

Town of Northumberland Planning Board
Minutes
Corrected by the Planning Board
Monday, March 9, 2015 7:00 pm
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Present: Susan Martindale , Melanie Eggleston , Holly Rippon-Butler, Chad Reinemann, Lisa Black, Brit Basinger, and Jayme Heber, Assumed Position of Chairperson.

Absent: Jeff King - Vice Chairperson and Wayne Durr, Chairperson.

Town Employees Present: Tia Kilburn, Clerk, Richard Colozza, Code Enforcement Officer, Willard Peck, Supervisor Mark Schachner, Esq. Attorney representing the Town of Northumberland

Mr. Heber opened the monthly meeting at 7:06 PM, all in attendance stood and recited the Pledge of Allegiance.

NEW BUSINESS

Application #: 0002-15 - 2 lot subdivision, Ms. Keri Vanderwarker, Law Clerk from the offices of McNamee, Lochner, Titus & Williams, P.C., Attorneys for Finch Paper, LLC. introduced herself as representing this application. She explained the application is for a minor 2 lot subdivision of approximately 100 acres. Finch Paper, LLC. currently has an easement to use the parcel as an access road to their lot, they are not changing the use they would just like to go from the easement to the owner of the access road parcel. Mr. Heber asked if there were any questions, and asked if this was Finch Paper, LLC or the Scott Finch Landfill. Ms. Vanderwarker stated for Finch Paper, LLC. Ms. Martindale reiterated there will be no change in use and Ms. Vanderwarker said that is correct just from the easement to owner. Mr. Basinger asked if there were any planned improvements to the parcel, Ms. Vanderwarker responded no. Mr. Reinemann asked if the landfill had plans to expand to the south, Mr. Heber said the landfill was not expanding however, he was unsure if they were exercising their right to move ahead with their plans. Mr. Peck interjected Finch Paper's permit included filling in the valley between the County Landfill and Finch Paper, LLC., it is not really an expansion. It is in their permit to fill South with the "valley fill" it is not an expansion. Mr. Basinger asked if there were any stipulations for improvements tied to this property, Mr. Peck responded no, not for this parcel, it has an existing paved access road. He added later there are plans for a greater buffer area and a clay cap on the landfill. Mr. Basinger then asked Mr. Colozza if there were any problems with the use for the zone, Mr. Colozza responded no, it is outside the landfill zone, so if they wanted to expand the landfill to this parcel they would have to come back, if they wanted to build a structure they could because it is the Agricultural zone and and it is allowed with 5 acres. Ms. Ribbon Butler asked if the fields were currently used for farming or crops, Mr. Colozza stated one small area may be however, most of it is shale and then there is a paved road. Mr. Heber asked if there were any additional questions, none were noted. Mr. Heber then asked if a public hearing could be scheduled for April's meeting at 7 pm, the Clerk responded yes. Ms. Vanderwarker asked if any additional material was required, Mr. Heber responded no.

ACTION

Schedule public hearing for April's meeting.

OLD BUSINESS

Application #: 0011-14 - Cellco Partnership, D/B/A Verizon Wireless
Site Plan Review / Special Use Permit

Mr. Peck introduced Mr. Schachner, Esq as Counsel for the Town regarding this application due to the fact the Town's regular Attorney has a possible conflict.

Mr. Jared Lusk, Esq. introduced himself and Ms. Sarah Coleman, Verizon's coordinator of locations, as representing the applicant(s). Also in attendance Kathy Pompanio and Rick Anderson employees of Verizon. He submitted additional information requested at the February 9th meeting including a letter of legal notice to the Town of Moreau and Verizon's co-location policy (Exhibit U). He then discussed the setbacks, the original location and the request of a Board member from the February 9th meeting to move the tower approximately 70' back further behind the tree line. He stated it would be 104' from all RVs as required in the Town Law and he

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discussed landscaping along Route 50 if the front parcel is chosen. Discussion ensued on extending the pole to 140', Mr. Lusk explained Verizon would place their antennae at 120' and then it could be extended to 140' for the co-location use. The maximum height allowed by the Town is 140'. Ms. Eggleston asked if they included "virtual presentations" for both heights at both locations, Mr. Lusk responded no, they do have the "mono pole" and the "mono pine" depicted, green is proposed however they have used brown for the color of the mono pine. He then added the back location was tested at 110', the actual pole if that location is chosen will have to be 120' to be above the trees. He stated it is important to determine the height of the pole before constructed because it makes a difference in the size of the base and he suggested the mono pole as opposed to the mono pine due to the fact that once constructed the mono pine it cannot be changed, he said the "branches" of the mono pine need to be constructed in a gradual formation and the antennae placed in them for the effect, with the addition of a single pole on top of the mono pine would look out of place defeating the purpose of the mono pine. Mr. Heber asked Mr. Anderson if it were possible to choose a different location at a higher elevation, Mr. Anderson responded they (Verizon) felt this was the best location for the pole because the terrain in the area such as the rolling hills and trees impacts the height they need to obtain. Mr. Basinger reiterated they need to determine the height needed for this pole, Mr. Lusk stated the front location could be at 100' and the rear location needs to be at 120' for Verizon, extended for the co-location requirement. Ms. Eggleston asked if the trees were done growing or if they would need to trim them to accommodate the 120' pole, Mr. Lusk stated they will not trim any trees. Ms. Ribbon Butler asked if the collapse zone is clear for each location and what was determined pertaining to the question of the applicant defending the Town from any Liability, Mr. Lusk said they have examined the collapse zone for each location and in addition they can design the pole to collapse within 50' of itself as discussed at February's meeting. Mr. Schackner responded to Ms. Ribbon Butler's question to the applicant protecting the Town from liability stating the applicant took a stand that it is not legally enforceable for the Town to require he then added he and Mr. Lusk will work that out on a legal level, meaning if it is determined to be a legal requirement he is sure Verizon will accommodate the Town with what is needed and if they don't the application will not be granted by the Town Board, or it can be determined to be an unauthorized request by law as claimed by the applicant, either way it does not have to be resolved tonight, he did not feel it would be productive to discuss tonight because they have to find the applicable law.

Mr. Basinger asked if anyone in attendance witnessed the balloon fly, Mr. Heber stated he felt the location of the back balloons was better. Mr. Colozza stated he drove through the subdivision and up Rte 50, he said the 1st home on Cardinal Lane was the only one within the subdivision you could see the front location of the balloons through the trees in the back yard, the next house you could barely see the front balloons waving in the wind. He then stated he drove behind the RV Park and was not able to see either set of balloons, he added the balloons were visual from the driveway of the dwelling across the street from the RV Park and the front balloons were visual from the Dog Grooming Business on Route 50. Mr. Basinger asked if there would be lights on the pole, Mr. Lusk responded no. Mr. Peck stated he traveled North up Route 50 from the South, and could see the front set of balloons when he reached the RV Park, he then continued North into the Hamlet and could no longer see them, he added he felt this Boards recommendation for the back location was a good suggestion. Mr. Lusk discussed the difference in coverage between the original proposed location and the 2nd proposed location at each 120' and 140', he reiterated they need to be at a minimum of 120' because of the height of the trees. He also stated the property owners prefer the original proposed location, Ms. Rippon-Butler asked why they preferred the front, Mr. Heber interjected so they wouldn't lose any campsites. Ms. Martindale asked what the expected lifespan is for the tower, Mr. Lusk responded 49 years. She then asked if there was a need to update as newer technology developed, Mr. Anderson said the mono pole would not be changed; they would only have to update the antennae or the equipment on the ground in the building. Mr. Reinemann asked what would happen if it were abandoned, Mr. Lusk stated it would

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be removed. Mr. Basinger asked why Mr. Reinemann suggested increasing to 140' at the last meeting, Mr. Reinemann stated to extend coverage and limit the need to install additional towers. Mr. Reinemann then asked Mr. Lusk if the 140' at the 2nd location was clear within the collapse zone, Mr. Lusk stated yes, Mr. Colozza interjected the 2nd proposed location was in an area of the RV Park that is not developed yet. Mr. Heber asked where other Verizon towers were located, Mr. Anderson responded the Fort Miller location is Verizon's. Ms. Eggleston asked how soon before another carrier would attach an antennae, Mr. Lusk said he was unsure, typically the carriers keep track of what each other is doing. Ms. Pompanio stated the extendable pole is a nice option. Mr. Basinger asked if there will be any lights on the pole, Mr. Schackner stated the FAA, Federal Aviation Administration, does not require a light for 120' or 140'. Discussion ensued on 120' verses 140' mono pole, co-location, expandability and the proposed locations for placement. Mr. Schackner stated there are many options being discussed and he recommended they "pin it down" before the public hearing, Mr. Reinemann asked if they could get a response from the FAA for the 120' and the 140', Mr. Schackner said it was not required before they can proceed to the public hearing, Mr. Reinemann suggested they get consent from the owner for the extendable 140' pole and Mr. Heber added at the back location. Mr. Lusk agreed, they would present that to her, because she preferred the front location.

Mr. Heber asked if there were any questions, none were noted, he then stated they can schedule the public hearing contingent on permission from the landowner for the 140' pole placed at the 2nd proposed (back) location, the collapse zone for the same and submission to the FAA for the 120' and 140'. Mr. Schackner stated they may want to request written consent for the changes from the landowner, as long as this Board is comfortable with the visual assessment. Mr. Peck stated the Town Board is looking for a recommendation from this Board, discussion ensued on a "joint" public hearing and lead agency. Mr. Heber stated they will schedule a joint public hearing with the Town Board for April 13th, 2015 at 7:00 pm following Finch Paper's public hearing to be held by the Planning Board contingent upon receipt of written permission from the landowner for the changes, Mr. Basinger reiterated, 120' mono pole with the expandable option to 140', the clear collapse zone at the 2nd proposed location within the PUDD. Mr. Schackner stated the Town Board can waive parts and pieces of the Town Law such as Section 6, subsection 10 of the Siting of Telecommunications Towers, local law pertaining to setbacks. Discussion ensued on the collapse zone and setbacks.

Mr. Lusk stated he would notify the Clerk of this Board if he is able to obtain written permission from the landowner and schedule the public hearing.

ACTION

Joint Public Hearing (with Town Board) to be scheduled for April 13th at 7:00 pm following the Planning Board's scheduled public hearing for Finch Paper contingent upon receipt of written permission from the landowner to amend the height and location of the proposed mono pole.

PUBLIC PARTICIPATION

None

MISCELLANEOUS

Mr. Heber asked if there were meeting minutes to be approved.

Mr. Reinemann made a motion to approve the February 9th, 2015 meeting minutes as submitted.

Ms. Eggleston 2 the motion,

All in attendance unanimously agreed.

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Mr. Heber asked if there were any other business for the Board, none was noted.

Mr. Basinger made a motion to adjourn the monthly meeting at 8:32 pm,
Ms. Martindale 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS:

Public Hearing for Finch Paper, LLC April 13th, 2015 - 7 pm
Public Hearing for Verizon D/B/A Cellco with contingencies.
Regular monthly meeting to follow.

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk