

**Regular Meeting of the Great Valley Planning Board  
March 9, 2016**

Present: Chris Schena (chairperson)  
Amy DeTine  
Rick Howard  
Al Puszcz  
Jeff Ramsten  
Don Roll  
Steve Ward

Others: Dan Brown  
Rich Rinko  
Mark Alianello  
Aaron Tiller  
Peter Sorgi  
Steve Lingard  
Ryan McCann  
Jackie Murray  
Sidney Lindell  
Steve Lindell  
Bob Crowley  
David Erlandson Jess Erlandson  
Mr. & Mrs. Al Fish  
Tom Fitzpatrick  
Tim Halloran Deb Halloran Kohl Halloran Zach Halloran Samantha Woodin  
Mike Harrington  
Bill Howard  
Gavin Howard Kate Howard  
John Kent  
Lee Kenyon Becky Kenyon  
Colleen Mahoney  
Lisa Pawlowski Jim Pawlowski Greg Spako  
Joe Puszcz  
Peter Sunderland  
Frank Watson  
Jason Zeher

The meeting was opened by Chris at 7:02 PM with the Pledge of Allegiance.

A motion to accept the minutes of the February 10, 2016 as submitted was made by Steve Ward with a 2<sup>nd</sup> by Amy. All in favor.

Steve Lindell of 4691 Klawitter Rd. approached the board about splitting off 33.20 acres of his

80.78 acre parcel located on Hungry Hollow Rd. and Hale Rd. (tax map no. 64.004-1-39.3). Both parcels would have road frontage. The SEQR paperwork Part I was submitted and Part II was completed by the board. A motion to approve the resolution of a negative declaration was made by Rick with a 2<sup>nd</sup> by Steve Ward. All in favor. Signed by Chris. A motion to approve the minor subdivision resolution was made by Steve Ward with a 2<sup>nd</sup> by Rick. All in favor. Chris will do the Notice of Decision.

Sidney Lindell approached the board about splitting off part of his parcel (tax map no. 64.004-1-40.2) and selling to adjoining landowners. The SEQR paperwork was completed by the board. A motion to approve the resolution of a negative declaration was made by Rick with a 2<sup>nd</sup> by Amy. All in favor. Signed by Chris. A motion to approve the minor subdivision resolution was made by Rick with a 2<sup>nd</sup> by Steve Ward. All in favor. Chris will do the Notice of Decision.

Chris stated that the planning board had a work session on Monday (March 7, 2016) at which time the board went thru all the criteria for the cell tower. Also, the board received communication from Attea & Attea, lawyer for Rick Howard, which was submitted to the public hearing.

Peter stated that after the board had heard from the lawyers and had all of their questions asked and answered the public hearing would be continued but the board would only be hearing comments that had not already been made.

Jackie Murray is the lawyer for Horvath/Verizon. She stated that the original application was submitted on March 10, 2015 and she is ready for the project to move forward. She wanted to make the public aware that there was a balloon test done on the new site. The balloon test consisted of 3 weather balloons tethered on a line. The lowest balloon was the height of the proposed tower. There are photographic simulations which are usually accurate. She said the location had shifted from open land to a wooded area – about 759' east - so there will have to be more road work and the wooded area will have to be cleared. The facility will be back dropped by a hill. She said it took much time and money to change locations and this site is visually covered. Mark asked why not the existing driveway and was told they have to stay on a single parcel. He then asked if the driveway all the way back is OK. Steve Lingard said they would add a culvert and put down temporary metal plates. Mark said the proposed driveway was cutting a corner and veering off the easement. Jackie said they had 2 deeded rights. Peter asked if all owners have to consent. Steve Ward asked if it could move back further. Jackie said section 4.12J(1) states that clear cutting trees in a contiguous area shall be minimized and section 4.12K requires an access road, turnaround area, and 1 parking space. This site would take advantage of existing vegetation, would take a minimum amount of trees, and would take a minimum amount of road – it meets the requirements of code and balance. Jackie then responded to some of the conditions of approval. No. 3 – permanent visual buffer – this request will be accommodated. No. 4 – the color of the tower will be galvanized. No. 7 – Mercy Flight lighting will comply with the FAA standards.

Ryan McCann is the lawyer for Rick Howard. He stated that Rick is not opposed to the tower

but he is opposed to the location. Rick owns an access road off Co. Rd. 71 and has said the applicant could use this road so the site could be moved and avoid clear cutting but the applicant did not respond. Jackie is concerned about fall zone requirements if the site is moved. Ryan stated the RF engineer provided a map with 4 sites with additional details to be worked out but again the applicant did not respond. Peter asked about the handwritten letters and was told they were more accurate. Peter then asked if it is on the handwritten letter and Jackie responded that the shift was done in good faith. Ryan stated the tower is now closer than originally proposed and wants it pushed back 300'. Ryan also said that Rick is a part of the agreement and he is not agreeable. Ryan also felt that the balance test should weigh in Rick's favor but Jackie disagreed. She then said that the original application was March 10, 2015 and it is a matter of federal and state law to expedite review of telecommunications to which Peter replied that the board did not sit on the application.

Steve Lingard stated that the tower in Humphrey is 250' and said that people are looking at a bigger tower. Chris disagreed saying the Humphrey building inspector said it is 195'.

The public hearing was continued.

Bob Crowley said he saw the balloon test and said with the height being that of the lowest balloon it was the least noticeable. Chris responded that there was no notice of the balloon test. Steve Lingard said they were at the whim of the weather and there was a small window of opportunity and apologized for no notice. He then said that by flying the balloon it certifies that the simulations are accurate.

Deb Halloran stated that Steve Lingard did talk to Rick about the access road but Rick had a high dollar amount for use of the access road plus a maintenance fee. Ryan said that proposal was only meant to open dialog.

Steve Ward made a motion to close the public hearing at 7:50 PM with a 2<sup>nd</sup> by Amy. All in favor.

There was an open discussion amongst the board. Peter said the three choices are to approve, deny, or table the cell tower vote. If it is tabled the decision must be made within 62 days. Peter said to go thru the tests of the law but cautioned that there must be rationale for any decision. Don felt that it should be done tonight and Amy said there was no point in tabling. Peter was just giving the options and said the board would have to weigh what Jackie and Ryan have said about visual impacts and decide what is more important. Peter stated that there would need to be 4 votes and the attorneys agreed.

Chris said there should be more cover. Jackie and Steve Lingard said they could plant 4' trees on the fence perimeter. Mark said the board should go thru the findings because no vote can be taken until the SEQR is done. Amy wants the live trees to remain for the life of the tower. Steve Ward asked if the trees could remain for the whole parcel and Peter said they should be discussing only the 10000'. Mark said the top of the tower is not the issue the base is. Peter asked the board if visibility and aesthetics would be achieved with plantings on the berm and

no more trees being cut after clear cutting. Steve Ward asked for a rendering to show the planting of the proposed berm because the board only has a verbal description. Mark asked for an opinion if trees would grow. Jackie is willing to submit a landscape plan with tree growth and maintenance. A condition of the building permit would be for the applicant to submit a landscape plan along with maintenance and replacement of trees. Aaron wants 2 rows of staggered trees. Mark stated that on the west side of the fence the driveway is exposed to a residence. Jackie said on the 30' ROW they would include plantings on a portion of the driveway. Amy thought there was a lot of changes being proposed. Maybe the site should be moved and not impact the property owner. Use the opportunity to do good for all involved. Al wondered how much change there should be for 1 person. Steve Ward said there is a lot of other land in Great Valley. Mark asked if it should be tabled for 2 weeks to give the applicant time to respond. Peter said there would be no new information the night of the next meeting that it must be submitted the week before. Amy wants both ground level and overhead covering. Jackie said there could be 6' conifers. Mark asked the applicant to present a screening plan. Don wondered what would change if they had the plan. Chris asked the applicant if they could provide a screening plan and Steve Lingard said it would take a month to get it thru the engineering consultant. Mark asked who decides if the condition is met. Chris asked for a motion of yes, no, or table. Peter said if there is no motion the motion is tabled. Jackie made a suggestion to leave the site plan as is and let the board direct the plantings. Don made a motion to vote on the cell tower with a 2<sup>nd</sup> by Al. Peter said the board had to go thru the SEQR. There was a question on the SEQR regarding historical preservation which needs a sign off letter from SHPO (State Historic Preservation Office). Neither Jackie nor Steve Lingard could produce a copy of the letter after being given time to do so. Peter told the board that if they tabled the SEQR they would have to table the vote and the letter could not be a condition. Chris made a motion to table the vote with a 2<sup>nd</sup> by Steve Ward until March 23, 2016. Steve Lingard said the board would have both a landscape screen rendering and SHPO letter before the next meeting.

Chris moved to adjourn at 9:30 PM with a 2<sup>nd</sup> by Amy. All in favor.

There will be a special meeting of the planning board on March 23, 2016 at 7PM.