

TOWN OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
Monday, March 27, 2023 at the Town Hall at 6:00 p.m.

PRESENT: Richard Dayton, Chairman
Caitlin Croft, Member
Bonnie Koschir, Member
Daniel Kruszynski, Member
Robert Poole, Member
Timothy Zerfas, Member

ALSO PRESENT: Gregory Keyser-Town Planner, Kelly Fredrickson-CEO, Adam Fishel-Marathon Engineering, Terrence Nolan-New Leaf Energy, Terence Lucey, Mike Brennan, Alisa Brennan, Katie Krotz, Carol Krotz, Sara Krotz, Randy Krotz, Lisa Krotz, Kyle Woodin, Jim Linsler, Melissa Hadley, Steve Hadley

Mr. Richard Dayton, Chairman called the meeting to order at 6:00 p.m. and opened the public hearing for **TZP-2-023-029, 8030 Jackman Hill Road, Special Use Permit for a cellular antenna co-location by American Tower.**

This is a Special Use Permit application to allow the co-location of antennas and equipment on the existing telecommunications facility. The proposed antenna will be installed at a height of 220-feet on the existing tower. The proposed equipment includes a 8' x 12' enclosure on a 9' x 12' concrete pad with underground trenching and cable connections for power and . communications. All work to be completed is within the existing fence line of the current base station.

Mr. Dayton asked for questions or comments from the people attending.

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

Mr. Terence Lucey of Jackman Hill Road stated that the tower is in his backyard about 400 yards from my residence. I want to know what exactly is going up and its use. Is it 5G? Mr. Keyser said it is for the Department of Defense. He asked a representative from American Tower to be at this meeting to answer questions, but it appears no one is here.

Mr. Lucey advised that he would like to see case studies on possible health issues and documentation of what is being installed and its use.

Mr. Dayton noted that the Planning Board does not have control over the use of the antenna.

FCC regulations allow for advancement of technology. The Planning Board reviews the project to make sure the tower is strong enough to hold the equipment and meets the Town of Ellicottville Zoning Regulations.

Mr. Lucey said that his concern is the emissions from 5G radio waves.

Mr. Keyser advised that American Tower needs a special permit to add to the tower. They have to provide an Environmental Assessment Form which should address your concerns.

We can ask the applicant to provide documentation on the equipment. Barton and Loguidice is reviewing the application materials including the structural integrity of the existing tower.

The Planning Board would need compelling arguments against the project to prevent it.

Mr. Dayton noted that the Town hired Barton and Loguidice to provide an independent analysis of the materials.

Mr Keyser recommended that the Planning Board adjourn the public hearing until the April 24, 2023 meeting to allow more time for the applicant to provide the requested inspection reports and the structural review to be completed.

Moved by Ms. Croft to adjourn the public hearing for TZP-2013-029, 8030 Jackman Hill Road, Special Use Permit application until the April 24, 2023 meeting to allow more time for the applicant to provide the requested inspection reports and the structural review to be completed. Seconded by Mr. Poole. Ayes all. Carried.

Mr. Dayton opened the regular meeting.

The Minutes of the February 27, 2023 meeting were read. Corrections were made.

Moved by Ms. Croft to approve the Minutes of February 27, 2023 as corrected. Seconded by Mr. Poole. Ayes all. Carried.

Mr. Dayton presented TZP-2022-092, 6902 Simmons Road, Special Use Permit for a Tier 3 Solar Energy System by New Leaf Energy.

Mr. Keyser stated that the site layout has been modified based on comments received at a public hearing held on January 23, 2023, and a meeting with neighbors at the project site on February 6, 2023.

Mr. Adam Fishel, of Marathon Engineering presented the revised site plan. In response to visual and glare buffering concerns the location of the proposed solar energy systems has been moved approximately 700 feet to the east away from Simmons Road and behind an existing tree line. The project site encompasses approximately 12 acres of land on a 93 acre parcel of land in the Agricultural-Residential Zoning District. The access driveway is in the same location.

The panels are silicone and he can provide the materials sheets from the manufacture. The panels do not meet thresholds for hazardous materials. Water runoff from the panels will not create any environmental issues.

The Town Highway Supervisor had no load concerns with regard to the roads and bridges, but would like a Bond in place for any damage. We will meet the road and bridge weight limits.

Mr. Terrence Nolan of New Leaf Energy noted that the site is smaller and has fewer panels.

Mr. Keyser noted that a public hearing was conducted on January 23, 2023. However, the project has been revised and the Planning Board may reopen the Public Hearing if it determines the proposed changes are substantially different from what was initially proposed. The Planning Department is recommending the Public Hearing be reopened based on the following:

- Substantial changes have been made to the layout of the solar array and its location on the property, which required glare analysis and visual assessment to be updated.
- The proposed changes required the application to be resubmitted as a new zoning referral to the Cattaraugus County Planning Board.

The Planning Board has already established itself as lead agency under SEQR. The Planning Department will prepare Part 2 and Part 3 of the Full Environmental Assessment Form for review at the next meeting.

Unless the applicant opts to forgo a PILOT, the Planning Board cannot issue a Special Use Permit or approve the Site Plan until a PILOT agreement has been approved by the Cattaraugus County Industrial Development Agency. The CCIDA has extended a moratorium on new solar applications until June 2023.

Moved by Ms. Koschir to re-open the public hearing for TZIP-2022-092, 6902 Simmons Road, New Leaf Energy, 3 Tier Solar Energy System for the April 24, 2023 meeting. Seconded by Ms. Croft. Ayes all. Carried.

Mr. Dayton stated that it was good to have meetings between the applicant and the neighbors.

Mr. Zervas suggested that the public hearing notice state that there are significant changes and the plan has been revised.

Mr. Fishel said they will continue to meet with the neighbors on any concerns.

Moved by Mr. Kruszynski to adjourn. Seconded by Mr. Zervas. Ayes all. Carried.

The meeting was adjourned at 6:35 p.m.

