

**CHEMUNG COUNTY PLANNING BOARD
DRAFT MEETING NOTES
FEBRUARY 15, 2018**

Present:

Ronald Panosian, Chair
Andrew Avery
Joseph Peters
Bo Manuel
Henry Dalrymple
Mary Jo Yunis
Nicolette Wagoner, Staff
Scott Shaw, Staff
Nanette Moss, Staff

Excused:

Douglas Brackley
Anthony Pagano
Robert Lewis

1. Call to order
2. Approval of Meeting Notes
 - a. Motion made by Mary Jo Yunis, seconded by Andrew Avery to approve the January 25, 2018 Meeting Notes as drafted. Members in favor, all; opposed, none. Motion carried.
3. Visitor Comments – There were no visitor comments
4. Zoning Referrals

- A. TOWN OF SOUTHPORT – Approval of Site Plan and Zoning Area Variances – Up State Tower Co., LLC (Budd Street Properties LLC, Property Owner) [Tabled from 1-25-2018 CCPB Meeting]

DISCUSSION: R. Panosian advised that the CCPB tabled this referral at the January 25, 2018 meeting. Up State Tower Co., LLC is seeking zoning area variances and approval of a site plan for a 160' telecommunications tower within 500' of Clemens Center Parkway. He asked N. Wagoner to give an update of the referral. She reported that the Town might hire consultants to perform additional visual assessments and radio frequency (RF) engineering (as the application does not include a visual assessment.) The Town sent a SEQR Lead Agency Request notification to County Planning. R. Panosian noted that in the site plan, the 60'x60' pad appears to abut the right-of-way fence line. He asked if Southport has determined that the petitioner has proven need and that there is no alternative for co-location. A. Avery requested that the CCPB submit to the Town comments regarding general aesthetics, decommissioning, use of correct RF thresholds and confirmation of need analysis. N. Wagoner recommended local determination with comments. R. Panosian asked if there were any questions or comments, there being none, he called for a motion for local determination with comments.

MOTION: Made by Mary Jo Yunis, seconded by Daniel Manuel, recommending local determination as the proposed site plan would have no Countywide or inter-municipal impact along with the following comments: 1. General aesthetics – The Town should discuss visual impacts with the applicant and requesting that the tower be as visually unobtrusive as possible; 2. Decommissioning plan – The applicant should submit a plan for decommissioning; 3. Correct RF thresholds – The applicant should use the appropriate RF thresholds (for the general public); and 4. Confirmation of need – The applicant should provide data demonstrating that co-location on an existing tower is not an option. Members in favor, all; opposed, none. Motion carried.

MOTION: Made by Mary Jo Yunis, seconded by Daniel Manuel, recommending local determination as the proposed zoning area variances would have no Countywide or inter-municipal impact along with the following comments: 1. General aesthetics – The Town should discuss visual impacts with the applicant and requesting that the tower be as visually unobtrusive as possible; 2. Decommissioning plan – The applicant should submit a plan for decommissioning; 3. Correct RF thresholds – The applicant should use the appropriate RF thresholds (for the general public); and 4. Confirmation of need – The applicant should provide data demonstrating that co-location on an existing tower is not an option. Members in favor, all; opposed, none. Motion carried.

B. TOWN OF BIG FLATS – Approval of Site Plan and Zoning Area Variances – Upstate Cell Tower Co., LLC (T&R Cinema Corp., Property Owner) - Tabled from 1-25-2018 CCPB Meeting

DISCUSSION: R. Panosian advised that the CCPB tabled this referral at the January 25, 2018 meeting. Upstate Cell Tower Co., LLC, is seeking zoning area variances and approval of a site plan for a telecommunications tower near Hendy Creek Road. He asked N. Wagoner to give an update of the referral. She said that the application states the project would not have an adverse impact on natural resources, in responding to A. Avery's previous inquiry. The variances requested would permit a total tower height of 160' in a district where the maximum allowed height is 120'. M. Yunis asked what would happen with the tower when the technology changes; for example, might a change in technology make these towers obsolete? Discussions with the Town indicated that they would consider including decommissioning language similar to that for a solar array. The Board would like to encourage the Town to discuss visual impacts with the applicant, developing a solution that is as visually unobtrusive as possible. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for local determination along with comments regarding general aesthetics, decommissioning, RF thresholds (ensuring the applicant is utilizing the appropriate threshold in its calculations), and the zoning area variances for height, side and rear or front setbacks.

MOTION: Made by Mary Jo Yunis, seconded by Daniel Manuel, recommending local determination as the proposed site plan would have no Countywide or inter-municipal impact along with the following comments: 1. General aesthetics – The Town should discuss visual impacts with the applicant and requesting that the tower be as visually unobtrusive as possible; 2. Decommissioning plan – The applicant should submit a plan for decommissioning; 3. Correct RF thresholds – The applicant should use the appropriate RF thresholds (for the general public). Members in favor, all; opposed, none. Motion carried.

MOTION: Made by Mary Jo Yunis, seconded by Daniel Manuel, recommending local determination as the proposed zoning area variances would have no Countywide or inter-municipal impact along with the following comments 1. General aesthetics – The Town should discuss visual impacts with the applicant and requesting that the tower be as visually unobtrusive as possible; 2. Decommissioning plan – The applicant should submit a plan for decommissioning; 3. Correct RF thresholds – The applicant should use the appropriate RF thresholds (for the general public). Members in favor, all; opposed, none. Motion carried.

C. TOWN OF BIG FLATS – Approval of Site Plan and Zoning Area Variances – Upstate Cell Tower Co., LLC (T&R Realty Corp., Property Owner) - Tabled from 1-25-2018 CCPB Meeting

DISCUSSION: R. Panosian advised that the CCPB tabled this referral at the January 25, 2018 meeting. Upstate Cell Tower Co., LLC, is seeking zoning area variances and approval of a site plan for a telecommunications tower near County Route 64. Bill Hopper, Director of Aviation at the Elmira Corning Regional Airport, is present. N. Wagoner reported that she had spoken with the Town regarding the Board's concerns as to why the applicant could not co-locate, visual impacts and a request for a build-out plan. The Town is satisfied that the applicant has fulfilled the area variance requirements and demonstrated that there is a need. Graphics located in Section 6 of the application demonstrate Blue Wireless's lack of coverage within a study area. Once constructed, the tower will have additional spaces for other wireless providers to co-locate, and by law, they must allow other providers to locate there. The Town understands CCPB's concerns about visual impact, and the Big Flats Planning Board may encourage the applicant to construct the least visually obtrusive tower possible. Blue Wireless did not share a long-term build-out plan as part of the application. The emerging 5G wireless technology will consist of a series of small towers on light poles, meaning that the towers such as the one proposed may soon be outdated. The Town welcomes the CCPB's advisory opinion even though the 30 days review period has lapsed. A. Avery reiterated his concern that the applicant is using the wrong RF threshold (i.e., operator threshold versus the general public threshold) which may mislead municipal boards. N. Wagoner noted that the application does not indicate which threshold the applicant used in its analysis.

The Board is reviewing two separate actions: an area variance and site plan review. While cell towers may cumulatively have a regional impact, the CCPB determined that this area variance is a local determination, with comments. A. Avery commented that the Town should ensure the applicant is using the correct RF thresholds. Bill Hopper wanted to ensure that the tower will not have an impact on the ELM flight path, and the Town should communicate with the FAA to ensure this. R. Panosian asked if the Board had additional questions or comments; there being none, he called for a motion for local determination with comments. A. Avery requested that the Board amend both motions to include a request for a decommissioning plan.

MOTION: Made by Andrew Avery, seconded by Mary Jo Yunis, recommending local determination since the zoning area variance would have no Countywide or intermunicipal impact. The Board wishes to include the following comments: 1. RF coordination - The Town should ensure that the applicant is using the appropriate radio frequency; 2. Tower height - coordinate with FAA and the Elmira Corning Regional Airport to ensure the tower will not impact the flight path to ELM; 3. Proper equipment – Proper

equipment should be used to meet spec; and 4. Decommissioning plan – The applicant should submit a decommissioning plan. Members in favor, all; opposed, none. Motion carried.

MOTION: Made by Andrew Avery, seconded by Mary Jo Yunis, recommending Town approval of the site plan approval sought along with the following comments: : 1. RF coordination - The Town should ensure that the applicant is using the appropriate radio frequency; 2. Tower height - coordinate with FAA and the Elmira Corning Regional Airport to ensure the tower will not impact the flight path to ELM; 3. Proper equipment – Proper equipment should be used to meet spec; and 4. Decommissioning plan – The applicant should submit a decommissioning plan. Members in favor, all; opposed, none. Motion carried.

D. TOWN OF BIG FLATS – Zoning Area Variance – CKA Management/Wendy's Store #7737

DISCUSSION: R. Panosian advised that this is a referral for a zoning area variance at Wendy's on County Route 64 in Big Flats. N. Wagoner reported that the applicant is renovating the exterior of the building. Wendy's currently has three exterior signs, and the applicant would like permission to put three signs back up when the renovation is complete (the code allows for two.) Bergmann, on behalf of the Town, recommended approval, noting that the proposal is consistent with the existing signage and will not alter the character of the district. N. Wagoner recommended local determination. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for local determination.

MOTION: Made by Mary Jo Yunis, seconded by Andrew Avery, recommending local determination as the proposed zoning area variance would have no Countywide or inter-municipal impacts. Members in favor, all; opposed, none. Motion carried.

E. TOWN OF HORSEHEADS – Approval of Site Plan – Horseheads Fire District #1 (Breesport Fire Department)

DISCUSSION: R. Panosian said that Horseheads Fire District #1 (Breesport Fire Department) is seeking approval of a site plan for a new fire department building. Town of Horseheads Code Enforcement Officer Tom Skebey is present. Robert Allen also attended on behalf of the applicant, arriving after the Board discussed this item and answering questions that had arisen during discussion. N. Wagoner reported that the Board is reviewing this item, as it is located within 500' of SR 223. The site is in a Residence Agriculture (RA) zone, where the petitioner wishes to construct a new building on a concrete pad. Tom Skebey advised that Breesport Fire Department had acquired approximately eight acres of land and wished to build a new 70'x80' fire station consisting of a pole barn with four bays, a small kitchen, a meeting room, a training room and restrooms. Although it is located in a Residence A zone, it is an essential service under the zoning ordinance, and therefore an allowed use. This building would replace the existing 1950's era facility located behind the Dandy Mini-Mart in Breesport. R. Panosian noted that there is a single curb cut out onto the main road and an exit at the rear of the property. Skebey advised that the Town is working with the Stormwater Coalition. The Board advised the petitioner to contact NYSDOT regarding the driveway, as the agency will require a highway work permit.

A. Avery asked Tom Skebey to explain the usage and circulation. The building will house full-size equipment. The current configuration of the driveway would require trucks to jog in rather than back straight in or out, to and from the highway. A. Avery suggested that the applicant consider an alternative that would allow trucks to back straight in/out, which the Board will include as a comment. N. Wagoner recommended approval with the comment as stated. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for approval with comments.

MOTION: Made by Daniel Manuel, seconded by Henry Dalrymple, recommending approval of the site plan sought along with comments that the applicant may consider straightening out the driveway into the building. Members in favor, all; opposed, none. Motion carried.

Planning Commissioner's Report:

N. Wagoner presented the following items at today's meeting for discussion.

Leadership Conference

The STC Annual Leadership Conference will be April 5. There is still time to forward registration forms to Nan for processing.

Referral Materials Availability

Board members expressed their desire to continue receiving a hard copy of meeting referral materials packet at CCPB meetings for their reference.

Meeting adjourned at 3:43 p.m.