

**TOWN OF SOMERSET  
PLANNING BOARD  
May 5, 2016**

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

Absent: Gary Few

Attendance: Approximately 40 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 K. Atwater, the following resolution was

ADOPTED	Ayes	3	Hotaling, Atwater, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the Barbara Eggert/Lighthouse Wind Public Hearing reconvene from April 7, 2016.

Dan Fitzgerald from APEX provided an update. He stated that they are hiring an engineering firm and would like to put together a scope of work to submit to Wendel for approval before preparing a site plan for the board to review.

Attorney Norris advised that the site plan is all that is outstanding for this application.

Dan Fitzgerald stated that regarding both applications, Mercy Flight wants to know the final location of the towers. He said they cannot say it is the final location until they have the permit so he would like to make the letter of approval from Mercy Flight a stipulation that they cannot construct until then.

Attorney Norris asked if they can submit the site plan to Mercy Flight so the board knows whether these sites are acceptable to Mercy Flight prior to issuing a decision.

Dan said yes.

Chairman Hotaling stated that he asked Taylor Quarles two months ago why Somerset was chosen for the project? Taylor gave him three reasons, one of them being wind. He asked if they already know that we have good wind, why do are the met towers necessary.

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Dan stated that the towers will refine how the wind works. The original towers verified that we have wind. The additional towers will help determine what type of turbine is appropriate and where they should be placed. It also provides data for the expected output of the entire wind farm which is part of the permitting process.

N. Jansen asked if they find that the wind is not sufficient, would they walk away.

Dan said if suddenly the wind dropped off and it would not be a profitable project, they would not be able to get financing for it and therefore it would not be worthwhile.

Chairman Hotaling stated that several years ago the power plant advised that the wind is Class 3 at best, and the only thing that makes it desirable here is the grid.

Dan said that since that time technology has advanced and the increased height and efficiency of the turbines have allowed low wind areas to be productive enough to be profitable.

K. Atwater asked if the information could change once the application is actually filed.

Dan said that they have not had any set plans or details. All of the studies they are doing for the project (not the met towers) gathers the data for the application.

Don Stoll from Haight Road stated at the onset of the project residents assumed that the windmills were going to be much less invasive like the ones at the Wastewater Treatment Plant. His neighbor contacted APEX because he thought he may want a windmill. Taylor visited him and brought maps with him showing viable and non-viable spots for the turbines, but they were not totally accurate. Don asked for a map but was told no, so he felt there was possible deception. He said that the potential height of the proposed turbines have never been installed anywhere except offshore so he asked the board if Somerset is a guinea pig. He asked if there is a reason they have never been installed anywhere except offshore.

Gail Damon of Lower Lake Road questioned why they are requesting additional towers when the community does not support industrial wind development. She said if we allow APEX to put up additional towers, we are opening the door to the development, not shutting it. She wants the board to vote no.

Agnes LaPort from Coleman Road asked why APEX wants to waste more money on a project that we do not want and will fight until the end.

Cathi Orr of Johnson Creek Road feels that APEX wants to put up more towers so they become more indebted in the community and can go to court saying they have all this money up here. She said that APEX will not share information since it is proprietary so what is the point, they should just go home.

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Jim Hoffman from Lake Road (across from the proposed site of one of the met towers) stated the met towers are a significant part of the wind project and provided reasons the application should be rejected such as:

- The project is in conflict with the Town's Comprehensive Plan
- The public does not want the project
- There are 19 organizations including American Bird Conservancy and US Fish & Wildlife Service that have an issue with the project
- Disruptions such as visual pollution, noise, vibration, killing of birds and bats, etc. will forever change the character of our community

He feels the approval of the first met tower is not precedent setting since much has taken place since that application. He wants the town to consider an ordinance that specifically deals with towers and their design. He said with the recently signed Code of Conduct that APEX must demonstrate full compliance to the satisfaction of the Planning Board and the Town Board. He also wants the board to require that the prior wind studies conducted by AES with two met towers spanning 2-3 years be utilized.

Dan Fitzgerald stated that they did try to obtain the AES data. He even spoke with the current Plant Manager to try to find some inroads as to where the data is. He said Jim that is correct, the data would help them and would have been nice to have.

Bob Verheyen of Somerset Drive said he understands that Jim Atwater just purchased 100 acres of land off Carmen Road for this project. He says to take into consideration that they will need a couple more met towers for that. He said we do not need any more met towers in Somerset or Barker.

Marcia Ray from Lake Road agrees with Jim Hoffman. She is concerned as to what our town can absorb regarding interference with everyday life. She said the traffic on Lake Road is unbelievable, especially the trucks. She asked if our town can incorporate more of these vehicles ruining our infrastructure. She said we have already seen farmland throughout the county ruined by the railroad. She said we do not want the project here.

Chris Bronson of Somerset Drive stated that Article X allows the town to make the decision to allow met towers and she thinks the Planning Board should say no more met towers.

John Wolanyk from Haight Road agrees with Chris Bronson.

Dick Ray from Lake Road was part of the monitoring of the met towers that AES installed. He said they checked all kinds of parameters every single day, charting and recording them. He feels with all of these studies done, we do not need more.

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

ADOPTED	Ayes	3	Hotaling, Atwater, 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 K. Atwater, the following resolution was

ADOPTED	Ayes	3	Hotaling, Atwater, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the Charles Lyndaker/Lighthouse Wind Public Hearing reconvene from April 7, 2016.

Dan Fitzgerald advised that in addition to issuing the scope of work to Wendel, and providing the site plan to Mercy Flight, this application also requires a visual assessment for the cemetery. He provided a photo to the board showing the location where the visual assessment will be done from. They went to the far southeast corner which is closest to the met tower area. Now they will do a simulation imposing it there to provide the assessment with the greatest visual impact. He would like approval from the board before they proceed.

Attorney Norris asked if he will email the photo to Drew at Wendel.

Dan said yes.

N. Jansen said he would like to see the pictures that APEX takes at that location.

Chairman Hotaling stated that he cannot stress enough the impact on Mercy Flight and it will have a huge bearing on this location.

Cathi Orr stated that Brian Higgins is concerned that the closing of the power plant in Tonawanda would propose higher energy costs. He said that Niagara Falls would most likely increase their power production. So she feels there is less of a need for this project. She recommends the board votes no.

Jim Hoffman stated that his earlier comments apply to this application also.

Don Stoll has a friend in security at some of the wind sites. He returned from Cohocton and said the topography there speaks well for it. The project administrator there said that anytime there is more than 50% opposition to a project, they leave immediately. So Don wants to know why APEX is still here.

Marcia Ray said that we have no resources for medical emergencies and we are an aging population so we need Mercy Flight. She asked where the money for the project is coming from? Are they getting subsidies? Is that why they are hanging around?

Agnes LaPort asked if we cannot just deny the met towers instead of leaving the hearing open?

Steve Royce from Appleton stated the application would be moot and the opposition would be reduced if this were a solar installation. He said that solar provides the same amount of electricity and does not kill birds or have the visual impact on the community.

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

ADOPTED	Ayes	3	Hotaling, Atwater, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved the public hearing remain open.

### **APPROVAL OF MINUTES**

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

ADOPTED	Ayes	4	Hotaling, Atwater, Czelusta, Jansen
	Nays	0	

Resolved the minutes of the April 7, 2016 meeting are approved as submitted.

### **SPECIAL USE PERMIT RENEWALS**

Clerk Carmer stated that Code Enforcement Officer Lee inspected the LaForest property and spoke with the owner. He said the property has one unregistered vehicle and has been cleaned up so he does not have an issue with it.

Chairman Hotaling said it does look a little better but there are four unregistered vehicles under tarps and behind the building.

On a motion of C. Czelusta, seconded by N. Jansen, the following resolution was

ADOPTED	Ayes	3	Atwater, Czelusta, Jansen
	Nays	1	Hotaling

Resolved the Special Use Permit for a two family dwelling at 1930 Quaker Road, owned by Joseph LaForest, is renewed as per the terms of the permit.

Clerk Carmer stated that she has received no response from Mr. Perry for his renewal.

Chairman Hotaling stated that it has been over one year since we have heard from him.

Clerk Carmer confirmed that we sent a certified letter to him.

Chairman Hotaling stated that he was all for his business and wishes he had started the business.

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

ADOPTED	Ayes	4	Hotaling, Atwater, Czelusta, Jansen
	Nays	0	

Resolved the Special Use Permit for Larry Perry to operate a feed and animal care store at 1945 Quaker Road is revoked.

Clerk Carmer advised that we overlooked approving the Special Use Permit for Crown Atlantic. They have provided the renewal, insurance certificate, and updated bond.

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On a motion of C. Czelusta, seconded by K. Atwater, the following resolution was  
ADOPTED Ayes 4 Hotaling, Atwater, Czelusta, Jansen  
Nays 0

Resolved the Special Use Permit for a communications tower at 1943 Quaker Road operated by Crown Communications is renewed as per the terms of the permit.

N. Jansen asked what is happening with the property that was purchased at the corner of Lake Road and Quaker Road. Discussion ensued regarding the possible uses being considered for the site.

There being no further business, K. Atwater moved to adjourn the meeting at 8:10PM, seconded by C. Czelusta. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC  
Town Clerk/Secretary