

**PLANNING BOARD MINUTES
TUESDAY, NOVEMBER 12, 2013
BUTLER MEMORIAL HALL
48 GENESEE STREET, NEW HARTFORD, NY
RODGER REYNOLDS MEETING ROOM
5:30 P.M.**

The Regular Meeting was called to order by Chairman Elis DeLia at 5:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Board Members Peggy Rotton, Ellen Rayhill, G. Brymer Humphreys, William Morris II, Julius Fuks, Jr. and Heather Mowat. Also in attendance: Town Attorney Herbert Cully, Codes Officer Joseph Booth, Highway Superintendent Richard Sherman and Recording Secretary Dory Shaw.

Draft minutes of the October 15, 2013 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these as written; seconded by Board Member Julius Fuks, Jr. All in favor

Amendment to Final to consolidate lots 5,6,7 and 16-23 (33 & 34 & 26-33) and the proposed Deerpath Circle as shown on a map entitled “**Higby Woodlands**, Sections II, III and IV made by Snyder-Myers Associates, PC” dated November 4, 1987 and filed in the Oneida County Clerk’s Office on July 1, 1990 in Map Roll No. 1438. Tax Map #330.018-3-33 & 340.006-1-26.33; Zoning: Low Density Residential. Attorney William Schmitt and Mr. Neil Eberley appeared before the Board.

Town Attorney Cully explained that this was a previously approved subdivision. The applicant is combining some of the lots. They don’t want to go forward with any future phase. Attorney Schmitt met with Town officials regarding this. Higby Woodlands will not be developing all of the lots. They are marketing the lots to homeowners who want to expand their lots.

Attorney Cully asked if any sewers are in the paper street – Attorney Schmitt said no. The storm water right-of-way hasn’t changed and the Town still has access. No change in legal description, just incorporating the paper street.

Board Member Mowat asked if they had gone back to the time when this subdivision was approved to find out if there were any prerequisites. It was stated they did not go back to any prior approval. Attorney Schmitt isn’t aware of any.

Board Member Mowat asked Mr. Eberley if there was anything required to do from the original approval – Mr. Eberley said no. It would have been designated on the original plat – he can still sell the lots as they are existing.

Chairman DeLia asked Codes Officer Booth and Highway Superintendent Sherman if they had any input – they both said no.

Motion was made by Board Member Bill Morris to **approve** the Amendment to Final for **Higby Woodlands** for map dated June 1, 2013 by William E. Parry, L.S. #50143; seconded by Board Member Heather Mowat. All in favor.

Special Use Permit/Site Plan Preliminary/Final Review by **Upstate Cellular Network dba Verizon Wireless** for a proposed telecommunication facility and associated equipment on property at 511 Higby Road, New Hartford, owned by Charles T. Sitrin Health Care, Inc. Tax Map #340.000-2-21.1; Total Lot Size: 121.98 Acres; Zoning: Planned Development Institutional. Scott Olson, Esq. representing Young & Sommer LLC, and Mr. Rick Andras of Radio Frequency Engineering for Verizon, appeared before the Board.

Attorney Herbert Cully referenced the Public Hearing that was held and closed, and also gave a recap of what has transpired. The applicant has to establish a need for this tower, and inability to co-locate. If they do, then the Board would look into buffering/landscaping, and height of tower. Federal law constitutes what we can't consider, i.e., ratio waves, property values and health. Chairman DeLia asked the Town Attorney if they have shown a need– Attorney Cully said he feels the need has been established based on limited cell service; also, residents spoke in favor, and in opposition. Discussion of the height of the pole took place. The 145' height enables better service and co-locators. Chairman DeLia mentioned the 100' pole which could serve the purpose but no room for another carrier.

Attorney Scott Olson stated that the 100' pole wouldn't accommodate service and he doesn't know how that was ever brought up. He stated they would probably not proceed if they had to use the 100' pole/tower. He also stated that they don't care about other companies, but the law requires to build a tower sufficient enough to carry other carriers to avoid putting up several towers – it is based upon overcoming tree height. Signals don't go through leaves, trees, etc,

Mr. Ed Wiatr spoke to the Board stating that if Mr. Olson would like to see what transpired at the September 9, 2013 Planning Board meeting and the discussion of the 100', he would place it online.

Mr. Andras appeared as a consultant for Verizon Wireless. He referred to the packets given to the Board Members and how the location sites are determined, i.e., criteria. Chairman DeLia reiterated that he wants to know how high this tower has to be, especially that now a comment has been made about the 100' tower not being adequate. Mr. Andras said the lower the pole the bigger the hole gaps. He referred to another exhibit which showed the range area – difference between 125' and 145' – where it is shown there is a significant loss. The majority of the loss is north.

Board Member Mowat asked just what he meant by clearer service – Mr. Andras said less likely to drop a call. She also asked about data for the number of users. Attorney Olson explained technically there is no data for that, the engineers design the site. He also stated they are trying to add two (2) new frequencies which is 4G for advanced wireless service. Board Member Mowat asked about landscaping – anything considered about towers looking like trees. Attorney Olson said he isn't convinced this is the area for this – a tree tower is much more bulky and out of place. They typically recommend tree towers where there are 60'-70' trees. He mentioned the area off Higby Road is heavily wooded and a 30' wide area with a driveway. He said you can't see much of the tower from Higby Road. There would be a view from Tilden Avenue from the compound.

Board Member Rayhill asked how much better or worse is the tower. Mr. Andras said it is totally related to the height of the tower. A 200' tower would fill in a bigger area but there are terrain issues. Board Member Rayhill noted that there could be problems no matter what is put there.

Chairman DeLia asked what kind of screening is planned around the building. Attorney Olson said they would have a security fence – he doesn't know if they are proposing any screening in that area, but he feels it would be appropriate. If this Board thought it was important to screen the compound, they certainly would do so. Authorized personnel could get into this site. This facility will be security locked and tied into an operation center. There is no concern about a fall down factor as it would be 236' from the road.

Board Member Fuks mentioned that the plans show a construction entrance to the road and finished drive will be crushed stone. Will something be done for maintenance so it is not left as a construction entrance who will clean and replace it. Attorney Olson said this could be worked into a condition. Board Member Fuks would like to see Item 4 to match the existing gravel drive.

A statement was made about curbing and Attorney Olson has never seen curbing at this type of facility.

Chairman DeLia agrees with Board Member Fuks – when they are done, they should remove the construction section and replace a full section of gravel at road/driveway – stone and soil removed and replaced with clean stone consistent with sheet 105 as submitted. Highway Superintendent Rick Sherman supports Board Member Fuks' statement. Mr. Sherman would like to see 50-75' paved driveway and then go to gravel. He knows it is a County road but he feels they would agree with him.

Chairman DeLia asked what the total acreage of disturbance is – Attorney Olson said about .209 acres. Also, who is the manufacturer – he doesn't know as they bid it out.

Attorney Olson will provide a visual for tower view at 125', 145', and also 165'. The actual study shows a difference between 125' and 145'; also nothing was done at 165'. They usually do three (3) different balances. When they build the structure, they will build it to current standards approved by the industry.

Board Member Mowat referred to Attorney Olson's statement about co-location but it is in writing they will co-locate. He again stated that they don't care about co-location but he knows it is important to the Town.

Public Safety was mentioned as the Police Departments travels up Higby Road frequently. (Highway Superintendent Richard Sherman was a former police officer and he had stated coverage isn't good in this area).

Board Member Fuks asked, since this is a structure, do you have any intention of raising the height. Attorney Olson has no plan to do this, but ten years down the road you don't know what technology will bring. He has yet to ask for an extension.

Discussion ensued regarding the acceptable height and evidence to support it. Chairman DeLia would like to see a screening plan, especially for the area on Tilden Avenue as he feels residents as well as this

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Board is concerned. Attorney Olson will come back to show proposed landscaping and to show 100' vs. 125' vs. 145'.

Board Member Mowat asked about coverage vs. height. Any additional data they can provide for their case for 145' would be helpful. Attorney Olson said they will have more illustrations. Chairman DeLia asked Codes Officer Booth if he had any comments – he had none.

It was stated that Sitrin owns the land behind this. Sitrin has stated that this is the only area they are interested in leasing – the area proposed for the tower and structures.

This application will be discussed at another meeting as additional information will be submitted by the applicant.

There being no further business, the meeting adjourned at 6:40 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbS