

TOWN BOARD SPECIAL MEETING  
January 26, 2022

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 26<sup>th</sup> day of January 2022.

Present:     Jeffrey M. Dewart----- Supervisor  
                 Jon Hotaling ----- Councilman  
                 Gail Damon ----- Councilwoman  
                 Fred Leuer ----- Councilman  
                 Tracy L. Carmer----- Town Clerk  
                 Mindy Austin ----- Confidential Asst. to the Supervisor  
                 David Haylett----- Attorney

Absent:       Robin R. Jansen ----- Councilwoman  
                 Michael M. Flint ----- Supt. of Highways  
                 Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds  
                 Brian Sibiga ----- Engineer

Audience:    12, including BCS students

Supervisor Dewart called the meeting to order at 6:00PM with the Pledge to the Flag.

**SOLAR ENERGY LOCAL LAW**

Clerk Carmer read the notice of public hearing. Notice of said hearing was sent to the Lockport Union-Sun & Journal on January 11, 2022, with same notice being posted at the Town Hall and on the website on the same day.

Attorney Haylett and Engineer Drew Riley attended the County Planning Board meeting on Monday and advised that they approved our local law.

Jim Hoffman appreciates that the Board held open the public hearing in order to review the comments that were made. He would like for there to be a ban on clearing wood lots, or perhaps making it a condition on permits. He feels the annual report should be month by month instead as conditions change monthly. He also wants the permits to address disposal and believes the NYSDEC should be given the opportunity to comment on a plan. He would like a list of hazardous materials that can be referenced in our special use permit. Regarding back taxes, he would like to see a coordinated effort between the Town, County and school to get them paid.

Drew Riley stated that NYSEDA likes our law and is incorporating some of it into theirs. Drew said that SEQRA can help to get what Jim Hoffman talked about. He also stated that the zoning complies with our comprehensive plan. He advised that the County passed a law that solar panels have to be recycled. He stated that there are no recycling facilities right now and he wonders who is going to enforce this law.

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Pam Atwater appreciates the time that was taken to compile this law. She thanked the Board for making it dark sky compliant.

Betty Wolanyk thanked the individual people who were on the solar committee. She appreciates that the Board slowed down the hearing and addressed the solar panels north of Route 18. She is concerned about the property behind the Cobblestone House and wants it to remain farmland. She hopes the Board will revisit the law as technology changes.

RESOLUTION 35-2022

**CLOSE THE PUBLIC HEARING ON SOLAR ENERGY SYSTEMS**

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

ADOPTED: Ayes                4        Dewart, Hotaling, Damon, Leuer  
              Nays                0

Resolved with all persons having been heard, to close the Public Hearing at 6:14PM.

Attorney Haylett advised that Attorney Mark Davis reviewed the law and said that it is a good law. The State will have the final say on projects under 94-c.

RESOLUTION 36-2022

**SOLAR ENERGY SYSTEMS LWRP**

On a motion of Councilwoman Damon, seconded by Councilman Leuer, the following resolution was

ADOPTED    Ayes    4        Dewart, Hotaling, Damon, Leuer  
                  Nays    0

**WHEREAS**, a proposed local law entitled, "A Local Law Amending Article XXII of Chapter 205 of the Town Code – Solar Energy Systems" has been introduced; and

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

The proposed Local Law repeals and replaces Article XXII of the Town of Somerset Zoning Code, Solar Energy Systems. Said proposed Local Law includes but is not limited to the following provisions: tiering solar energy systems by size and scale; establishing permit requirements for solar energy systems based on tier; establishing application or site plan approval procedure and standards for solar energy system applications; requiring a decommissioning plan for large-scale solar energy systems; and setting zoning standards for solar energy systems of larger scale.

The Town previously held public hearings on the proposed Local Law on December 8, 2021 and January 5<sup>th</sup>, 2022. Amendments were introduced to said proposed Local Law on January 5<sup>th</sup>, 2022, an abstract of said amendments are as follows: Sections 205-110 and 205-113 were amended to permit the siting of Tier 3 and Tier 4 solar energy systems in

Planned Unit Development Districts without the need to satisfy the requirements set forth in Article XV of Section 205 (Planned Unit Development District) of the Somerset Town Code. Section 205-112(1)(e)(ii)(c) was amended to clarify that landscape screening shall be located on the exterior of the fence line.

**WHEREAS**, the Waterfront Consistency Law is to protect the environment and resources of the LWPR 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 Dewart on behalf of the Town Board is hereby adopted and ratified in all respects by the Town Board.

**SEQRA LEAD AGENCY RESOLUTION**

**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 Article XXII of Chapter 205 of the Town Code – Solar Energy 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 37-2022

**SOLAR ENERGY SYSTEMS SEQRA**

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

ADOPTED Ayes 4        Dewart, Hotaling, Damon, Leuer  
              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 Article XXII of Chapter 205 of the Town Code – Solar Energy Systems", and

**WHEREAS**, the Town Board of 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 Article XXII of Chapter 205 of the Town Code – Solar Energy 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.

Part III continued

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 Solar Energy Systems. The reasons for adopting the determination of significance are as follows:

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- 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 Solar Energy Systems.
- The law is of Town wide application and does not enable or prevent any specific actions or project.

Attorney Haylett stated that the resolutions pertain to the law, and not projects.

RESOLUTION 38-2022

**SOLAR ENERGY SYSTEMS LOCAL LAW #3-2022**

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

ADOPTED by Roll Call Vote:	Supervisor Dewart	Aye
	Councilman Hotaling	Aye
	Councilwoman Damon	Aye
	Councilman Leuer	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 8<sup>th</sup> day of December, 2021, the 5<sup>th</sup> day of January, 2022, and the 26<sup>th</sup> day of January, 2022 upon the question of the enactment of “A Local Law Amending Article XXII of Chapter 205 of the Town Code – Solar Energy Systems”; and

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

**WHEREAS**, the Town Board of the Town of Somerset, as lead Agency for SEQR has issued a negative declaration for SEQR.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of Town of Somerset hereby the Town Board of the Town of Somerset that “A Local Law Amending Article XXII of Chapter 205 of the Town Code – Solar Energy Systems” is hereby enacted and effective upon its filing with the New York State Department of State.

RESOLUTION 39-2022

**WATER/SEWER/GROUNDS PICKUP TRUCK PURCHASE**

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

ADOPTED	Ayes 4	Dewart, Hotaling, Damon, Leuer
	Nays 0	

**WHEREAS**, the Water/Sewer/Grounds Department has the need to purchase a 2022 Chevrolet Silverado 2500HD pickup truck; and

**WHEREAS**, the vehicle is available for purchase under NYS Office of General Services Vehicle Market Place Mini-Bid #8935, Contract #PC68942 from Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York 14043;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby authorizes the Superintendent of Water/Sewer/Grounds to purchase a 2022 Chevrolet Silverado 2500HD pickup truck in an amount not to exceed Thirty Six Thousand Four Hundred Fifteen and 00/100 (\$36,415.00) dollars from the NYS Office of General Services Vehicle Marketplace Mini-Bid #8935, contract #PC68942 through Joe Basil Chevrolet, Inc.; and be it further

**RESOLVED**, that the Town Supervisor and Town Water/Sewer/Grounds Superintendent are authorized to execute any and all documents in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

Supervisor Dewart explained that this truck is \$4,000 more than was budgeted, but 1500's are not available right now. An estimated trade-in was provided of \$4,000 - \$6,000 so the priced difference is covered.

Attorney Haylett provided a description of the bids.

Prior to adjournment, Supervisor Dewart thanked the committee for their work on the solar law. Engineer Riley advised of current grants that are available that the Town may be interested in.

On a motion of Councilwoman Damon, seconded by Councilman Leuer, the meeting adjourned at 6:38P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk