

Regular Meeting of the Great Valley Planning Board
August 10, 2016
(no July meeting)

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

Others: Rich Rinko
Aaron Tiller
Peter Sorgi
Ryan McCann
Jackie Murray
Kate Howard
Lindsey Coburn
Tim Halloran Kohl Halloran Zach Halloran
Jim Conlon
Bob Crowley
Clinton DePew
Mike Harrington
Dennis Hurlburt
Dan Pawlowski
Melissa Schultz
Jim Snyder
Chad Eozzo

The meeting was opened by Chris at 7:01 PM with the Pledge of Allegiance.

A motion to accept the minutes of the June 8, 2016 meeting as submitted was made by Chris with a 2nd by Steve. All in favor.

Chad Eozzo approached the board about putting his Valley Overhead Door & Docks business at 4905 Rt. 219 (tax map no.65.003-1-5). He wants to use the existing garage and put a sign by the road. The garage would be used mainly for storage. He would be looking to do sales and service. Jeff asked where the customers would park and Chad said it would be in the driveway but that he would mostly be going to the customer. Chris said it is a permitted use. A motion to approve the resolution of a negative declaration was made by Steve with a 2nd by Amy. All in favor. A motion to approve the home based business resolution was made by Rick with a 2nd by Don. All in favor.

Chris will do SEQR and the Notice of Decision.

Aaron stated that Horvath/Verizon submitted the SHPO letter with no findings and the landscape picture and they have complied with all requested information. Peter asked for a motion to close the public hearing which was made by Don with a 2nd by Chris. All in favor. Chris went thru the SEQR. A motion to approve the resolution of a negative declaration with no significant environmental impacts was made by Steve with a 2nd by Don. All in favor. Aaron stated that according to Mark Alianello the project complies and reminded the board of the suggested conditions of approval that were submitted. Peter stated that the applicant is looking for a special use permit. The landscape picture was made a condition of approval. Steve asked that if the tower becomes nonoperational that it must come down within 2 years and Jackie stated that section 4.12O of the Zoning Law requires removal within 12 months. Amy asked how much outside the 70' x 70' area is visual buffer. Ryan is concerned that any area outside the leased area could be cut down and then there would be no buffer. Peter stated that there could be a deed restriction to say all living trees must stay and Rick said that trees have already been cut by Tim. Steve said the site should be moved back to a more densely wooded area. Jackie replied that they used the alternates that were provided by the adjacent landowner and this site (Letter C on the map) would minimize tree removal to the maximum extent possible (section 4.12J of Zoning Law) and minimize ground disturbance (section 4.12K of Zoning Law) and therefore is the better fit.

There was much discussion about cutting trees. A vegetative easement was suggested as a condition to prevent clear cutting within a defined distance as long as the tower exists. Peter suggested a deed restriction be recorded with the county clerk. Rick stated that trees have been cut between the proposed cell tower location and his house. The area of concern is a 2 acre parcel (tax map no. 65.001-2-2.4). Peter suggested no more tree cutting before approval of tower. Ryan wants no cutting prior to approval of special use permit. Chris asked if a condition could be no trees cut from tonight forward. Peter said the landowner would have to agree not the applicant. Jackie asked to reserve the right to remove log trees and agree to no clear cutting. Again, Peter said the landowner had to agree because the applicant does not have that control. Jackie said language could be drafted to limit the ability to clear cut the property. Peter stated that if it becomes an issue it would be a private issue and that code enforcement would not be checking. Peter then asked if the board wanted to vote now or wait for an easement. Don stated that this needs to be settled. Peter then stated that if there was no decision tonight to be sure of conditions going forward. After talking to Tim, a plan Jackie came up with would be from corner to corner of the leased area aiming towards Rick's house where cutting would be completely prohibited. This should address the concern from the leased area to Rick's house. She drew the area on the map. Jackie had already agreed to plant 21 trees with the berm. Peter said to make this a condition of approval as proposed by the map. Amy is still concerned about 1 family's property being completely devalued. Aaron said all demands have been complied with.

The agreed upon condition of approval would be some document recorded in the county clerk's office executed by the landowner and applicant stating that living trees will not be cut for the duration of the cell tower. This would be enforced by the town and future property owners. This would be on tax map no. 65.001-2-2.4 in the illustrated area (reference map as drawn on

tonight). This would take effect immediately. The map was photo copied.

Peter stated that if all conditions have been met then the cell tower should be approved by the board. He said personal feelings can not play a part in their decision and they must have a reason for their decision. A motion to vote was made by Chris with a 2nd by Don. A motion to approve the special use permit with conditions from the memo plus the others added tonight or deny was done by a roll call vote with the following results:

Chris - yes

Amy - no

Al - yes

Jeff - yes

Don - yes

Steve - no

Rick - abstained

Chris will do Notice of Decision. Peter said that wording on the paperwork submitted by Chris must be approved by himself and Aaron.

Peter also told Chris to file all cell tower documentation in 1 place.

Edward Krypel owns 60 acres on Hardscrabble Rd. (tax map no. 74.001-1-45) that are landlocked and he has no legal right of way. Big Oak LLC has agreed to sell him 32.5 acres from tax map no. 74.003-1-4 to combine with his 60 acres to give him access to Hardscrabble Rd. A motion to approve the resolution of a negative declaration was made by Don with a 2nd by Chris. All in favor. A motion to approve the minor subdivision with the condition that the 2 lots be combined into 1 was made by Don with a 2nd by Jeff. All in favor.

Chris will do SEQR and the Notice of Decision.

There was discussion about dropping to a 5 man board now that the cell tower had been voted on. Al would stay on with Jeff and Amy becoming alternates. There were questions about the planning board and ZBA being the same people. A suggestion was made that when the ZBA had a meeting 1 regular would be replaced with 1 alternate.

There was more discussion about people not coming to the planning board as required.

Steve moved to adjourn at 8:16 PM with a 2nd by Chris. All in favor.