

**TOWN OF BRANT
PLANNING BOARD
MINUTES OF THE MAY 7, 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
5/7/24	Present	Present	Present	Present	Present	Excused	Present	Present	absent

Also present was:

Jeneen Hill Code Enforcement Officer

Chairman Debra Ritz called the meeting to order at 7:00 pm.

Approval of April 3rd Planning Board minutes: The Chairwoman discussed the minutes of the April 3rd meeting. She explained that the Town Attorney had concerns about the accuracy of what transpired during the April 3rd meeting because the Town Board should have been declared Lead Agency first. The Chairperson noted that the Town Board and Town Attorney were given the Verizon application on February 26 but did not mention the application or declare itself Lead Agency at the March 12th Town Board meeting. Upon reviewing the Planning Board minutes of March 7th, the Town Attorney instructed the Planning Board Chairwoman to reach out to various local emergency services regarding the location of the proposed new Monopole Cell Tower to be erected at 10825 Erie Road. He also requested notification be sent to the Seneca Nation of Indians regarding the proximity of the new Monopole to the Seneca Nation of Reservation.

After discussion, it was decided that since the minutes list what transpired, the only correction that should be made is the error where the application was listed as a Type I.

A motion was made by Carol Brodie to correct the error by changing the mentioned "Type I" action to state it is an "Unlisted" action. Brenda Giacchino seconded the motion. 6 ayes, 0 nays. **MOTION CARRIED.**

The Chairwoman then added she will now re-write her letter to the Board.

A motion was then made by Brenda Giacchino to approve the corrected minutes of April 3rd. Diane Czyz seconded the motion. 6 ayes, 0 nays. **MOTION CARRIED.**

OLD BUSINESS

VERIZON APPLICATION FURTHER REVIEW:

The chairwoman then presented the various agency responses regarding the proposed monopole installation. She noted that she requested input from the Farnham Fire Chief Evan Russell and has not received anything formal from him. However, he did inquire if they would allow Municipal Communication services, police, fire, and ambulance to use the Tower. The Code officer suggested advising the Town Board to make it a condition.

The Board then reviewed and discussed the Engineer's (CPL) detailed report containing certain conditions and concerns for the Town Board to consider. The Planning Board reviewed the Engineer's report. One of the

Engineer's report stated one of the conditions for approval was for the Town to receive a copy of the PERM 33-COM application from the NYS DOT for the driveway. It was further recommended, per DOT communications, that the landowner be listed on the application, and that the application should be sent through the Town Planning Board. The report contained other suggestions/conditions for the Town Board to consider, such as a decommissioning bond, etc. *[clerk's note: the Engineer report is attached hereto for review]*.

The Chairwoman also presented an email response from Erie County Sheriff's Office (E.C.S.O). They responded that they do not usually fly below 500'. The monopole will be at a height of 129 feet which would not pose a hazard to responders or operations. It was noted that the Erie County sheriff's response asked if the monopole structure would have any flashing lights or other measures to make it more visible. The Chairwoman explained that the application states it will not have a light unless the Town Board requires it. This would be a Town Board decision.

The Planning Board noted that the monopole would be compatible with the Town's comprehensive Master Plan. The structure requires only 100 ft x 100 ft of land.

The Brant Planning Board had given their formal approval in April. Further review was requested by Town Attorney Trask. After taking another hard look at the application, and considering the Engineer's detailed report, and having read the Erie County Sheriff Helicopter service email reply regarding height, the Planning Board consensus was the application is now ready for Town Board consideration. Formal responses from the Brant Police, Brant Volunteer fire and the Seneca Nation have not yet been received.

WIND, SOLAR AND BATTERY LAW PLANS:

The Chairwoman then reminded the Planning Board to review the copies of various other Town's laws governing Solar, Wind, and Battery laws previously given to the members. She stated that the Planning Board must discuss possible setbacks for Commercial Solar installations. She asked the Code Officer if she could review other Town's to see what their setbacks are for solar. She also added that the Town Board should also be consulted to see what they would consider proper. The Chairwoman requested the secretary email a copy of the Town of Brant current Solar installation law. The law must be finished before the current Solar moratorium expires. *[clerk's note: six-month moratorium was adopted Feb 13, 2024]*.

NEW BUSINESS:

Discussion regarding a possible marijuana growing farm on Mile Block Rd. The Chairwoman asked if anyone heard anything about this. They will look into it.

Don Clark asked if the Town has a law against profanity on signs. The answer was no, it is considered freedom of speech.

At 7:50 pm, Janice Ross motioned to adjourn the meeting, seconded by Diane Cxyz. 6 ayes, 0 nays. MOTION CARRIED.

Respectfully submitted,

Barbara Daniel
Planning Board Secretary

**BRANT
PLANNING BOARD REPORT
5/7/24**

BRIEF SUMMARY OF DISCUSSIONS:

- FURTHER REVIEW OF PROPOSED ERIE ROAD CELL TOWER APPLICATION. (Receipt of the detailed Engineers report, and Erie County Sheriff's email regarding Tower)
- REMINDED THE PLANNING BOARD TO REVIEW THE LOCAL LAWS OF OTHER TOWNS REGARDING WIND, SOLAR AND BATTERY. (Handouts were given to members at the 4/3/24 Planning Board meeting)