the Town of Somerset is lead agency pursuant to NYCRR Part 617.

RESOLUTION 49-2018

SEQRA FOR LOCAL LAW #1-2018 ENTITLED A LOCAL LAW AMENDING THE REGULATIONS APPLICABLE TO ALL ZONES, AND THE REGULATIONS APPLICABLE TO INDUSTRIAL DISTRICTS AND PLANNED UNIT DEVELOPMENT DISTRICTS

On a motion of Councilwoman Bronson, seconded by Councilman Hotaling, the following resolution was

ADOPTED

By Roll Call Vote

Supervisor Engert	Aye
Councilwoman Jansen	Aye
Councilman Dewart	Aye
Councilwoman Bronson	Aye
Councilman Hotaling	Aye

WHEREAS, the Town Board of the Town of Somerset as applicant and lead agency has caused a Full Environmental Assessment Form (EAF), relative to the proposed Local Law entitled, "A Local Law Amending the regulations applicable to all zones, and the regulations applicable to Industrial Districts and Planned Unit Development Districts", and

WHEREAS, the Town Board of the Town of Somerset is the lead agency pursuant to NYCRR Part 617, and

WHEREAS, Parts 1, 2 and 3 of the EAF have been thoroughly reviewed by this Board,

NOW, THEREFORE, BE IT:

RESOLVED, that Part 3 of the EAF containing written reasons for a determination of significance be and hereby are adopted as the findings of this Board and that the EAF as a whole together with the reasons set forth justify the determination of significance, and be it further

RESOLVED, that it is determined that the action, the adoption of the local law entitled, "A Local Law Amending the regulations applicable to all zones, and the regulations applicable to Industrial Districts and Planned Unit Development Districts" will not have a significant adverse environmental impact and the Supervisor is directed to complete the certification

that the project will result in no significant adverse impacts on the environment and, therefore, an environmental impact statement need not be prepared, and accordingly issuing a negative declaration.

This action involves the adoption of a Local Law as part of the Town Code of the Town of Somerset, Zoning. It regulates the siting of Industrial Wind Energy Conversion Systems. The reasons for adopting the determination of significance are as follows:

- The Full Environmental Assessment Form – Parts 1 and 2 do not identify any impact which affects the environment. No potentially moderate or large impact on the environment has been identified.
- The proposed action is regulatory in nature. It does not prohibit or discourage or encourage the siting of Wind Energy Conversion Systems.
- The action protects the environment by defining and limiting Industrial Wind Energy Conversion Systems to Industrial Districting within the Town. Further, said action prohibits siting of Industrial Wind Energy Conversion Systems in any Planned Unit Development District.
- The law is of Town wide application and does not enable or prevent any specific actions or project.

RESOLUTION 50-2018

ADOPTION OF LOCAL LAW #1-2018 ENTITLED A LOCAL LAW AMENDING THE REGULATIONS APPLICABLE TO ALL ZONES, AND THE REGULATIONS APPLICABLE TO INDUSTRIAL DISTRICTS AND PLANNED UNIT DEVELOPMENT DISTRICTS

On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the following resolution was

ADOPTED

By Roll Call Vote

Supervisor Engert	Aye
Councilwoman Jansen	Aye
Councilman Dewart	Aye
Councilwoman Bronson	Aye
Councilman Hotaling	Aye

WHEREAS, The Town Board of the Town of Somerset having duly called and held a Public Hearing at Somerset Town Hall, 8700 Haight Road, Barker, New York 14012, on the 10th day of January, 2018 upon the question of the enactment of “A Local Law amending the regulations applicable to all zones, and the regulations applicable to Industrial Districts and Planned Unit Development Districts”; and

WHEREAS, the proposed local law having been reviewed and recommended for approval by the Niagara County Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that “A Local Law amending the regulations applicable to all zones, and the regulations

applicable to Industrial Districts and Planned Unit Development Districts” is hereby enacted and effective upon its filing with the New York State Department of State.

RESOLUTION 51-2018

LOCAL LAW #2-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL REGULATIONS OF THE SOMERSET ZONING CODE TO ADD REGULATIONS APPLICABLE TO TALL STRUCTURES

On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the following resolution was

ADOPTED	Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
	Nays	0	

WHEREAS, a proposed local law entitled, “A Local Law Amending the supplemental regulations of the Somerset Zoning Code to add regulations applicable to tall structures” has been introduced; and

WHEREAS, an abstract of said proposed local law is as follows: Section A provides general provisions applicable to structures taller than permitted by general zoning district regulations. Section B provides use-specific regulations for tall structures. Section C provides regulations applicable to new tall structures. Section D provides additional substantive requirements applicable to tall structures, including setbacks, lighting, screening and fencing, parking, supporting documentation, removal of obsolete and/or unused tall structures, and the authority of the planning board to impose additional conditions on tall structure special use permits. Where these tall structures regulations conflict with other laws and regulations of the Town of Somerset, the more restrictive provision of the local law or town code shall apply; and

WHEREAS, the Waterfront Consistency Law is to protect the environment and resources of the LWRP area; and now it is hereby

THE FINDINGS OF THIS BOARD THAT THIS ACTION:

- 1) Fosters a pattern of development in the Town of Somerset that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development;
- 2) Protects existing water-dependent uses in the Town of Somerset and promotes the siting of new water dependent uses in suitable locations;
- 3) Protects existing agricultural lands;
- 4) Promotes the sustainable use of living marine resources in the Town of Somerset;
- 5) Protects and restores ecological resources including significant fish and wildlife habitats, wetlands and rare ecological communities;
- 6) Protects and improves water resources;

- 7) Minimizes loss of life, structures and natural resources from flooding and erosion;
- 8) Protects and improves air quality;
- 9) Promotes appropriate use of energy resources;
- 10) Minimizes environmental degradation from solid waste and hazardous substances and waste;
- 11) Improves public access to the water front and the use of public lands;
- 12) Enhances visual quality and protect outstanding scenic resources; and
- 13) Preserves and protects historic resources; and

NOW THEREFORE BE IT RESOLVED, it is the determination of this Board that these findings of this action are consistent with the LWRP policy standards and conditions of the Town of Somerset; and be it further

RESOLVED, that the Waterfront Assessment Form completed by Supervisor Engert on behalf of the Town Board is hereby adopted and ratified in all respects by the Town Board.

RESOLUTION 52-2018

LEAD AGENCY FOR LOCAL LAW #2-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL REGULATIONS OF THE SOMERSET ZONING CODE TO ADD REGULATIONS APPLICABLE TO TALL STRUCTURES

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the following resolution was

ADOPTED	Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
	Nays	0	

WHEREAS, a Full Environmental Assessment Form having been prepared and filed by the Town of Somerset, relative to the proposed Local Law entitled, "A Local Law Amending the supplemental regulations of the Somerset Zoning Code to add regulations applicable to tall structures", and

WHEREAS, coordinated review has taken place, and no other agency has objected to the Town Board assuming lead agency, and the time for such comment or objection has passed,

NOW, THEREFORE, IT IS,

RESOLVED AND DETERMINED, that the Town Board of the Town of Somerset is lead agency pursuant to NYCRR Part 617.

RESOLUTION 53-2018

SEQRA FOR LOCAL LAW #2-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL REGULATIONS OF THE SOMERSET ZONING CODE TO ADD REGULATIONS APPLICABLE TO TALL STRUCTURES

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On a motion of Councilwoman Bronson, seconded by Councilman Dewart, the following resolution was

ADOPTED	Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
	Nays	0	

WHEREAS, the Town Board of the Town of Somerset as applicant and lead agency has caused a Full Environmental Assessment Form (EAF), relative to the proposed Local Law entitled, "A Local Law Amending the supplemental regulations of the Somerset Zoning Code to add regulations applicable to tall structures", and

WHEREAS, the Town Board of the Town of Somerset is the lead agency pursuant to NYCRR Part 617, and

WHEREAS, Parts 1, 2 and 3 of the EAF have been thoroughly reviewed by this Board,

NOW, THEREFORE, BE IT:

RESOLVED, that Part 3 of the EAF containing written reasons for a determination of significance be and hereby are adopted as the findings of this Board and that the EAF as a whole together with the reasons set forth justify the determination of significance, and be it further

RESOLVED, that it is determined that the action, the adoption of the local law entitled, "A Local Law Amending the supplemental regulations of the Somerset Zoning Code to add regulations applicable to tall structures" will not have a significant adverse environmental impact and the Supervisor is directed to complete the certification that the project will result in no significant adverse impacts on the environment and, therefore, an environmental impact statement need not be prepared, and accordingly issuing a negative declaration.

This action involves the adoption of a Local Law as part of the Town Code of the Town of Somerset, Zoning. It regulates the siting of tall structures. The reasons for adopting the determination of significance are as follows:

- The Full Environmental Assessment Form – Parts 1 and 2 do not identify any impact which affects the environment. No potentially moderate or large impact on the environment has been identified.
- The proposed action is regulatory in nature. It does not prohibit or discourage or encourage the development or use of tall structures.
- The action protects the environment by imposing additional substantive requirements applicable to tall structures, including setbacks, lighting, screening and fencing, parking, supporting documentation. The action also requires removal of obsolete and/or unused tall structures.
- The law is of Town wide application and does not enable or prevent any specific actions or project.

RESOLUTION 54-2018

ADOPTION OF LOCAL LAW #2-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL REGULATIONS OF THE SOMERSET ZONING CODE TO ADD REGULATIONS APPLICABLE TO TALL STRUCTURES

On a motion of Councilman Dewart, seconded by Councilwoman Jansen, the following resolution was

ADOPTED	By Roll Call Vote	Supervisor Engert	Aye
		Councilwoman Jansen	Aye
		Councilman Dewart	Aye
		Councilwoman Bronson	Aye
		Councilman Hotaling	Aye

WHEREAS, The Town Board of the Town of Somerset having duly called and held a Public Hearing at Somerset Town Hall, 8700 Haight Road, Barker, New York 14012, on the 10th day of January, 2018 upon the question of the enactment of “A Local Law amending the supplemental regulations of the Somerset Zoning Code to add regulations applicable to tall structures”; and

WHEREAS, the proposed local law having been reviewed and recommended for approval by the Niagara County Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that “A Local Law amending the supplemental regulations of the Somerset Zoning Code to add regulations applicable to tall structures” is hereby enacted and effective upon its filing with the New York State Department of State.

RESOLUTION 55-2018

LOCAL LAW #3-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL ZONING REGULATIONS RELATED TO COMMERCIAL/INDUSTRIAL WIND ENERGY CONVERSION SYSTEMS

On a motion of Councilman Hotaling, seconded by Councilwoman Bronson, the following resolution was

ADOPTED	Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
	Nays	0	

WHEREAS, a proposed local law entitled, “A Local Law Amending the supplemental zoning regulations related to Commercial/Industrial wind energy conversion systems” has been introduced; and

WHEREAS, an abstract of said proposed local law is as follows:

Said Local Law repeals sections 205-43.2 and 205-43.3 in their entirety as these sections are old Wind Energy Conversion System Laws that have been superseded by the adoption of section 205-43.5, added Feb. 24, 2016 by L.L. No. 3-2016.

Said local law also makes various changes to the subsections of section 205-43.5 to better align the local law with the goals and objectives of the Comprehensive Plan and other planning documents, and to update the law in light of advances in scientific research and analogous legislation enacted in other municipalities, states, and countries.

Section 205-43.5 (E) is repealed in its entirety and replaced by a new section 205-43.5 providing that no wind facility or wind energy conversion systems shall be constructed, reconstructed, modified or operated in the Town except in compliance with said local law. This section also clarifies that Section 205-43.5 does not supersede the portions of the town code that limits industrial wind to the Industrial (I) district, but does supersede the tall structures law. This section also makes clear that industrial wind turbines are subject to the tall structures law should normally superseding sections of section 205-43.5 be waived, not applied, or deemed void by any court or government body.

Section 205-43.5(H)(1)(a) provides that no commercial/ industrial wind energy system shall be permitted in any zoning district except Industrial (I).

Section 205-43(G)(1)(c) prohibits commercial/industrial wind energy systems in any area where such system is likely to adversely impact the land use plans set forth in the Somerset Power Plant Multiple Use Plan.

Section 205-43(H)(1)(D) prohibits wind energy conversion systems within three miles of the Lake Ontario Shoreline, the Somerset LWRP or any planned or existing public park.

Section 205-43(H)(2) provides setbacks for commercial/ industrial wind energy systems. This section also provides a worst case setback based on the modeled increase in sound at a residence that would be caused by a proposed turbine.

Section 205-43.5 H (15) provides the maximum total height of any wind energy conversion system shall not exceed 200 feet.

Section 205.43.5 H (16) limits the hours of construction of wind energy conversion systems.

Section 205-43.5 H (27) is repealed in its entirety and replaced with a new section 205-43 H (27) providing updated noise limitations on wind energy conversion systems in simpler format. The section also provides specific guidance on how sound from a proposed project should be modeled.

Section 205-43.5 H (33) provides all electrical transmission lines associated with wind energy conversion systems must be buried underground; and

WHEREAS, the Waterfront Consistency Law is to protect the environment and resources of the LWRP area; and now it is hereby

THE FINDINGS OF THIS BOARD THAT THIS ACTION:

- 1) Fosters a pattern of development in the Town of Somerset that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development;
- 2) Protects existing water-dependent uses in the Town of Somerset and promotes the siting of new water dependent uses in suitable locations;
- 3) Protects existing agricultural lands;
- 4) Promotes the sustainable use of living marine resources in the Town of Somerset;
- 5) Protects and restores ecological resources including significant fish and wildlife habitats, wetlands and rare ecological communities;
- 6) Protects and improves water resources;
- 7) Minimizes loss of life, structures and natural resources from flooding and erosion;
- 8) Protects and improves air quality;
- 9) Promotes appropriate use of energy resources;
- 10) Minimizes environmental degradation from solid waste and hazardous substances and waste;
- 11) Improves public access to the water front and the use of public lands;
- 12) Enhances visual quality and protect outstanding scenic resources; and
- 13) Preserves and protects historic resources; and

NOW THEREFORE BE IT RESOLVED, it is the determination of this Board that these findings of this action are consistent with the LWRP policy standards and conditions of the Town of Somerset; and be it further

RESOLVED, that the Waterfront Assessment Form completed by Supervisor Engert on behalf of the Town Board is hereby adopted and ratified in all respects by the Town Board.

RESOLUTION 56-2018

LEAD AGENCY FOR LOCAL LAW #3-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL ZONING REGULATIONS RELATED TO COMMERCIAL/INDUSTRIAL WIND ENERGY CONVERSION SYSTEMS

On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the following resolution was

ADOPTED	Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
	Nays	0	

WHEREAS, a Full Environmental Assessment Form having been prepared and filed by the Town of Somerset, relative to the proposed Local Law entitled, "A Local Law Amending the supplemental zoning regulations related to Commercial/Industrial wind energy conversion systems", and

WHEREAS, coordinated review has taken place, and no other agency has objected to the Town Board assuming lead agency, and the time for such comment or objection has passed,

NOW, THEREFORE, IT IS,

RESOLVED AND DETERMINED, that the Town Board of the Town of Somerset is lead agency pursuant to NYCRR Part 617.

RESOLUTION 57-2018

SEQRA FOR LOCAL LAW #3-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL ZONING REGULATIONS RELATED TO COMMERCIAL/INDUSTRIAL WIND ENERGY CONVERSION SYSTEMS

On a motion of Councilwoman Bronson, seconded by Councilwoman Jansen, the following resolution was

ADOPTED	Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
	Nays	0	

WHEREAS, the Town Board of the Town of Somerset as applicant and lead agency has caused a Full Environmental Assessment Form (EAF), relative to the proposed Local Law entitled, "A Local Law Amending the supplemental zoning regulations related to Commercial/Industrial wind energy conversion systems", and

WHEREAS, the Town Board of the Town of Somerset is the lead agency pursuant to NYCRR Part 617, and

WHEREAS, Parts 1, 2 and 3 of the EAF have been thoroughly reviewed by this Board,

NOW, THEREFORE, BE IT:

RESOLVED, that Part 3 of the EAF containing written reasons for a determination of significance be and hereby are adopted as the findings of this Board and that the EAF as a whole together with the reasons set forth justify the determination of significance, and be it further

RESOLVED, that it is determined that the action, the adoption of the local law entitled, "A Local Law Amending the supplemental zoning regulations related to Commercial/Industrial wind energy conversion systems" will not have a significant adverse environmental impact and the Supervisor is directed to complete the certification that the project will result in no significant adverse impacts on the environment and, therefore, an environmental impact statement need not be prepared, and accordingly issuing a negative declaration.

This action involves the adoption of a Local Law as part of the Town Code of the Town of Somerset, Zoning. It regulates the siting of commercial/industrial wind energy conversion systems. The reasons for adopting the determination of significance are as follows:

- The Full Environmental Assessment Form – Parts 1 and 2 do not identify any impact which affects the environment. No potentially moderate or large impact on the environment has been identified.
- The proposed action is regulatory in nature. It does not prohibit or discourage or encourage the development or use of tall structures.
- The action protects the environment by regulating the siting of commercial/industrial wind energy conversion systems, including setbacks, height and noise limitations, and construction time restraints. The action also prohibits the siting of commercial/industrial wind energy conversion systems within three miles of the Lake Ontario shoreline.
- The law is of Town wide application and does not enable or prevent any specific actions or project.

RESOLUTION 58-2018

ADOPTION OF LOCAL LAW #3-2018 ENTITLED A LOCAL LAW AMENDING THE SUPPLEMENTAL ZONING REGULATIONS RELATED TO COMMERCIAL/INDUSTRIAL WIND ENERGY CONVERSION SYSTEMS

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the following resolution was

ADOPTED

By Roll Call Vote

Supervisor Engert	Aye
Councilwoman Jansen	Aye
Councilman Dewart	Aye
Councilwoman Bronson	Aye
Councilman Hotaling	Aye

WHEREAS, The Town Board of the Town of Somerset having duly called and held a Public Hearing at Somerset Town Hall, 8700 Haight Road, Barker, New York 14012, on the 10th day of January, 2018 and continued on the 29th day of January, 2018 upon the question of the enactment of “A Local Law amending the supplemental zoning regulations related to Commercial/Industrial wind energy conversion systems”; and

WHEREAS, the proposed local law having been reviewed and recommended for approval by the Niagara County Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that “A Local Law amending the supplemental zoning regulations related to Commercial/Industrial wind energy conversion systems” is hereby enacted and effective upon its filing with the New York State Department of State.

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On a motion of Councilman Hotaling, seconded by Councilwoman Bronson, the meeting adjourned at 8:07P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk