

**TOWN OF ERWIN PLANNING BOARD MEETING**

MONDAY, MARCH 7, 2016  
7 P.M. ERWIN TOWN HALL  
310 TOWN CENTER ROAD

Present: Chairman John Gargano, Brian Harpster, Patricia Thiel, Ted Metarko, James McCarthy, Matt Maslyn, Wayne Kennedy  
Absent: Doug Porter, Joseph Reilly  
Guests: William Rank, Pete Bierwiler, James Koratsis, Natalie Mattison, Rev. Paul Mattison, Amy Drake, Krunal Patel, Tarak Patel, Manish Patel, Mike Manzari, Andres Rivera, Jody Allen, Robert Drew, Rita McCarthy, Barb Lucas

**CHAIRMAN JOHN GARGANO OPENS THE MEETING AT 7:00 PM.**

In accordance with the Planning Board's established procedure, the Board will hear all matters up until 9 PM. Any matters not completed by that time will be held over to the next regular meeting. As is the usual practice, the Board's consultants have met with the applicants prior to this meeting and have gone over the applications to ensure that they are as complete as possible and to point out any errors or omissions that can delay approval.

**MOTION TO APPROVE THE MINUTES OF THE DECEMBER 7, 2015 MEETING**

**MOTION BY: TED METARKO**  
**DISPOSITION: 5-0-2**

**SECONDED BY: MATT MASLYN**

**MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 1, 2016 MEETING**

**MOTION BY: PATRICIA THIEL**  
**DISPOSITION: 6-0-1**

**SECONDED BY: JAMES McCARTHY**

**1. APPLICATION FOR A 4 LOT SUBDIVISION FROM MANISH PATEL AT 125 VICTORY HIGHWAY. WITH PUBLIC HEARING**

Applicant seeks to subdivide a 9.1 acre lot into 4 parcels to allow for a 2,200 sq ft restaurant and future commercial development on the remaining lots.

**POINTS TO CONSIDER:**

The project is located in a B-3 Neighborhood Services Zone.

There will need to be easements to each of the 3 remaining parcels for access, utilities and drainage.

NYS DOT, DEC and DOH are involved agencies under SEQR.

Preliminary submittal showed 4 lots. The former Lot 4 is for drainage and cut purposes only and therefore cannot be a stand-alone lot. Therefore it is being combined into Lot 3.

Criteria:	Required:	Proposed:			
		Lot 1	Lot 2	Lot 3	Lot 4
Lot size	10,000 sq ft	38,644	1.3 ac	3.5 ac	3.3 ac
Lot width	50' max	134.22	263.28	242.5	3 169.80

Plat with easements depicted has been submitted along with Flood Plain Development Permit Application.

**Required elements to be submitted:**

Signed, stamped plat for the new 4 lots

New proposed grading plan showing that Lots 1, 2, 3 combined meet Flood Plain development requirements and Lot 4 meets the requirements as a stand-alone lot

The application was presented by Robert Drew, P.E., of Hunt Engineers, engineer for the applicant. It was noted that the applicant, Manish Patel, has a purchase offer on the property to be subdivided and has the authority to present the application to the Planning Board.

Engineer Drew noted that the original subdivision application seeking a 5-lot subdivision had been revised. In response to concern that the lot originally designated as lot #4 would potentially become undevelopable due to the size of the retention pond, the subdivision was redesigned to include only four lots. Original lot #4 was combined with original lot #3 and original lot#5 was renamed lot #4.

Engineer Drew noted that each lot will have easements to connect to municipal utilities. The main sewer line will be located in the rear of each lot in an area to be dedicated to the Town of Erwin.

Addressing concern that there would be difficulty accessing lot #4 due to the drainage pond in lot #3, Engineer Drew noted that a concrete culvert will be installed in the drainage pond providing an area for the access road and a sidewalk to access lot #4.

Member Thiel, noted concern that vehicles might attempt access to the proposed Dunkin Donuts restaurant directly from Route 415 rather than via the driveway entrance and access road, thereby creating a hazard. She felt there should be some way to direct potential customers to the driveway entrance.

Manish Patel, applicant, agreed that he would plant trees in the area between the access road and Route 415 along the full length of the parcel. The trees would be planted as part of creating the subdivision and building the Dunkin Donuts on lot #3 rather than waiting to provide landscaping as each lot is developed or sold.

Jody Allen, P.E., of LaBella Associates, acting as engineer for the Town of Erwin, noted that easements designated as sanitary easements should be labeled as storm and sanitary easements.

Chairman John Gargano noted that the necessary signed, stamped plats for the lots had been received. The other information requested was a grading plan which had been provided.

Engineer Drew explained that a conceptual grading plan was created to demonstrate that the entire 9 acre parcel is developable without the need to add fill in the area designated by the DEC as a net-zero fill area. He noted that tables provided indicate the amount of fill required for each lot in order to achieve the elevation of 948' above sea level required by the DEC for property in a designated flood plain. The total fill required is far less than the fill available from the drainage pond in lot #3. The pond was originally designed to accommodate an elevation of 950' based on the Town of Erwin code however Engineer Allen noted that the DEC is only concerned with areas up to 948'. The ultimate size of the drainage pond could be significantly smaller when design of all lots is completed. The grading plan provided is conceptual because the specific design conditions will not be known until the specific use of each lot is defined.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**PLANNING BOARD REVIEWS THE EAF.**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

- |   |               |
|---|---------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?   | NO            |
| 2. Will the proposed action result in a change in use or intensity of use of land?  | YES but minor |
| 3. Will the proposed action impair the character or quality of the existing community?  | NO            |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | NO            |

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

- |   |               |
|---|---------------|
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?   | YES but minor |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?  | NO            |
| 7. Will the proposed action impact existing:  |               |
| a. public / private water supplies?   | NO            |
| b. public / private wastewater treatment utilities?   | NO            |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?  | NO *See Note  |
| <i>* Although the DEC map indicates the lot is in a sensitive area, the Town of Erwin previously had a study of the area completed in connection with the installation of a water line and the area was cleared. It is also known that a dining facility previously existed in the area. The Town therefore declares no impact.</i> |               |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?  | NO            |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?   | NO            |
| 11. Will the proposed action create a hazard to environmental resources or human health?  | NO            |

**RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A DECLARATION OF NEGATIVE SIGNIFICANCE**

**MOTION BY: WAYNE KENNEDY  
DISPOSITION: 7-0**

**SECONDED BY: JAMES McCARTHY**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:30 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:31 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION CONTINGENT UPON ENGINEERING ISSUES AND STATE HISTORIC PRESERVATION SOCIETY APPROVAL.**

**MOTION BY: BRIAN HARPSTER  
DISPOSITION: 7-0**

**SECONDED BY: MATT MASLYN**

**The applicant is advised that the approval expires if the plat is not filed with the County Clerk within 62 days of signature.**

**2. SITE PLAN APPLICATION FROM MANISH PATEL FOR A 2,200 SQ FT RESTAURANT AT 125 VICTORY HIGHWAY. WITH PUBLIC HEARING**

Applicant seeks to construct a 2,200 SQ FT Dunkin Donuts.

**POINTS TO CONSIDER:**

The project is located in a B-3 Neighborhood Services Zone.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Setbacks		
Front	18'	All included within interior access road
	5' Planting strip, 8' sidewalk, 5' building setback	
Side	10'	At least 20'
Rear	10'	At least 63'

Parking	Rear or side 1 space /50 sq ft customer area	Side 20
Height	Max 2 stories; 1½ stories not permitted First Floor height 12'	1 <sup>ST</sup> Floor 12' 2 story appearance
Size	30,000 GSF max	2,200 sq ft
Roof	Pitched or flat	Flat
Fenestration	1 <sup>st</sup> floor 50% glass, 2 <sup>nd</sup> 30%	Meets requirement
Specialty Equipment	Screened from view	Yes
Material and Color	Earth Tone	Browns and tans
Outdoor Café	Strongly encourage	Provided
Sign	1 wall sign 1.5 sq ft/linear bldg ft No more than 10% of façade Max 100 sq ft, 50 sq ft per sign Max height 15' or 1 <sup>st</sup> floor height Orientation – toward public road	No variances needed    No variance needed No variance needed

(Background info for Planning Board – Taco Bell excerpt from Minutes April 2013: The property is located in R-S Regional Service District. The applicant seeks a total of 5 wall signs totaling 56 sq ft where one wall sign totaling 99 sq ft maximum is allowed. The menu board constitutes the one permitted free standing sign. Second application October 2013: The applicant is seeking a rear sign and relief of 28 sq ft, which is double the allowed sq footage.)

Required elements:

Fire Chief sign off

One monument sign for all 4 lots – need dimensions sidewalk along interior access road

The signage does not need to be a part of the Site Plan approval. The Planning Board can approve the Site Plan on the condition that the building meets Town Code. The applicant will then either need to modify the building or obtain variances. If the applicant needs to change the building footprint, then a Site Plan Amendment would be required.

The SEQR review was accomplished with the Subdivision

The application was presented by Robert Drew, P.E., of Hunt Engineers, engineer for the applicant. Engineer Drew noted that, in response to code issues related to the building design originally proposed, a new “colonial style” design is submitted which eliminates the zoning issue of a 1-1/2 story appearance. The drawings submitted are the design of a Dunkin Donuts to be built in Batavia, New York. The proposed building in Erwin would be a mirror image of that design to accommodate the driveway location on the site plan.

Engineer Drew noted that mechanicals will not be located on the roof, but behind the building in an area enclosed on the sides and screened from view. (After review, it is noted that the exact location of the mechanicals is unclear. Drawings of the final design will be submitted to clarify the location.)

Member Wayne Kennedy asked if the traffic pattern was one-way or two-way. Engineer Drew noted that in response to DEC concerns the traffic pattern will be one-way.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:43 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:44 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN CONTINGENT UPON ENGINEERING ISSUES, EXTENSION OF LANDSCAPING ACROSS THE FRONT OF THE ENTIRE 9 ACRE PARCEL, DOH AND DEC APPROVAL, FIRE CHIEF APPROVAL AND A DOT HIGHWAY PERMIT.**

**MOTION BY: PATRICIA THIEL  
DISPOSITION: 7-0**

**SECONDED BY: WAYNE KENNEDY**

**3. SITE PLAN APPLICATION FROM MONOLITH SOLAR ASSOCIATES LLC TO ESTABLISH A 2.8 ACRE, 200 KW SOLAR GARDEN ON INDIAN HILLS ROAD. WITH PUBLIC HEARING**

The applicant seeks to install 60 solar panels to produce 200 KW of electricity together with a transformer pad and gravel access road on a 5 acre site on Indian Hills Road at Tax Map Parcel NO. 351.00-01-009.110.

**POINTS TO CONSIDER:**

The project is located in an RD Rural District. Solar equipment is allowed in RD if it meets the Site Plan criteria for Solar Energy Systems and Solar Access as identified by Section 130-82.

No change to existing vegetation will occur. The applicant states that they will contract for grounds maintenance.

No fencing is planned for this site. The applicant has constructed other sites in NY State without fencing. The lifespan of the equipment is 20-25 years, and the applicant has a 20 year contract. At the end of the contract, the applicant will either renew the contract or remove the equipment.

**Required elements:**

Emergency 24 hour contact information has been provided.

A letter of agency is on file. A revised SEQR has been filed.

The applicant is advised that the gravel access road will require a Town of Erwin Highway Work Permit.

Andres Rivera, Director of Public Affairs, Monolith Solar, presented the application.

Member Patricia Thiel asked if the site would be insured, how the site is monitored, if there is any potential danger from live electricity and how emergencies are responded to.

Mr. Rivera noted that the site will be insured and monitored remotely. There is no danger from live electric on the ground level and Monolith Solar provides training for the local fire department.

Member Patricia Thiel questioned whether there would be any danger of glare from the panels affecting drivers on the road.

Mr. Rivera noted that there is no glare.

Member Wayne Kennedy questioned if there is a potential for damage related hail.

Mr. Rivera noted that the only malfunctioning equipment that Monolith Solar has encountered to date was an inverter.

Chairman John Gargano questioned if there would be fencing around the electrical equipment.

Mr. Rivera noted that electrical transformer boxes and equipment are locked and typically fencing is not installed, however a fence will be installed if requested. Keys to the equipment would be supplied to the Fire Department if requested. Monolith Solar typically follows the guidelines of the DEC and local electric

utility.

Member Wayne Kennedy questioned whether there was any danger to/from wildlife such as deer and bear which are bountiful in the area.

Mr. Rivera noted that if wildlife connected with a solar panel, the solar panel would simply fall over. There would be no danger to the animal.

Member Brian Harpster wanted to know the frequency of site inspection.

Mr. Rivera noted that inspections were completed monthly and any issues responded to immediately. In the event of a problem, the system can be shut down remotely via telephone.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**PLANNING BOARD REVIEWS THE EAF.**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

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|--|----|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | NO |
| 2. Will the proposed action result in a change in use or intensity of use of land?   | NO |
| 3. Will the proposed action impair the character or quality of the existing community?   | NO |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | NO |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | NO |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | NO |
| 7. Will the proposed action impact existing:   |    |
| a. public / private water supplies?  | NO |
| b. public / private wastewater treatment utilities?  | NO |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | NO |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | NO |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | NO |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | NO |

**RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A DECLARATION OF NEGATIVE SIGNIFICANCE.**

**MOTION BY: JAMES McCARTHY  
DISPOSITION: 7-0**

**SECONDED BY: JOHN GARGANO**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:10 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:11 PM.**

Member Matt Maslyn questioned what type of foundation supports the panels noting that the area is in a flood plain.

Mr. Rivera explained that there is no actual foundation. Each panel is anchored to four posts. The posts are physically pounded into the earth. He did not know the depth of the posts in the ground.

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN CONTINGENT ON ENGINEERING REVIEW BY THE TOWN ENGINEER OF POST INSTALLATION.**

**MOTION BY: WAYNE KENNEDY  
DISPOSITION: 7-0**

**SECONDED BY: MATT MASLYN**

**4. SPECIAL USE PERMIT APPLICATION FROM PAUL AND NATALIE MATTISON FOR A HOME OCCUPATION TO BREED AND SELL DOGS AT 203 VICTORY HIGHWAY. WITH PUBLIC HEARING**

**POINTS TO CONSIDER:**

The project is located in a Residential District. The criteria for the Special Use Permit are set forth in §130-72.

The applicant is seeking permission to breed dogs for sale inside the house, up to 25 dogs per year. Sales by appointment only.

Proposed 378 sq ft, which is under the 500 sq ft max. 16.9% of total square footage which is below the 25% max allowed. Use is wholly within the house. No alterations to the existing structure are planned; there will be no external evidence of the business. Maximum traffic generated would be 25 customers a year. Driveway has room for 4 parked cars

Rev. Paul Mattison and Natalie Mattison presented the application. Rev. Mattison noted that they started selling dogs a few years as a hobby with one male and one female dog. The hobby has grown into a business with four females and one male. Realizing they are in a residential zone, they are seeking a permit for a home occupation.

Rev. Mattison noted that the dogs are raised as pets and reside under the same roof as the house. There is no separate kennel. The dogs are never left outside when the Mattisons are not at home to supervise.

Member Matt Maslyn questioned the area of the fence.

Rev. Mattison noted that the chain link fence is attached to the rear of the house and extends to the sides and rear of the property. The neighbor in the rear has a stockade fence.

Member Ted Metarko questioned if the Mattisons plan to increase the number of dogs.

The Mattisons indicated they plan to increase the stock to five females, however one female is due to retire soon and will be kept as a pet.

Member Brian Harpster inquired if there is adequate parking for potential buyers.

Rev. Mattison noted that there is a doublewide driveway which can accommodate four vehicles.

Member Patricia Thiel questioned whether there would be a sign.

Rev. Mattison noted that there will be no sign. Sales are by word of mouth and via the internet.

Member Patricia Thiel questioned whether the DOH is an involved agency.

Rev. Mattison noted that they had checked with the DOH and they are not involved due to the size of their business.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**PLANNING BOARD REVIEWS THE EAF.**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

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|---|----|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | NO |
| 2. Will the proposed action result in a change in use or intensity of use of land?                          | NO |
| 3. Will the proposed action impair the character or quality of the existing community?                      | NO |

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|--|----|
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | NO |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | NO |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | NO |
| 7. Will the proposed action impact existing:   |    |
| a. public / private water supplies?  | NO |
| b. public / private wastewater treatment utilities?  | NO |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | NO |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | NO |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | NO |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | NO |

**RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A DECLARATION OF NEGATIVE SIGNIFICANCE.**

**MOTION BY: PATRICIA THIEL  
DISPOSITION: 7-0**

**SECONDED BY: TED METARKO**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:25 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:26 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN.**

**MOTION BY: JAMES McCARTHY  
DISPOSITION: 7-0**

**SECONDED BY: BRIAN HARPSTER**

**5. APPLICATION FOR A SITE PLAN AMENDMENT FROM LAURA KORATIS FOR A COMMUNITY CENTER FOR WOMEN AND A MASSAGE THERAPY PRACTICE AT 315 S HAMILTON ST. WITH PUBLIC HEARING.**

The use of this facility was a Pizza Shop. The applicant is proposing massage therapy and a community center for women. Such change in Use requires a Site Plan Amendment. All use is proposed by appointment only.

**POINTS TO CONSIDER:**

The project is located in a B-1 Community Services District. Both uses are retail/service and are permitted with Site Plan approval.

The building is pre-existing and no major renovation/alteration is proposed. For the restaurant, parking required was 1 space per 50 sq ft of customer floor area. For retail or service, 1 space per 250 sq ft gross floor area is required. Fifteen spaces, one of which is handicap accessible are provided.

James Koratsis, brother-in-law of the applicant, presented the application. He stated that the applicant is a licensed massage therapist and would like to use the building for massage therapy customers by appointment. She would also like to use the building as a women's center or gathering place for groups by appointment.

Regarding signage, it was noted that there may be a small, approximately 2'x3' sign.

Regarding ADA compliance, Mr. Koratsis noted that the building was previously used for a restaurant and was brought into compliance for that purpose. The kitchen equipment has been removed or shut down.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**PLANNING BOARD REVIEWS THE EAF.**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

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|--|----|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | NO |
| 2. Will the proposed action result in a change in use or intensity of use of land?   | NO |
| 3. Will the proposed action impair the character or quality of the existing community?   | NO |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | NO |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | NO |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | NO |
| 7. Will the proposed action impact existing:   |    |
| a. public / private water supplies?  | NO |
| b. public / private wastewater treatment utilities?  | NO |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | NO |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | NO |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | NO |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | NO |

**RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A DECLARATION OF NEGATIVE SIGNIFICANCE.**

**MOTION BY: JAMES McCARTHY  
DISPOSITION: 7-0**

**SECONDED BY: PATRICIA THIEL**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:35 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:36 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN.**

**MOTION BY: BRIAN HARPSTER  
DISPOSITION: 7-0**

**SECONDED BY: WAYNE KENNEDY**

<b>6. SPECIAL USE PERMIT APPLICATION FROM LOREN R SMITH TO ALLOW CONSTRUCTION OF A COMMUNICATIONS TOWER, NOT TO EXCEED 120 FEET IN HEIGHT. WITH PUBLIC HEARING</b>
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**POINTS TO CONSIDER:**

The project is located in an RD Rural District. Communications Towers are allowed provided they meet the criteria for the Special Use Permit as set forth in §130-65.

The tower will be several hundred feet off Beartown Road behind existing structures, and will not be visible from any great distance. The applicant did a test of the height of the tower by the end users. The applicant is offering use of the Tower to other users. The FAA has documented no lighting is required. The tower will not be lit. The tower meets setback requirements. The tower and repeater building will be fenced. There will be no change to existing vegetation. Access is via an existing driveway. No additional towers are anticipated. IF the tower falls into disuse, it will be removed.

**Required elements:**

**Documentation of the height necessary for the proposed use letters from Fire Departments**

**Information on type of tower, depiction of height with tallest antenna**

**Depiction of fenced area including tower and repeater building**

**FAA documentation**

**List of FCC licenses to be accommodated and future licenses anticipated**

William Rank, of Northern Tier Communications presented the application.

Robert Drew, P.E., of Hunt Engineers, acting for the Town questioned access to the tower. Mr. Rank noted that vehicles can use the existing driveway. There is no need for winter access because the tower is essentially maintenance free, however it could be accessed by foot in any emergency.

Engineer Drew asked whether there would be a new pole for electric power.

Mr. Rank noted that NYSEG will install a new pole for the tower after construction is complete.

It was noted that information pertaining to potential customers and the need for the tower had been submitted. Three fire departments submitted letters indicating they would use the tower. Known communication dead spots were tested by using a ladder truck on location to determine if the proposed 100' tower would be eliminate the problems. Additional parties interested in use of the tower include B&W Towing and Steuben County 911. Municipalities could also use the service on a fee basis for communication between municipal vehicles.

Member Patricia Thiel asked whether the tower would require lighting or paint.

Mr. Rank noted that the FAA and FCC had already approved the tower at 100' and that neither lights or paint would be required. He has amended the application to the FCC for an additional 20' in the event that an antenna were placed on top of the tower.

Member Brian Harpster asked whether a fence would be installed around the tower and associated building.

Mr. Rank noted that any required fencing would be installed.

Member Patricia Thiel asked, for the record, whether the tower would be decommissioned and removed in the event that it was no longer in use.

Mr. Rank agreed that it would.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

Prior to reviewing the EAF, Mr. Rank was asked to and signed the form.

**PLANNING BOARD REVIEWS THE EAF.**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

- |   |    |
|---|----|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?   | NO |
| 2. Will the proposed action result in a change in use or intensity of use of land?  | NO |
| 3. Will the proposed action impair the character or quality of the existing community?  | NO |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?           | NO |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | NO |

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|--|----|
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | NO |
| 7. Will the proposed action impact existing:   |    |
| a. public / private water supplies?  | NO |
| b. public / private wastewater treatment utilities?  | NO |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | NO |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | NO |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | NO |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | NO |

**RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A DECLARATION OF NEGATIVE SIGNIFICANCE.**

**MOTION BY: MATT MASLYN  
DISPOSITION: 7-0**

**SECONDED BY: TED METARKO**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:55 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:56 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SPECIAL USE PERMIT.**

**MOTION BY: PATRICIA THIEL  
DISPOSITION: 7-0**

**SECONDED BY: MATT MASLYN**

**MOTION TO ADJOURN THE MEETING AT 8:57 PM**

**MOTION BY: JAMES McCARTHY  
DISPOSITION: 7-0**

**SECONDED BY: WAYNE KENNEDY**