

**TOWN OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
Monday, July 25, 2022 at the Town Hall at 6:00 p.m.**

PRESENT: Richard Dayton, Chairman
Sheri Barrera, Vice-Chairperson
Gary Mathe, Member
Robert Poole, Member
Timothy Zervas, Member

ALSO PRESENT: Greg Keyser-Town Planner, Kelly Fredrickson- CEO,
Kathleen McGoldrick-Applicant, Rodney Tolley, Ryan Calesina-Solar
Liberty, Asher Pontikos-Applicant, Allie Lesinski, Sharon Mathe.

Mr. Richard Dayton, Chairman called the meeting to order at 6:00 p.m.

The Minutes of the June 27, 2022 meeting were read. Corrections were made.

Moved by Mr. Zervas to approve the Minutes of June 27, 2022 as corrected. Seconded by Mr. Mathe. Ayes all. Carried.

**TPB-2022-016, 8133 West Valley Road, Kathleen McGoldrick
Special Use Permit for a Tier 2 Solar Energy System**

Mr. Dayton presented TPB-2022-016- 8133 West Valley Road, Special Use Permit for a Tier 2 Residential Ground Solar Array.

Mr. Keyser presented his staff report on this application for a Special Use Permit and Site Plan Review for a Tier 2 Solar Energy system. The applicant is proposing the installation of a 9.72 ground mounted solar array to generate electricity for onsite consumption. The proposed system includes 3 solar racks encompassing approximately 400 square feet in the front yard area of the property, as well as ancillary electrical improvements to connect to the existing residence.

The property is approximately 1.90 acres in the Agricultural-Residential District and Conservation District. Pursuant to Section 1.7 of the Zoning Code, if any portion of a lot is in a C District, the regulations for the C District shall apply. In a C District, Tier 2 Solar Energy Systems are allowed as accessory uses in the front yard. One June 2, 2022 the Zoning Board of Appeals granted two area variances allowing the proposed solar energy system to be constructed 43 feet from the front property line and 10.5 feet from the north side property line.

Mr. Dayton noted that the proposal appears to meet the zoning requirement for height (under 10 feet). The Planning Board should address screening in the front yard and on the north side yard.

Ms. Barrera asked, will there be any future development on the north side?

Mr. Tolley said the 200 feet between the properties is swamp and trees. The neighbor does not have any plans to do anything with the lot.

Ms. Barrera asked will we need to hold a public hearing?

Mr. Dayton said yes.

Ms. McGoldrick advised that the neighbor to the north was notified of the public hearing held by the ZBA on the variance requests and he did not submit any comments or attend the public hearing.

Mr. Zerfas asked is the land flat where the array will be located? Is there glare from the panels to drivers on the road?

Mr. Calesina advised that the panels have a coating to reduce glare. The panels will point straight up in the summer and can be tipped as the angle of the sun changes with the seasons. At no time will the panels create glare. Screening is ok as long as it does not create shade over the panels.

Mr. Dayton said that the applicant should decide what type of plantings they want to use for screening. It only needs to be 10 feet high

Mr. Tolley noted that the north side yard already has some growth. The south side has a fence and a garden.

Mr. Poole said it appears with the variances the array is somewhat off the road.

Mr. Tolley said yes that is correct.

Ms. Barrera asked what maintenance is required on the panels?

Mr. Calesina said the panels do not require maintenance. The lawn under the arrays can be mowed.

Ms. McGoldrick stated that the location of the array is a field with no lawn.

Mr. Zerfas said we need to ask for screening up to 10 feet high.

Mr. Tolley asked, do you need screening on the north side if the neighbor has no issue or comment?

Mr. Keyser said you can have the applicant submit a plan for screening for the August meeting and it can be a condition of approval.

Ms. McGoldrick asked, do we want people to see what is happening on the property for future clean energy projects?

Mr. Dayton advised that this is our first Tier 2 Solar Energy project and needs screening because of the scenic highway designation.

Moved by Ms. Barrera to set a public hearing for TPB-2022-016, Special Use Permit and Site Plan review for a Tier 2 Solar Energy Array at 8331 West Valley Road for August 22, 2022 at 6:00 p.m. Seconded by Mr. Mathe. Ayes all. Carried.

**TPB-2022-097, 6312 Cotter Road, Asher Pontikos
Sketch Plan Application
Letter of Intent for Minor Subdivision**

Mr. Dayton presented TPB-2022-097, 6312 Cotter Road, a Sketch Plan application and letter of intent for a minor subdivision.

Mr. Keyser presented his staff report on this proposal to split the existing lot into two parcels and purchase approximately 5.49 acres from the current property owner. The Town Code defines a subdivision as a division of any parcel of land into a cumulative total, over five years, of three or more lots. The parent parcel (38.003-1-27) was split for the first time on March 5, 2021 into two parcels. The proposal splits 38.003-1-27.2 into 2 lots creating a total of 3 lots within the five year time frame. The proposal appears to meet the criteria for a minor subdivision.

The proposed subdivision does not exceed any Type 1 thresholds, nor does it appear to meet any definition of a Type II action under SEQR. The Planning Board should classify the project as an Unlisted Action and evaluate potential impacts using the Short EAF.

The property appears to be within 500 feet of the boundary of an active farm operation located in Cattaraugus County Agricultural District 1. A County Planning Board referral would be required under 239-n of the General Municipal Law.

A public hearing is not required if the proposal is determined to be a Minor Subdivision.

Mr. Asher Pontikos, applicant said the sole objective of this subdivision application is to split off a 5.49 acre parcel and maintain its current property class of 311 (residential vacant land). There may be plans in the future to build a single-family structure on the property. The current owner of the property is in agreement to subdivide so I can purchase the parcel.

Mr. Keyser said that a survey of the property dimensions needs to be provided.

Mr. Pontikos said I have a survey of the 37 acres.

Ms. Barrera asked what was the first split?

Mr. Fredrickson said the split was from the parcel across the road.

Mr. Dayton asked that the applicant provide a notarized document from the current property owner agreeing to the subdivision by Mr. Pontikos.

OTHER BUSINESS

Mr. Keyser advised that the solar project on Simmons Road may be on the August meeting agenda. They were not ready to be on this meeting agenda and are looking for approval by November or December.

Mr. Keyser advised that a Cellular Antenna Colocation for a tower on Jackman Hill Road may be on the August meeting agenda for a Special Use Permit. Telecommunication Laws prevent the Board from not approving the project.

Ms. Barrera asked the status of the Tiny Homes project?

Mr. Keyser said they are working on it.

Mr. Zerfas asked if the front deck issue was resolved?

Mr. Keyser said they took the deck out of the plans.

Mr. Fredrickson said they need a Flood Plain Permit for the work in the creek.

Mr. Zerfas presented an update on the "Drinking Water Project". A meeting is scheduled for September and the committee will submit a recommendation to the Town including an overlay district and protection for the wells. The Town should then enact rules or a local law to protect the watershed and aquifer. The Town Board is looking for volunteers to serve on a committee to review the findings.

Moved by Ms. Barrera to adjourn. Seconded by Mr. Poole. Ayes all. Carried.

The meeting was adjourned at 6:40 p.m.