

**TOWN OF BRANT
PLANNING BOARD
MINUTES OF THE APRIL 3, 2024 MEETING
Brant Town Hall, 1272 Brant North Collins Rd, Brant, NY 14027**

DATE	J ROSS 2027	BRODIE 2024	GIACCHINO 2028	D RITZ 2030 Chair	CLARK 2026	HASKINS 2029	CZYZ 2025	ALT 1 PANTERA	ALT 2 RAUKER
1/3/24	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	
2/6/24	present	Excused	Present	Present		Present	Present	present	
3/7/24	Present	Excused	Present	Present	Present	Present	Present	Present	Present
4/3/24	Present	Present	Present	Present	Present	Present	excused	Present	Present

Also present was:

Jeneen Hill Code Enforcement Officer
 Robert Burgdorf Verizon Wireless Atty.
 Cheryl Schultz Verizon Wireless
 Susan Holmes Variance Applicant 69 Oval St

Chairman Debra Ritz called the meeting to order at 7:00 pm. She announced the two applications for review and confirmed all members received their packets to review.

Approval of March 7th Planning Board minutes: The Chairwoman requested a motion to approve the minutes of the March Planning Board meeting. Janice Ross motioned to approve the minutes and was seconded by Becky Haskins. 6 ayes, 0 nays. MOTION CARRIED.

Discussion Regarding Moratorium Filing requirements: Chairwoman Ritz mentioned concerns regarding the procedure for filing laws enacting moratoriums. She was informed, through Perrysburg’s recent filing of a moratorium on solar, that the County has a process where they too participate in the adopting of a solar moratorium. She will research this.

NEW BUSINESS:

New Business Agenda Item “B” discussed out of order.

Agenda Item “B” item Discussion: The Chairwoman distributed packets containing copies of local laws from other Towns for the Planning Board to review in preparation of their review of the Town’s current Solar law at the May Planning Board meeting. She will also get copies of North Collins law.

Agenda item A: 69 Oval Street Variance application (Review per ZBA request Case # 2024-02)

Debra addressed the first applicant Susan Holmes. She asked Holmes to describe her project. She explained that the back of her waterfront home (69 Oval Street) is on the street side, and the front is on the beach side. No work will be done on the front of the home. The improvements she is requesting will bring the old construction up to code. It will widen the stairs that will also be brought inside the home. She explained that the current portion of her home to be rebuilt would bring the home up to code. The current code requires a 10 ft side yard setback, but the applicant is requesting a 7’ side yard setback. The North and South combined setback requirement is 25 feet, but she is requesting a 17 feet

combined setback. She mentioned that the current portion to be reconstructed is set on piers, which will be replaced with a foundation to current standards.

Planning Board discussion regarding the Holmes application: After much discussion, and consideration of the questions that will be asked by the Zoning Board of Appeals, Janice Ross motioned to approve the application. Brenda Giacchino seconded the motion. 6 ayes, 0 nays. MOTION CARRIED.

The Chairwoman to send a letter to the Zoning Board of Appeals chairman.

OLD BUSINESS:

VERIZON CELL TOWER APPLICATION AT 10825 ERIE ROAD:

Chairwoman Ritz recognized the applicants present on behalf of Verizon. She noted their application was very complete and covered all aspects of the project.

Code Officer Jeneen asked if Co-location will be permitted. Mr. Burgdorf explained yes, if another Cell company wishes to utilize the tower, they can allow up to 3 co-locations on the tower. They have an application called a Site License agreement that the additional company would fill out. The application then goes through the Town before it is permitted. Co-locating keeps down the need for additional towers. He explained that the project requires a County Referral, which Jeneen stated has been done. He noted the Counties concern about the wetlands. He responded that according to their Civil Engineers, (NYS P.E.), the distance from the tower to the wetlands will be further than is required under any State or Federal wetlands. In this case, he maintained that it is 400 ft east edge of the project. He added that it follows the U.S. Army Core of Engineers. He continued that they are careful to follow NYS and Federal requirements to prevent having to remove a tower.

Mr. Burgdorf then added that if the Planning Board is satisfied with the site plan and review, could issue its own Negative Declaration as a Single Agency Review which would then allow the Town Board to issue its own Negative Declaration. He explained that because of the height, the Town won't have to be named a Lead Agency. If the tower exceeded the Town's 200-foot limit, the action would become a Type I action. This application was a Type II because it will be a 125-foot Monopole. The Tower itself will require 100 feet x 100 feet of land.

Chairman Ritz noted that the application was very thorough, and she saw no reason to delay the project. Don Clark asked why we couldn't issue our own negative declaration as a single agency review. Debra responded that she agreed, and asked if anyone had any other concerns.

It was noted that the actions tonight would require a resolution for a Negative Declaration for the purpose of SEQRA. This application is an "Unlisted Action".

At this time, Chairwoman Ritz motioned to issue a Negative Declaration as Single Agency, seconded by Don Clark. 6 ayes, 0 nays. MOTION CARRIED.

Chairwoman Ritz then motioned to approve the site plan, seconded by Rebecca Haskins. 6 ayes, 0 nays. MOTION CARRIED.

The Chairwoman made a final motion to send the application to the Town Board for their review. It will not be a coordinated review, therefore moving on to the Town Board for their further review.

OTHER DISCUSSIONS:

The Chairwoman advised the Planning Board that consideration should be made for the possibility of putting together a wind turbine law into place. She expressed a need for guidance from the Town Board as to the direction they wish to take with wind turbines. In other words, do they want to require hundreds of acres, etc.

She reminded everyone to be sure to read the copies of the solar laws of surrounding towns she handed out tonight. They will be discussed at the next planning Board meeting on May 7th. It was mentioned that a farmer not using their land, should be able to put up Solar panels, therefore, it is important to finalize a law.

At 7:57 pm, Chairwoman Ritz motioned to adjourn the meeting, seconded by Janice Ross. 6 ayes, 0 nays.
MOTION CARRIED.

Respectfully submitted,

Barbara Daniel
Planning Board Secretary

**TOWN OF BRANT
PLANNING BOARD REPORT
4/3/24**

BRIEF SUMMARY OF DISCUSSIONS:

- REVIEW AREA VARIANCE APPLICATION OF 69 Oval Street (PB Recommends approval to ZBA)
- FURTHER REVIEW AND DISCUSSION ON APPLICATION FROM VERIZON REGARDING A CELL TOWER AT 10825 ERIE ROAD. VOTED FOR SINGLE AGENCY REVIEW, APPROVED SITE PLAN, AND TURNED OVER TO TOWN BOARD.
- HANDOUTS GIVEN TO MEMBERS TO REVIEW AREA SOLAR LAWS