

Town of Northumberland Planning Board

Minutes

Accepted by the Planning Board

Monday, November 9, 2015 7:00 pm

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Present: James Heber, Lisa Black, Melanie Eggleston, Chad Reinemann, Susan Martindale, Holly Rippon-Rippon-Butler, Brit Basinger and Jeff King - Vice Chairperson - acting as Chairperson.

Absent: Wayne Durr, Chairperson

Town Board Members Present: John DeLisle, Patricia Bryant, Paul Bolesh, George Hodgson, Supervisor Willard Peck.

Town Employees Present: Tia Kilburn, Clerk, Justin Grassi, Esq., Towns Legal Representation for application #0006-15.

Jeff King, Acting Chairperson, opened the Joint Public Hearing at 7:02 PM.

All in attendance stood and recited the Pledge of Allegiance

Application#: 0006-15 - Site Plan - Special Use Permit

Applicant: Cellco D/B/A Verizon

Mr. Lusk, Esq. re-introduced himself to the Board (no public in attendance); he explained the proposed application as a request for a positive recommendation to the Town Board for an amendment to the Town's Zoning Ordinance which will allow Verizon / Cello to submit a site plan for a siting permit to erect a 120' mono pole at 5 Blue Heron Terrace which is located behind the original application submitted with the same proposal located at the Saratoga RV Park. Then he displayed large poster size photos and explained they represented the various results of the balloon fly and coverage. He discussed the current coverage and additional coverage to be provided by the proposed placement. He added they examined alternate sites and they felt this was the best site with the most coverage for the targeted area. He said there would still be a gap in coverage however; it would not be as large as the current gap in coverage. Mr. King asked if it would be visible from any location, Mr. Lusk responded it is visible to the property owners and maybe partially at 38 Robbins Run if the wind is blowing and it moves the trees around. Mr. King asked if the property owners were aware of that, Mr. Lusk said yes, and then displayed photos from the balloon fly from various locations. The Town Supervisor, Willard Peck asked what the "purple" on the map represented, Mr. Lusk responded no visibility due to the topography. Mr. Reinemann, asked if they had an answer from the FAA if it needed to be lit, Mr. Lusk said no answer as of yet, however; feedback from Verizon Headquarters indicates they do not anticipate the need for it to be lit. Mr. King asked if there were any questions or comments for this application, none were noted, and then he asked if the National Heritage letter was received, the Clerk responded she has not seen one, Mr. Lusk asked what that was, he stated "SHPO", State Historic Preservation Office, was contacted however, they do have not received anything back as from them. Mr. Peck asked if they were going to address the SEQRA, State Environmental Quality Review Form, Mr. King stated they would in the regular monthly meeting.

Mr. Heber made a motion to close the Public Hearing,

Ms. Eggleston 2nd the motion,

All in attendance unanimously agreed.

Mr. King asked if there were a representative present for Application #0008-15 continuation of the public hearing, for a minor subdivision for Jason Clark and Kelly Powhida, the Clerk stated no and she has not received any additional information. Mr. King stated they would leave this public hearing open and move onto the regular monthly meeting.

Application #0006-15 Verizon

Mr. Lusk questioned the legality of the National Heritage Letter requirement before the completion of SEQRA, Mr. Heber explained the difference between National Heritage, which points out any endangered species in or around the location and SHPO to Mr. Lusk, and he added this Board requires a National Heritage response from everybody before they complete SEQRA. Discussion ensued on the SEQRA, legal requirements and if the Town Board could take lead on

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SEQRA. It was determined the Town Board could take lead on the SEQRA and the Planning Board could incorporate that same SEQRA determination in their site plan review after and if a Zoning Amendment was made for the siting of a telecommunication tower.

Mr. Basinger made a motion for the Town Board to become lead agency to undertake and complete SEQRA and if it is determined the National Heritage Letter is required that will be addressed by the Town Board.

Mr. Heber 2nd the motion,

All in attendance unanimously agreed.

Mr. Peck asked Town Counsel, Mr. Grassi, the next steps, if the site plan could be issued; Mr. Grassi stated the Town Board needs to amend the Town Zoning to allow the siting of telecommunication towers then this application will come back to this Board and at that point they can review the site plan. Discussion ensued on the Insurance and Indemnification requirement written in Local Law #2 of 2010 Town of Northumberland for the Siting of Telecommunication Towers, Antennae and Related Facilities. Mr. Grassi stated that the Applicant's Counsel, Mr. Lusk still maintains that Verizon Wireless has never before agreed to any demand for Indemnification Agreement or insurance naming the Town. Mr. Lusk stated they do not have a contract with the Town for anything and therefore any requirement would be deemed illegal. He added if they require Verizon to furnish they will have to require every applicant to do the same, they cannot single out Verizon for this requirement. Mr. Grassi responded Section VIII (5) of the Town of Northumberland Siting of Telecommunications Towers, Antennae and Related Facilities, Local Law #2 of 2010 gives the Planning Board the authority to waive provisions or requirements of the section. Mr. Heber requested the Town Board give them a recommendation for the waiver of the Insurance and Indemnification requirement since the Town Board is the authority that created the Local Law, Mr. Peck stated they would address that at the next Town Board meeting and forward it to this Board. Mr. Lusk agreed the Town Board does not have the authority to waive the provision but did have the authority to provide a recommendation to the Planning Board as they requested.

Mr. King asked if there were any further discussion, none was noted.

ACTION

Joint Public Hearing closed, SEQRA transferred to the Town Board as Lead Agency, Planning Board request recommendation from Town Board regarding Insurance and Indemnification clause of Local Law #2 of 2010.

Mr. Heber made a motion to accept April meeting Minutes as submitted,

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed.

Mr. Heber made a motion to accept October meeting Minutes as submitted,

Ms. Eggleston 2nd the motion,

All in attendance unanimously agreed.

Mr. Heber made a motion to adjourn the meeting at 7:35 PM,

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed.

FUTURE MEETING: December 14, 2015, directly following scheduled public hearings.

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Respectfully Submitted, Tia Kilburn, Planning Board Clerk