

**TOWN OF SOMERSET
PLANNING BOARD
June 2, 2016**

Present: Jon Hotaling
Krista Atwater
Chris Czelusta
Gary Few
Norman Jansen
Mike Norris, Counsel

Attendance: Approximately 15 people

Chairman Hotaling called the meeting to order at 7:30PM.

**PUBLIC HEARING – BARBARA EGGERT/LIGHTHOUSE WIND MET TOWER
7469 W. SOMERSET ROAD**

On a motion of N. Jansen, seconded by G. Few, the following resolution was

ADOPTED	Ayes	4	Hotaling, Atwater, Few, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the Barbara Eggert/Lighthouse Wind Public Hearing reconvene from May 5, 2016.

Taylor Quarles from APEX provided an update. They received email approval for the perimeters of the visual simulation scope and site plan. The work is underway and he hopes to have the final version to us two weeks before our next meeting. ESS is performing the visual simulation scope, and Fisher is preparing the site plan survey. Taylor said that Mercy Flight will receive the plan.

Jim Ferington said that he is against the APEX project and asks why it is being undertaken when the community says no.

Cathi Orr stated that she is also against the project and asks why we are doing this. Why do they need more met towers? Since the information is proprietary we will never know what the information is.

Betty Wolanyk stated that this is going to be placed directly behind her property and she is opposed to the towers and the whole Lighthouse Wind project. She wants the board to vote no.

Jim Hoffman spoke about the whole project being in conflict with the Town Comprehensive Plan and said that a recent issue of Wind Power Magazine claims that Communication towers kill more birds than wind turbines. He feels this is just cause for establishing a Tower Ordinance that calls for a more bird and bat friendly tower design.

Agnes LaPort asked why APEX is wasting money trying to push something on to us that we do not want. She said we are going to fight this to the end and they should go somewhere in the country where they are wanted.

On a motion of G. Few, seconded by N. Jansen, the following resolution was

ADOPTED	Ayes	4	Hotaling, Atwater, Few, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the public hearing remain open.

**PUBLIC HEARING – CHARLES LYNDAKER/LIGHTHOUSE WIND MET TOWER
8746 LAKE ROAD**

On a motion of N. Jansen, seconded by G. Few, the following resolution was

ADOPTED	Ayes	4	Hotaling, Atwater, Few, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved, that the Charles Lyndaker/Lighthouse Wind Public Hearing does reconvene from May 5, 2016.

Taylor Quarles stated that the visual simulation he spoke of earlier applies only to this application. He reiterated that they received email approval for the perimeters of a visual simulation scope and site plan. The surveyors are out and he would like to submit the plans two weeks prior to our next meeting. Mercy Flight will receive the final plan also.

N. Jansen asked who ESS is.

Taylor explained that ESS is a third party consultant contracted to perform a visual simulation from the cemetery on Route 18. They take a single picture looking toward the tower and model what the tower would look like from that vantage point in the cemetery. He stated that a cell phone tower and the coal stack are also visible from the cemetery.

N. Jansen asked if the firm has been on site or if they are doing this all from pictures.

Taylor said that ESS was the one who went out and took the picture that they provided earlier.

N. Jansen asked for the location of ESS.

Taylor stated that he will email a link to Tracy to distribute.

K. Atwater asked why they are not providing a visual simulation for the Eggert tower since the distance between that tower and the West Somerset cemetery is closer than the Lyndaker tower to the Somerset cemetery.

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Attorney Norris stated that may have been an oversight by our engineer.

Taylor provided consent to re-open the Eggert hearing in order to discuss this.

Jim Hoffman stated that his earlier comments apply to this application also. He asked why we are worried about dead people when the living people do not want to see this.

Annie Smith from Yates said this is the third meeting she has attended regarding met towers and it seems as though APEX is pushing back and not providing the information the board is looking for. She feels this proves what kind of company they are and she wants the board to vote no.

Betty Wolanyk stated that there is not a lease filed for the Lyndaker property so she wonders why APEX wants to put the tower there. She also still wonders if APEX can extrapolate data from 200 feet for a 600+ ft tower, why can't they extrapolate the data from the two existing towers they have?

Agnes LaPort stated that she would like to know more about ESS also. Chairman Hotaling told Agnes that Clerk Carmer will give her the information.

Cathi Orr said she is against the met tower for the same reasons as the other one and wants the board to vote no.

Chris Kraft from Yates thanked the board for their openness. He attended meetings for a previously proposed met tower near his property and he was not allowed to stand and speak at those meetings.

N. Jansen worked out the rough distances between the properties and the cemeteries. The Lyndaker property is approximately 2,500' – 3,000' from the cemetery. The Eggert property is approximately 1,500' – 1,600' from the cemetery.

On a motion of G. Few, seconded by N. Jansen, the following resolution was

ADOPTED	Ayes	4	Hotaling, Atwater, Few, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the public hearing remain open.

On a motion of K. Atwater, seconded by N. Jansen, the following resolution was

ADOPTED	Ayes	4	Hotaling, Atwater, Few, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the Eggert public hearing reconvene.

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Taylor Quarles reviewed part of the application and thanked the board for clarification. He stated that APEX submitted the applications in March and they and the board have gone through a thoughtful process of hearing concerns and Apex has undertaken significant work in both time and expense at the request of the board. He stated that the original met tower they already have was accepted with the original application that was submitted. He stated that their towers are "temporary" with a three year time limit. In between the proposed towers and the cemetery lies an active train line and two overhead electric lines. He feels that there has been ample time for the board and Mr. Reilly to ask these questions. He has appeared in front of the board for the 4th month now. This is a temporary structure while there are other man-made structures between the cemetery and proposed tower so he highly objects to undertaking additional photo simulation work. He stated that on both towers they have written approval from the landowners to use their land for this temporary use.

N. Jansen stated that the board has to answer to the residents and is smarter now than the first time the met tower was approved.

K. Atwater feels that if the board is looking at one simulation, they should look at both, even though the railroad is there. She feels it is especially important now that the cemetery is being expanded.

G. Few said he agrees with the rest of the board.

Chairman Hotaling stated he feels this should be run by Mr. Reilly and let him make the decision.

Attorney Norris stated that Mr. Reilly recommended review on the other cemetery and that he could review the issue.

Jim Ferington stated that it sounds like APEX will be running out of money so perhaps they should leave.

Jim Hoffman stated that a photo simulation is a farce.

Agnes LaPort stated that the landowners where the met towers are going have been well paid and that is why they are in favor of it.

Jim Ferington asked why the landowners are not here.

Chairman Hotaling stated that they submitted written authorizations so they are not required to be here in person.

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On a motion of J. Hotaling, seconded by N. Jansen, the following resolution was

ADOPTED	Ayes	4	Hotaling, Atwater, Few, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the public hearing remain open.

APPROVAL OF MINUTES

On a motion of N. Jansen, seconded by G. Few, the following resolution was

ADOPTED	Ayes	5	Hotaling, Atwater, Czelusta, Few, Jansen
	Nays	0	

Resolved the minutes of the May 5, 2016 meeting are approved as submitted.

There being no further business, G. Few moved to adjourn the meeting at 7:55PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC
Town Clerk/Secretary