

TOWN OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
Monday, August 22, 2022 at the Town Hall at 6:00 p.m.

PRESENT: Richard Dayton, Chairman
Bonnie Koschir, Member
Robert Poole, Member
Timothy Zerfas, Member

ALSO PRESENT: Gregory Keyser-Town Planner, Kathleen McGoldrick-Applicant,
Rodney Tolley, Lyndsey Mavissakalian-SolarLiberty

Mr. Richard Dayton, Chairman called the meeting to order at 6:00 p.m. and opened the public hearing for **TPB-2022-016, 8133 West Valley Road, Kathleen McGoldrick a Special Use Permit application and Site Plan Review for a Tier 2 Solar Energy System.**

Mr. Greg Keyser presented his staff report on this application for a Special use Permit and Site Plan Review of a proposal to install a 9.72 kW ground mounted solar array to generate electricity for onsite consumption. The original proposal involved three solar racks in the front yard area of the property, as well as ancillary electrical improvements to connect to the existing residence. However, the applicant was unable to get the solar panels originally planned for and has submitted a revised plan involving two solar racks instead of three.

The property is approximately 1.90 acres and is located in the A-R District and the Conservation District. Pursuant to Section 1.7 of the Zoning Code, if any portion of a lot is in the C District, the regulations for the C District shall apply. On 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.

The two pole array will be on a smaller footprint and the setbacks will be further back from the property lines. The Planning Board should determine if the revised site plan IS a substantial change from the original plan and set a public hearing for the September 26, 2022 meeting: or determine the revised site plan IS NOT a substantial change from the original plan and proceed with making a SEQR determination and final decision.

Mr. Dayton asked for questions or comments from the people attending. Nothing was submitted. He asked, if no one commented on the three pole array will they comment on the two pole array?

Mr. Keyser advised that no written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

Moved by Ms. Kischir to close the public hearing for TPB-2022-016, 8133 West Valley Road, Special Use Permit and Site Plan Review for a Tier 2 Solar Energy System.

Seconded by Mr. Poole. Ayes all. Carried.

Mr. Dayton opened the regular meeting. The Minutes of the July 25, 2022 meeting were read. Corrections were made.

Moved by Mr. Poole to approve the Minutes of July 25, 2022 as corrected. Seconded by Mr. Zervas. Ayes all. Carried.

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

Mr. Dayton presented TPB-2022-016, 8133 West Valley Road, Special Use Permit and Site Plan Review of a Tier 2 Solar Energy System for discussion.

Mr. Poole noted that from the material submitted the two pole array will not be moved to another area of the yard.

Ms. Koschir asked, will the panels be bigger than on the three pole array?

Ms. Mavissakalian of SolarLiberty said they will be longer but the same width and more efficient.

Mr. Dayton noted that the area variances for the setbacks were granted by the ZBA. This change will increase the setbacks.

Moved by Mr. Poole that the Planning Board determines that the revised site plan to change a three pole array to a two pole array is not a substantial change and to proceed to making a SEQR determination and final decision. Seconded by Ms. Koschir. Ayes all. Carried.

Mr. Keyser advised that review by Cattaraugus County Planning Board is not required because Site Plan Review and Special Use Permit for an accessory use is exempt from referral under Exhibit A, Item 16 of the Referral Exemptions agreement between Cattaraugus County and the Town of Ellicottville.

Mr. Dayton presented the Short EAF Part 2 for the Planning Board to Review.

Mr. Keyser noted that the proposed solar energy system is not anticipated to result in any significant adverse environmental impacts based on the following:

The project does not create a conflict with current land use and zoning regulations. The proposed solar energy system is allowed with a Special Use Permit in the Conservation District. The proposed solar energy system is within the area variance from front yard and side yard setbacks granted by the Zoning Board of Appeals. The project does not change the current use of property nor will it result in a significant change in the intensity of use of land. The proposed solar energy system will be an accessory use to an existing residence and is

intended to generate electricity to meet on site energy needs. The project will encompass approximately 400 square feet of land. The project uses renewable energy to meet current energy needs. The project is in the front yard area of the property along a rural highway designated as a scenic corridor . Plantings will be provided and natural vegetation maintained to mitigate the visual impact of the solar energy system.

Referral to Cattaraugus County Planning Board is not required because Site plan Review and Special Use Permit for an accessory use is exempt from referral undr Exhibit A, Item 16 of the Referral Exemptions agreement between Cattaraugus County and the Town of Ellicottville.

Moved by Mr. Zerfas to classify the proposed Tier 2 Solar Energy System at 8331 West Valley Road as an Unlisted Action and based on the review of the Short Environmental Assessment Form will not have a significant environmental impact when compared with the criteria in Section 617.5 of the SEQR Regulations and to issue a Negative Declaration. Seconded by Mr. Poole. Ayes all. Carried.

Ms. Koschir asked is the connection from the array to the house above ground?

Ms. Mavissakalian said it is underground

Mr. Zerfas asked what kind of plantings are proposed?

Mt. Tolley presented photographs of the existing plantings along the property and advised that the plan is to transplant existing choke cherries and other bushes on the property to this site to increase the buffer.

Ms. Koschir asked what is the depth of the screening area?

Mr. Dayton said there is no designated depth, just that the screening be effective.

Moved by Mr. Zerfas to grant Special Use Permit and Site Plan review approval of proposed Tier 2 Solar Energy Project at 8331 West Valley Road as presented in application materials in TPB-2022-016 with the following conditions:

- 1. The maximum tilt for the solar panels shall be 25-degrees to maintain compliance with the 10-foot height limitation for solar panels in the C-District.**
- 2. Adequate landscape screening and buffering and the area at the back of the array are to be maintained.**

Seconded by Mr. Poole. Ayes all. Carried.

**TPB-2022-092-Borrego Solar Systems, 6902 Simmons Road
5 MW community solar project-Special Use & Site Plan Review**

Mr. Keyser presented the July 27, 2022 letter from Barton & Loguidice outlining their review of the application materials for the proposed 5 MW community solar project at 6902 Simmons Road.

Mr. Dayton noted that Cattaraugus County is trying to find a way to have solar projects on less valuable farmland not needed for sustainable farming.

Mr. Zerfas noted that the list of involved agencies is long.

Mr. Keyser said this is normal for such projects.

Mr. Poole said we should err on the side of caution as this is the first project of this type.

Mr. Keyser said there will be a lot of scrutiny.

OTHER BUSINESS

Mr. Keyser advised that Barton & Loguidice are reviewing the application materials for the additional antenna to the existing tower on Jackman Hill. This is an application for a Special Use Permit but does it need an area variance? The 300 foot tower was built prior to the adoption of the Zoning Code and is a non-conforming use.

A representative of the cellular company explained how the additional equipment will be attached to a gate on four sides of the tower at about 210 feet off the ground. The equipment weighs between 5000 and 6000 pounds.

Ms. Koschir asked if this will improve cellular service?

The representative said this project is for T-Mobile.

Mr. Keyser said this application should be on the agenda for the September meeting.

Mr. Keyser said a second solar farm on the former Crowley property may be on the agenda. The project is proposed in the Conservation District where it is not allowed. The applicants may apply for a use variance and four area variances.

Mr. Zerfas asked for an update on the Tiny Homes project?

Mr. Poole noted that buildings are being constructed.

Mr. Keyser said they moved the decks out of the floodplain and have met engineering requirements for water and sewer hookups.

Mr. Zerfas presented an update on the "Drinking Water Project". The next meeting is August 23, 2022 at 4:00 p.m. The consultants will be presenting the finished project to the committee for review and recommendation to the Town Board.

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

The meeting was adjourned at 6:45 p.m.