

**TOWN OF POMPEY PLANNING BOARD MINUTES
DECEMBER 18, 2017**

The Town of Pompey Planning Board meeting was held on Monday, December 18, 2017. In attendance: Chairwoman Sue Smith. Members: Dan Bargabos, Roy Smith, John Shaheen, Carl Fahrenkrug, Robert Neufang and Kevin Coursen. Attorney Jeff Brown and Town Engineer Steve Snell were also in attendance.

Chairwoman Smith called the meeting to order at 7 pm followed by the Pledge of Allegiance.

Motion by C. Fahrenkrug, seconded by K. Coursen to approve the November minutes as corrected. All in favor.

BELL ATLANTIC MOBILE SYSTEMS OF ALLENTOWN, INC., D/B/A VERIZON WIRELESS: Continuation of Public Hearing for Site Plan approval for a cell wireless telecommunications facility on property located at 8133 Indian Hill Road.

Jared Lusk, Esq. was present at the meeting on behalf of Verizon Wireless.

Chairwoman Smith stated she has received correspondence from neighbors.

Attorney Jeff Brown stated that an open question from the last meeting was, could we continuously monitor after the installation was complete? Our consultant and Site Safe are not optimistic. Site Safe said they recommend one test after the facility is up and running. If the test comes back with levels which exceed FCC limits, additional testing could be required. It is a one time cost of \$1500.

Kevin Coursen asked if the Town would pay the bill?

Attorney Jeff Brown said it would need to be discussed.

Jared Lusk said that the Town Code 165.10, does provide for periodic testing of a facility for RF emissions.

Verizon would be happy to pay for on site Site Safe testing. Verizon does provide information when it is up and running. They would make sure that the testing is correct. They are in agreement that when the testing is done, they would pay.

Post construction, every six years at their expense. If any changes are made to the site, a test would be done. They would have to get a building permit if there are any changes made at the site.

Attorney Jeff Brown stated that the Town Board would review the testing, there are consequences if any problems showed up.

Chairwoman Smith stated in response to #2 regarding the gate have been answered, leaving it 30-40 feet from the road and painting it.

Jared Lusk stated that it would be a galvanized fence. If the Board feels it needs to be painted, they could do it, but galvanized doesn't paint well. Verizon prefers the galvanized.

In the photos of Lyndon Corners, Dewitt, some like more mono-pine, some don't. He did speak to Attorney Brown today, could make it more white pine. Verizon specs out for a certain design of mono-pole (Saratoga area). If this is what the Town is looking for, they could match it. The people in Saratoga like it.

The suggestion for another vendor is not a good idea. The quality is not good for upstate New York with the snow, etc. Saber Tower, the vendor for Saratoga had specs for what was wanted, and stuck with the restrictions of the ZBA. It was built to specs, never off the shelf. In Saratoga you don't see the antennas at all.

Kevin Coursen stated that he understands the concerns of the audience, but the Board makes the decision for what is best for the Town.

Chairwoman Smith asked about the white socks?

Jared Lusk said the socks are a mesh, not white. If you want the antennas painted green, it can be done.

Kevin Coursen said that this design with the antennas painted green seems to satisfy everyone. Testing is a good plan, bond to take down, the maintenance and the gate are all good.

Jared Lusk stated that if you look at a plan 30 feet off the road, you can see the existing hedgerow. It is far enough off the road to get in. It can be in the right place so posts can't be driven around. It wouldn't be exactly 30 feet from the pavement to maintain security. If you get into too much painting, it doesn't look good. There will be a "Do Not Enter" sign. They are at all of the sites.

Chairwoman Smith stated that in the Town Code regarding a bond for demolition. Is there a time line?

Attorney Jeff Brown stated that the only time line is that if the tower ceases to function for twelve months, it can be demolished.

Kevin Coursen said that regarding the galvanized gate, if it is painted it does rust. The galvanized gates do last.

Dan Bargabos agreed.

Chairwoman Smith had a letter dated December 15, 2017 signed by several neighbors. Some of the points that were brought up were a symmetrical tree, maintenance, and it also talked about the gate and if it is to be decommissioned (no longer used).

Chairwoman Smith asked Elaine Quick if she has anything new or has it all been covered?

Elaine Quick, 4114 Indian Hill Road said that some of it has been covered. She can go by the issues that have already been addressed.

There are a couple of points – SEQR Environmental impact concern regarding the wild life. The concern is that the wild life would get trapped inside the gated area, but if there is some sort of camouflage or screening, that could be avoided. There are different options. The screening would stop the deer from jumping the fence. We need to keep the wild life from getting trapped. Need to plan for the future for the environment.

Kevin Coursen said you could still see the fence.

Attorney Jeff Brown said there is also barbed wire on the top of the fence to prevent animals from entering.

Jared Lusk said that the fence is 6 feet tall and the barbed wire is at an angle on the top. The fence can't keep them out. If somebody breeches the fence, Verizon will know about it.

Kevin Coursen said he can't see why DeWitt wanted a pine tree. It sticks out. It should be in a wooded area. The problem with screening is if a kid or animal got stuck in there.

John Shaheen asked about the drawing, will all of those trees be gone?

Jared Lusk said yes they would be gone. Chairman Tessier and Attorney Jeff Brown met to try to figure out what trees will need to be taken down.

John Shaheen said that there are trees outside of the area clearing that will be seen from the road.

Elaine Quick had a Power Point presentation regarding a wooden gate, compromise on the gate, do the study for a metal gate, power coated paint and color that blends in. Camouflage on the fence, socks green.

Chairwoman Smith said that one condition has to do with subdivision. The County is requiring a deed for the lot line adjustment. The consensus is that the natural habitat should shield the fence, feels it would attract wild life to it.

Elaine Quick said that they would consider a chain link fence disguised.

John Shaheen said we could require trees to be planted. A 6 foot Norway Spruce on the roadside would blend in.

Jared Lusk said that Verizon would have a landscape architect pick the right trees.

Chris Moseson, 8202 Indian Hill Road. She said that Mark & Elaine Quick looked for a house for five years and didn't want a cell tower near them. They did not have knowledge about the tower until after they moved in. We need to screen for stealth. Also, take into consideration the value of nearby property. The Board hears their position and it is to be responsible to the neighbors.

With no further public comments, motion by S. Smith, seconded by K. Coursen to close the public hearing. All in favor.

Chairwoman Smith stated that the Board has had a lot of input, and a lot to consider. The Board is learning as we go along. SOCPA reviewed this and has stated that the referral will have no significant adverse inter-community or county-wide implications.

Jared Lusk said he is fine with the coating of power brown on the gate. They have tried to be responsive to every issue. He thinks the design is appropriate.

Motion by K. Coursen, seconded by B. Neufang to approve the Site Plan for the Bell Atlantic Mobile Systems of Allentown, Inc., D/BA Verizon Wireless on land owned by Falcone at 8144 Indian Hill Road and 1) conditioned on the approval of a lot line adjustment to provide for the required set backs. 2) Third party RF testing after construction with a copy to be provided with the results to the Town Code Enforcement Officer for the Town of Pompey and to be paid for by the applicant with the cost estimated to be \$1,500. 3) The tower will be camouflaged by being disguised as a symmetrical white pine complete with green socks, antenna painted green similar to the tower in Saratoga, Hutchins Road Tower. The camouflage will be maintained by Verizon for the life of the Tower (branches below the tree line) to a standard similar to the installation. 4) Verizon will provide a demolition bond per the Town Code. 5) The entrance gate to the tower will be single A frame gate, the security gate will be dark brown powdered coating on the road side of Indian Hill Road of the tower enclosure.

6) Verizon will plant appropriate evergreen trees for camouflage (to be determined by Verizon and a landscape architect).76) The gate at 30 foot set back, gate is in accordance with this motion relates to Verizon Wireless plans by Costick Engineering, revised date 8/3/2017, Buellville Project #20094268399. 8) The plan will be updated according to the resolution of gate placement which will be indicated on the plan and additional branches will be 10 feet below the natural tree line. 9) The Code Enforcement Officer of the Town of Pompey will be responsible that the maintenance is maintained.

Chairwoman Smith said it would be a roll call vote.

An amendment will be to add that 10) Bell Atlantic Mobile Systems of Allentown, Inc., D/B/A Verizon Wireless and any subsequent owners will continue maintenance.

Carl Fahrenkrug added that a 11) Third party does the RF testing.

Kevin Coursen said that approval is 12) contingent upon testing and is in compliance before turning on and that the Site Plan is not approved unless it passes the testing.

Roll Call Vote -

Kevin Coursen – Yes
John Shaheen - Yes
Dan Bargabos - Yes
Sue Smith - Yes
Carl Fahrenkrug - Yes
Bob Neufang - Yes
Roy Smith - Yes

7 in favor for approval and – against the motion for the Site Plan for Verizon Wireless.

SCOTT SCHAAL: Public Hearing for Site Plan approval for landscaping/farm/nursery business at 3210 Gardner Road. Andrew Leja, attorney for the applicant was present.

Andrew Leja, Esq. Stated that the survey took some time. They took information from the former site plan and put it together with all the information required for the Site Plan approval.

The property map did include the key information on the buildings, driveway and area for storage.

John Shaheen asked about the planting/field production that is operated by Mr. Niles.

Andrew Leja said the legend does show that. It is not separate for the landscaping business.

John Shaheen asked if the agricultural use is mixed with the nursery? On the map it is specifically used for the nursery. What portion is rented out to Jack Niles? What area is for landscaping?

Engineer Steve Snell said you need to take a file and create the site plan. What you did was cover over. The site map needs to show placement of everything.

Andrew Leja said it is based on the original park survey in 2003 when Mr. Schaal purchased the property. New survey shows where the buildings are located for the set back purpose. It is updated on the north west corner. You wanted a survey with locations of the buildings.

Chairwoman Smith asked about the Pratts Falls Road driveway?

Andrew Leja stated that the county will possibly be out in January to look at it to measure the site distance, etc.

Dan Bargabos asked about the Gardner Road driveway?

Chairwoman Smith said it was a private driveway entrance in 2005. John Palladino said you must have a flat area of 25 feet. The permit said it was for private use on Gardner Road. There was no determination for the Pratts Falls Road driveway. How many parking spots for the handicapped?

Andrew Leja said this is a wholesale business with 15 employees. A couple will be in the office. There is a maximum of 10-12 vehicles.

Chairwoman Smith said it needs to be delineated on the site plan with existing signage, lighting, parking space of 19 feet. What about the exterior lighting?

Andrew Leja said there are 19 spaces. One pole and just some small lighting.

Chairwoman Smith asked about #6 of the engineer's comments?

Dan Bargabos said Steve asked about the well and septic.

Code Enforcement Officer Fred Hill said that we have the septic information.

Engineer Steve Snell said the lighting is still not shown. The other drawing is more like a use plan. An actual survey shows where everything is and it is not up to scale.

Chairwoman Smith said that we need it drawn to scale, engineering standards. We need to have the elevation, the landscape, and you need to blow it up. Do the lines so that the Planning Board can see that everything that is there for the business. Look at the metal

building – where are the doors, parking, where are the areas that the plants are grown, ingress and egress. Are the trucks stored on site or in the building? No signage. Are there any kind of drainage issues? When looking at the map you can't tell much.

Andrew Leja said that it shows 10 foot contours. It won't show much.

Engineer Steve Snell said we need a separate plan for the contours. The drawing needs to be cleaned up. The Board does not have this drawing.

Andrew Leja stated that the surveyor did the work. Landscape architect took and put on a map, put in the land use information on the survey. It shows the building, etc. The two formats weren't compatible. He can add more to show detailed information.

Chairwoman Smith wants to take a quick look at the large map. Limited copies were provided. She asked if the dimensions of the bunker were shown on the map? Where is the area that he is growing plants for the landscape business?

John Shaheen said the main thing is the land use. The applicant needs to make more of distinction between planting/production and what he rents out. It needs to be distinct. The nursery is associated with the business. The crops have nothing to do with the business.

Kevin Coursen said that we don't have the information that we need. The applicants is not prepared for the site plan review. We are guessing and struggling, especially after the fact for the Site Plan review. We are not in a position to approve.

Attorney Jeff Brown said that there are people in the audience waiting to speak on the matter.

Chairwoman Smith said the based on what we have tonight, we are not able to do the SEQR.

Attorney Jeff Brown suggested allowing an informal discussion tonight, re-advertise the public hearing and then do the SEQR.

Kevin Coursen stated that when the applicant appears before the Board, they should be ready.

Andrew Leja said that it is out of his hands.

Kevin Coursen said that this is not in a condition to be seen by the Board. The Board normally has it a week ahead of the meeting to look over.

Chairwoman Smith said that it been convened to everyone that it needs to be all together and we normally have it 10 days ahead of the meeting. We need to move along.

Andrew Leja stated that we have two holidays before the January meeting (15th). If it can't be done in 20 days, there we will defer to the next Board meeting in February.

Engineer Steve Snell said that he received the information on Thursday. You need to provide a site plan based on the survey. It doesn't seem that the person performing this has not done this previously. It doesn't help when it is a mish mash.

Dan Bargabos stated that a starting point is to get it to our engineer in a timely fashion.

Chairwoman Smith said that this is not a public hearing, and we don't have the information for SEQR. The Board will take informal comments. State your name and address and speak one at a time.

Pat Frazee, 8575 No. 4 Road East. He is a fellow farmer. No farms are required to do a site plan. He started his business legitimately. He got the prior information from Lloyd Sutton (former Town Code Enforcement Officer). He got the same information that the applicant received. Lloyd told him that he didn't have to do anything. Mr. Schaal got a stop work order. It is a legitimate farm. What are we doing? Do we want no businesses in the Town? Less than one half mile from here, but is so far from being agricultural.

Kevin Coursen stated that the Zoning Board of Appeals sent this to the Planning Board for Site Plan approval. He disagrees, doesn't think it should have come to our Board.

Pat Frazee said we should be welcoming new business, not running them out of Town.

Frank Valletta, 3151 Henneberry Road. His question has been answered. He did get a notice for this hearing. All they are interested in is that it be on an even ground. If he has to have a permit, then everyone should, to follow the rules the Town has in place. He thinks you will end up approving. He is concerned where he is dumping what he has left over from job. It does not look good if it is on wetland, it is very messy. When you look at a farm, you don't see trucks going in or out.

Matt Valletta, 3171 Gardner Road. He lives across the street from the business. He doesn't understand. He is a farmer, therefore exempt from all rules?

Attorney Jeff Brown said that the Department of Agriculture ruled on whether Hunter Springs Landscaping is considered a farm. Part of the business is considered a farm operation, however the landscaping portion is not considered part of farming. Hard construction is not considered agricultural.

Kevin Coursen said that Ag & Markets was very specific. They made the determination that to say cows in a field or grow hops to be a farm. It isn't like there aren't any rules in the agricultural business.

Andrew Leja said that the ZBA did agree that a portion of the business is agricultural.

Dan Barbagos said that because he has approval, as long as he follows the guidelines, a portion of the business is agricultural.

Kevin Coursen said the Planning Board does the site plan. Code Enforcement Officer and the ZBA approve. We just approve the site plan.

Chairwoman Smith stated that this case is different. We usually see the plans before. We are working with what the ZBA gave us. It is a snapshot of the business, at this point a business is started. It is part lighting, part hours of operation. We are asked for a site plan. There were no public notifications for this particular meeting because the Planning Board had no new information for this meeting. We did not get the new information until tonight. Pompey does go to the extra length to require public notification. It is not required. We will need the information in a timely fashion.

Andrew Leja stated that he is restricted. The loading of equipment and materials, nursery includes taking the plants to a work site.

Attorney Jeff Brown said that while the applicant contends that the agreed upon restrictions have been followed, some residents say they are not being followed. Every time it costs the applicant to send the certified letters. The matter will be in front of the Town Court tomorrow night.

Bob Neufang said to push the next submittable deadline until the February meeting. We should get ample notification. He prefers to do it in February.

Attorney Jeff Brown said we need to get the site plan approval process completed. It is in everyone's best interest.

Kevin Coursen said that because it is a hot topic, the Planning Board needs to do its due diligence for the site plan. We don't have the authority to stop the business from running.

Andrew Leja said that the survey takes time. He is trying to get clarification.

Chairwoman Smith stated that the bulk of the problem is the survey and the problem with the overlay map. We need to get this done. She would rather see it in January. It is reasonable to have it completed by our next meeting. We need the time to review it ahead of time.

The third Monday in February is a holiday and vacation week. The attorney, Roy Smith and Chair Smith will not be in attendance. The week prior is February 12th. In January the regular meeting is January 15th. In March we would resume our regular schedule for the third Monday for our meeting.

It was decided to have the next Planning Board meeting for the Scott Schaal application for site plan approval on Monday, February 12, 2018. New public hearing notifications will have to be made for that meeting.

Motion by S. Smith, seconded by D. Bargabos to adjourn at 10:00 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary
Town of Pompey Planning Board