

Town of New Hartford
Planning Board Minutes
Rodger Reynolds Meeting Room
June 9, 2014
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, Lis DeGironimo, 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, Councilmen David Reynolds and James Messa, and Recording Secretary Dory Shaw. \

Draft minutes of the April 14, 2014 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these as written; seconded by Board Member Brymer Humphreys. All in favor except Board Member DeGironimo who abstained.

Adirondack Bank, 4631-4645 Commercial Drive, New Hartford, New York. Special Use Permit for an LED sign on existing freestanding sign at The Avenue Plaza. This LED Sign Permit review is required for a Special Use Permit under the Zoning Law. Mr. Jim Hickey of Charles Signs appeared before the Board.

Mr. Hickey explained that the LED sign for Adirondack Bank at The Avenue Plaza is modern, and less expensive to maintain. There won't be any change to the square footage existing. Brightness of the lighting is regulated and within Code. Light sensors can be adjusted.

Board Member DeGironimo asked how often could it be changed. Codes Officer Booth stated it remains for a number of seconds and no off site advertising is allowed.

Chairman DeLia asked if there were any other questions. There being no further input, motion was made by Board Member Heather Mowat to approve the application of Charles Signs/Adirondack Bank as presented; seconded by Board Member Lis DeGironimo. All in favor.

Special Use Permit/Preliminary/Final Site Plan Review of a proposed telecommunications facility and associated equipment at **511 Higby Road, New Hartford, New York by Verizon Wireless (property owned by Charles T. Sitrin Health Care, Inc.)**. Report of independent engineer to be presented by Mr. Bill Johnson. Attorney David Brennan from Young/Somer LLC, Ms. Chris Howell of HPC Development, Site Acquisition Specialist, Mr. Rick Andras, RF Engineer with Verizon Wireless, and Mr. Bill Johnson, independent contract engineer, appeared before the Board.

Mr. Johnson distributed copies of his report to each Board Member (this has been made a part of the file). He explained that he reviewed the material given to him at a pole height of 145'. He mentioned that the applicant had indicated they would reduce the height of the tower to 125' but Mr. Jonson said the higher tower would accommodate a wider use. It may not solve some gaps, but definitely better than the height of 125'. He felt there wouldn't be any aesthetic difference between the 125' and 145'. Mr. Johnson referred to the existing water tank and the possibility of coverage at this site.

Board Member Fuks referred to Item 5 of his report regarding Higby and Sessions Road Verizon having dismissed all alternate sites. Mr. Johnson stated for each of those sites and in each case it doesn't cover the target area. Mr. Johnson referred to smaller cells but that is not a viable financial solution. Distributing systems are basically used in football and baseball stadiums. Some communities opted for that but there are technical problems with that type of application.

If you look at the proposed sites, there are still some gaps. If you approve this site, it becomes a point where other stations could attach to.

His report, which has been made a part of the file, addressed:

Summary of Findings	Site Details	Site Justifications	
Public Necessity		Feasibility	Reasonableness
NIER Exposure Compliance	SEQR		
Distributed Antenna systems (DAS)			

Mr. Johnson, in particular, addressed the 1) water tank site, 2) DAS equipment and the 3) Higby Road/Sessions Road site.

Attorney Brennan distributed Verizon's response to Mr. Johnson's three comments (this has been made a part of the file), i.e., water tank, Higby and Sessions Roads area; and DAS technology. Mr. Rick Andras, RF Engineer, referred to elevation decreases, areas not viable; even at a pole height of 195' there would still be some gaps.

Chairman DeLia referred to gaps. Mr. Andras explained at a pole height of 145' - the City of Utica - there is a small gap. Dropping the pole to 125' is workable but a height of 145' would be much better. He further explained the DAS technology.

Board Member DeGironimo asked about the time frame - Mr. Andras said they would want to try the DAS technology first. The only other area of concern is to the north the terrain is affected and they would have to add another facility.

Board Member Rotton referred to the smaller cells. Mr. Andras stated you run into monthly fees, land leases, etc. She referred to the 125' pole height and the 145' pole height and how it affects this area.

Chairman DeLia asked if the Sitrin facility is covered either way – it was stated somewhat – some areas are still affected. Board Member Humphreys addressed co-location. At a pole height of 125’ it eliminate any co-location. He also explained the base is built for a certain size tower. Attorney Brennan stated a base should be built for any future expansion.

Board Member Mowat referred to the 145’ height with good coverage compared to 125’ where you may not and would have to have other sites. Maybe a microcell antenna on a telephone pole with 700’ to 1000’ feet coverage is a possibility.

It was stated that with a 125’ pole they may have to come back before this Board but with a 145’ pole there are no issues.

Chairman DeLia asked, the small boosters, if needed, could they be put in – it was stated yes.

Highway Superintendent Richard Sherman explained they have a communication pole on Tilden Avenue about 600-700 feet from Higby Road, also a repeater. Is their antenna going to have any interference. Mr. Andras said no.

Chairman DeLia asked if there were any other questions. At this point, motion was made by Board Member Brymer Humphreys to approve the application of Verizon Wireless for a 145’ cell tower to be located on property owned by Charles T. Sitrin Health Care based upon the available technology and that the 145’ tower would provide better service; seconded by Board Member Peggy Rotton. Vote taken:

Board Member Fuks, Jr. wanted to clarify that this Board is voting on the height of 145’ and not the 125’ that had been discussed previously – Chairman DeLia said yes, we are voting on the 145’ height.

Chairman Elis DeLia – yes
Board Member Julius Fuks, Jr. – yes
Board Member Brymer Humphreys – yes
Board Member Lis DeGironimo – yes

Board Member Heather Mowat – yes
Board Member Bill Morris – yes
Board Member Peggy Rotton – yes

Motion passed by a vote of 7 – 0.

Board Member DeGironimo stated when she looked at the simulation, she couldn’t see much difference between the 125’ and the 145’ height at this location.

Chairman DeLia thanked Verizon Wireless and everyone involved for their participation in this process. Attorney Brennan asked Town Attorney Cully if he could write up an approval to forward to them – he said yes.

Recommendation to Town Board regarding Telecommunications Facilities, Local Law #2014-B.

Town Attorney Cully stated even with co-locations, except residential, applicants still had to apply to the Planning Board for a Special Use Permit. This wasn't the intent, i.e., some hospitals need to co-locate or replace equipment This should have been handled administratively. This is the only change to this Local Law.

Discussion ensued. Motion was made by Board Member Heather Mowat to recommend to the Town Board the adoption of the proposed Local Law Introductory "B" of 2014 to amend the Town Code, Chapter 107B entitled Telecommunication Facilities; seconded by Board Member Julius Fuks, Jr. Vote taken:

Chairman Elis DeLia – yes	Board Member Heather Mowat – yes
Board Member Julius Fuks, Jr. – yes	Board Member Bill Morris – yes
Board Member Brymer Humphreys – yes	Board Member Peggy Rotton – yes
Board Member Lis DeGironimo – yes	

Motion passed by a vote of 7 – 0.

Secretary Dory Shaw will notify the Town Board.

Recommendation to Town Board regarding new Zoning Law and Comprehensive Plan. Last update to the Comprehensive Plan and Zoning Law was 1999.

Codes Officer Booth referred to a map and correspondence submitted regarding the propodsed changes. He mentioned that this was a collaborative effort between the Zoning Committee, Town Board, and River Street consultants. This update has been going on for over a year. Mr. Booth stated that there were originally 22 zoning districts in the Town, which have now been reduced. Basically, they have made the Commercial Drive/Seneca Turnpike/Woods Road area one zone to an aggressive business zone, which is all Site Plan Review. Planned Highway Business zone is now a C2 zone. LDR zones changed to MR zones, and Mr. Booth explained why. Agricultural zones now include high-end housing. ????

Sitrin changed over to Mixed Use zone – health care and single family, still preserving quite a bit of Agricultural zone. RA1, RA2 and A to Residential A – still preserved.

Verbiage: Zoning Law. New regulations for Special Uses along with developmental standards. When a project comes before this Board, you will be looking at standards for those designs.

Planned Development: we now have five (5) designated PD zones. That means, if you have a tract of land that is zoned Residential/Agricultural and with five (5) acres, you can apply for a mini-zone change and put in a residential PD. To do that, you go to the Town Board, Planning Board, and then back to Town Board.

Board Member Mowat asked if there was any public input regarding this new Zoning Law. Did River Street go town wide or any kind of advertisements. Mr. Booth said no, but the Zoning Committee was made up of private citizens who played a major role in this endeavor. Board Member Mowat also asked what was done by River Street before the draft was put together.

Board Member Humphreys asked if there were any existing conflicts. Mr. Booth stated any use currently operating is automatically grandfathered, until that use remains vacant for one (1) year.

Billboards – right now as long as they exist, they are grandfathered. There is a provision to look at all signs that are non-conforming.

Board Member Mowat asked if the Public Hearing at the Town Board was well-attended. Mr. Booth said there were some comments, especially regarding recreational areas in an Agricultural zone. Mr. Booth said there were no changes made after that Public Hearing.

Board Member DeGironimo stated that there was no mention made of the GEIS history or Southern GEIS. It does a good job for the Town and it is not included. She also referred to reservoirs facilities under Public Service – they do have active facilities on that site. She'd like that corrected as the site is in use. Also, Burrstone Road is referred to as a golf course – that needs to be corrected. She also noticed a couple of minor typos.

Chairman DeLia referred to the GEIS. It was 20 years ago. The positive declaration remains, it does not disappear. Board Member DeGironimo feels the Comp Plan should have communication regarding the GEIS. Not to have it is a gap in the plan.

Motion was made by Board Member Heather Mowat to recommend approval to the Town Board to accept this document; seconded by Board Member Bill Morris.

Board Member DeGironimo wanted to clarify the motion to recommend that the GEIS be added to this document.

Discussion ensued regarding the GEIS and mitigation fees. Town Attorney Cully stated the GEIS is still in effect.

Chairman DeLia again stated the positive declaration remains. The 20-year plan is for land use. Accumulated impacts under SEQR continue, fees are collected, allocated and used to solve problems. Board Member Mowat asked Mr. Booth if this was discussed. R. Booth said he didn't have a lot of input in the Comprehensive Plan. The Committee looked at the old plan, and the GEIS was mentioned. Board Member Mowat asked Town Attorney Cully if there was any downside of putting this in – Town Attorney Cully said it may delay the process. Codes Officer Booth stated River Street is are of this meeting tonight and will make any changes.

Board Member Mowat agreed to add Board Member DeGironimo's comments about the GEIS in her motion. See below:

Motion was made by Board Member Heather Mowat to recommend to the Town Board the approval of the new/updated Zoning Law and Comprehensive Plan; and that reference to the GEIS document be added to the new/updated Comprehensive Plan; seconded by Board Member Bill Morris.
Vote taken:

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Chairman Elis DeLia – yes	Board Member Heather Mowat – yes
Board Member Bill Morris – yes	Board Member Peggy Rotton – yes
Board Member Julius Fuks, Jr. – yes	Board member Brymer Humphreys – yes
Board Member Lis DeGironimo – yes	

Motion passed by a vote of 7 – 0.

Secretary Dory Shaw will notify the Town Board.

There being no further business, the meeting adjourned at 6:30 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbS