

**TOWN OF SOMERSET  
PLANNING BOARD  
MARCH 9, 2017**

Present: Jon Hotaling  
Krista Atwater  
Chris Czelusta  
Norman Jansen  
Ben Wisniewski, Counsel

Absent: Gary Few

Attendance: 13 residents

Chairman Hotaling called the meeting to order at 7:30PM and reminded the audience that the public hearings have been closed so they will not be offered the opportunity to provide input.

Chairman Hotaling stated that APEX took the Planning Board to court and the judge ordered that the Planning Board has to make their decision.

Attorney Wisniewski read the judge's decision and provided an overview of the timeline of the applications. On August 4, 2016 the hearings were closed and subsequently there was debate over the proper SEQRA designation. On October 6, 2016 the board determined that the towers are Type 1 Action. APEX challenged this by filing an Article 78. On February 28, 2017 the judge ruled against the Planning Board and held that Met Towers are to be considered Type 2 actions so no further environmental review can be done under SEQRA. Thus the 62 day window has expired and the judge ordered the board to make their decision at their next meeting, which was last week. Due to extenuating circumstances that could not occur so the decision is being made tonight.

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

Attorney Wisniewski read the conditions and stated they are identical for both applications. He stated all of the conditions that were applied in 2014 are also being applied here, in addition to three modifications being made (numbers 6, 8 and 11). As he read the conditions he flagged the changes for Taylor Quarles from APEX.

Taylor stated that number 6 indicated requires him to present quarterly reports in person. He asked if he could submit the reports in written form quarterly and appear in person annually at our renewal meeting since we only meet as needed and he may not meet that requirement because of that.

Chairman Hotaling stated that he wants APEX to appear in person if we have a meeting at the quarterly timeframe.

They agreed that Taylor would submit quarterly reports in written form, and appear with a verbal report at the annual renewal and every 6 months at a time to be arranged by Taylor and the Planning Board.

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Taylor referred to number 11 and said that he would put high visibility snow fence around the guyed wires and asked if that was acceptable.

Chairman Hotaling stressed “high visibility.”

N. Jansen thought there was conflict between number 7 and number 8 with the terminology “if required.”

Attorney Wisniewski stated that one does not wash the other out. Number 7 sets the minimum that they must meet the FAA requirement, and number 8 clarifies further that in this specific case, they also need to do this. N. Jansen wanted to make sure it is clear that night vision goggle compatible lights are to be used.

Attorney Wisniewski made some adjustments to number 6 and reread it. Taylor said it is acceptable.

K. Atwater said she would like to see number 11 modified to read recreational and agricultural. Attorney Wisniewski made the change and Taylor said it is acceptable.

On a motion of N. Jansen, seconded by K. Atwater, the following resolution was ADOPTED by Roll Call Vote:

Chairman Hotaling:	Aye
Krista Atwater	Aye
Norm Jansen	Aye
Chris Czelusta	Abstain

Resolved Eggert/Lighthouse Wind Special Use Permit for a 60m Meteorological Tower at 7469 W. Somerset Road is approved as per the following conditions:

1. The permit shall conform to ordinances of the Town of Somerset in all respects.
2. Any violation of condition(s) of the Special Use Permit shall be grounds for revocation.
3. The premises shall be kept neat and orderly.
4. This permit shall expire annually beginning at 11:59 pm on March 9, 2018.
5. The collection of data and removal of the tower shall be completed upon the expiration of the permit.
6. Pursuant to the express consent of Taylor Quarles provided during the March 3, 2016 Planning Board Meeting, Status reports shall be filed with the Planning Board quarterly, consisting of written reports, and semi-annual in person reports, as arranged, shall be provided by a representative of Lighthouse Wind, LLC, during Planning Board meetings, and consisting of a review of general wind data such as the direction of the wind, and any other such data or operational reports that are not proprietary.
7. The applicant shall comply with all “FAA” regulations for marking or lighting the tower, if required.

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8. Pursuant to the express consent of Taylor Quarles provided during the April 7, 2016 Planning Board Meeting, and to ensure tower lights do not interfere with Mercy Flight helicopter operations, and more specifically to avoid interference with night vision devices used by the crews of Mercy Flight helicopters, all tower lighting shall be compatible with night vision goggles.
9. Copies of inspection reports that are filed in accordance with federal and state guidelines shall be filed with the Planning Board.
10. A Tower Removal Bond in the amount of Ten Thousand Dollars shall remain in effect by the applicant while the Tower is up and until taken down by the applicant.
11. To protect the health safety and welfare of agricultural land users and recreational snowmobilers and four wheelers operating in the vicinity of tower guy-wires, the applicant shall install fencing reasonably sufficient to prevent injury to snowmobilers and four wheelers caused by contact with guy-wires.

On a motion of N. Jansen, seconded by K. Atwater, the following resolution was ADOPTED by Roll Call Vote:

Chairman Hotaling:	Aye
Krista Atwater	Aye
Norm Jansen	Aye
Chris Czelusta	Abstain

Resolved Lyndaker/Lighthouse Wind Special Use Permit for a 60m Meteorological Tower at 8746 Lake Road is approved as per the following conditions:

1. The permit shall conform to ordinances of the Town of Somerset in all respects.
2. Any violation of condition(s) of the Special Use Permit shall be grounds for revocation.
3. The premises shall be kept neat and orderly.
4. This permit shall expire annually beginning at 11:59 pm on March 9, 2018.
5. The collection of data and removal of the tower shall be completed upon the expiration of the permit.
6. Pursuant to the express consent of Taylor Quarles provided during the March 3, 2016 Planning Board Meeting, Status reports shall be filed with the Planning Board quarterly, consisting of written reports, and semi-annual in person reports, as arranged, shall be provided by a representative of Lighthouse Wind, LLC, during Planning Board meetings, and consisting of a review of general wind data such as the direction of the wind, and any other such data or operational reports that are not proprietary.
7. The applicant shall comply with all "FAA" regulations for marking or lighting the tower, if required.
8. Pursuant to the express consent of Taylor Quarles provided during the April 7, 2016 Planning Board Meeting, and to ensure tower lights do not interfere with Mercy Flight helicopter operations, and more specifically to avoid

interference with night vision devices used by the crews of Mercy Flight helicopters, all tower lighting shall be compatible with night vision goggles.

9. Copies of inspection reports that are filed in accordance with federal and state guidelines shall be filed with the Planning Board.

10. A Tower Removal Bond in the amount of Ten Thousand Dollars shall remain in effect by the applicant while the Tower is up and until taken down by the applicant.

11. To protect the health safety and welfare of agricultural land users and recreational snowmobilers and four wheelers operating in the vicinity of tower guy-wires, the applicant shall install fencing reasonably sufficient to prevent injury to snowmobilers and four wheelers caused by contact with guy-wires.

Discussion ensued whether or not a building permit is needed. Taylor will follow up with our Code Enforcement Officer.

There being no further business, N. Jansen moved to adjourn the meeting at 7:50PM, seconded by K. Atwater. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC  
Town Clerk/Planning Board Secretary