

MINUTES OF THE TOWN OF WAYNE  
PLANNING BOARD  
November 7, 2016

The November 7, 2016 Planning Board meeting started with a roll call of the members.

<u>MEMBERS PRESENT:</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE ARRIVAL</u>
Glenn Neu, Chair	<u>X</u>	___	___
Nancy Gabel	<u>X</u>	___	___
Chris Mooney	<u>X</u>	___	___
Jon Serdula	<u>X</u>	___	___
Stan Witkowski, Vice-Chair	<u>X</u>	___	___
Donna Sue Kerrick	<u>X</u>	___	___
Dennis Carlson, liaison	<u>X</u>	___	___
Gill Harrop, CEO	<u>X</u>	___	___

<u>ALSO PRESENT:</u>	
Jeff Martin	John Vang
Wayne Hand	Candy Dietrich
Dave Bauer	Linda Vang
Theresa Whiteford, HPC Wireless	
Robert Brenner, of Nixon Peabody LLP	

**MINUTES:**

Ms. Gabel made a motion to approve the October 3, 2016 minutes as amended, seconded by Mr. Witkowski.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>
Glenn Neu	<u>X</u>	___	___
Nancy Gabel	<u>X</u>	___	___
Donna Sue Kerrick	<u>X</u>	___	___
Chris Mooney	<u>X</u>	___	___
Jon Serdula	<u>X</u>	___	___
Stan Witkowski	<u>X</u>	___	___

Ayes-6. Nays-0. Abstain-0.

**AGENDA:**

- Solar farms are attractive as lower electricity rates are available to lower income

**SITE PLAN APPLICATION(S):**

**John and Linda Vang:** Property located at 9425 County Rte. 95. Request to construct a garage/workshop with office area.

Mr. Harrop stated the following:

- This application was heard and approved for a height variance on 10/13/16.
- The applicant has since requested a change in location for the proposed structure.
- The applicant met all setback requirements for both locations.

Mr. Neu stated the following:

- Any change to the original approved request would need a new Variance Application.
- The Planning Board could review the proposed changes to the application and if approved; would be contingent upon ZBA's approval of the new Variance Application.

Ms. Gabel made a motion to accept the application, seconded by Ms. Kerrick.

Mr. Vang stated the following:

- He wanted to change the previous location due to the amount of fill that would be needed to be below the frost level.
- He would now like to locate the proposed garage where the old barn is located.
- Eventually he would like to operate both his real estate office and home occupation business out of the structure.

Mr. Harrop stated the description on the building permits says garage/workshop/storage area, further noting the proposed changes didn't meet the building permit description.

Mr. Neu stated that a home occupation needs to be located within the residence and if the applicant wanted to move the business into the proposed structure; they would need to apply for a Use Variance.

Mr. Hand stated that there were two issues:

- The revised location of the structure
- Possible use, since current the LUR doesn't allow a retail business in an AG-R district.

Mr. Witkowski stated the Board needs to address what the applicant was approved for by the Zoning Board of Appeals on 10/13/16; the applicant would need to apply for another Variance request if there were any other changes.

Upon further discussion, it was noted:

- This was a Type II action, no SEQR is required.
- Approval of the site plan is contingent upon approval from the ZBA for the new location.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>
Glenn Neu	<u>X</u>	___	___
Nancy Gabel	<u>X</u>	___	___
Donna Sue Kerrick	<u>X</u>	___	___
Chris Mooney	<u>X</u>	___	___
Jon Serdula	<u>X</u>	___	___
Stan Witkowski	<u>X</u>	___	___

Ayes-6. Nays-0. Abstain-0.

**Duane Randall Sr.:** Property located at 8532 Coryell Rd., Town of Wayne. Request to construct a 28 ft. by 32 ft. by 16 ft. pole barn.

Mr. Witkowski moved to accept the site plan application, seconded by Ms. Gabel.

Mr. Harrop stated the following:

- It met the setback requirements.
- Little or no view shed would be affected.
- He had no issue with this request.

Mr. Randall stated the following:

- The proposed structure was for the storage of his tractor, go cart and horse.
- The upstairs would be for storage.
- In the Spring he would like to cement the floor.
- Eventually he would want electric.
- He would be using the existing driveway.

Upon discussion, the following items were noted:

- It was a Type II action and didn't need a SEQR.
- All outdoor lighting should be downward.
- View shed wasn't an issue.

A roll call vote was taken.

<u>VOTE RECORD:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>
Glenn Neu	<u>X</u>	___	___
Nancy Gabel	<u>X</u>	___	___
Donna Sue Kerrick	<u>X</u>	___	___
Chris Mooney	<u>X</u>	___	___
Jon Serdula	<u>X</u>	___	___
Stan Witkowski	<u>X</u>	___	___

Ayes-6. Nays-0. Abstain-0.

**COMMUNICATIONS:**

**VERIZON WIRELESS:**

Attorney Brenner, representative for Verizon, was present to review the Special Permit request that Verizon would be presenting to the Planning Board at its scheduled on December 3, 2016 meeting date.

After Attorney's Brenner presentation the following concerns were noted from the Planning Board and Mr. Bauer:

- Did Verizon consider the tower located on Grove Springs Rd.
- Security measures to be taken.
- Would the tower be placed where the balloons were anchored.
- Increase of coverage.
- Lights on the tower.
- Potential increase of radiation.

- Additional noise due to back up generator and other equipment

Attorney Brenner addressed the following items:

- Coverage would increase along Ste. Rte. 54 and 54A.
- The tower will be placed where the balloons were anchored.
- Currently no lights would be placed on the proposed tower; but if required at a future date, they will come back to the Board.
- Potential radiation emission is less than allowed by the Federal government.
- The actual fenced n area would be 75 ft. by 75 ft.

The Board thanked both Ms. Whiteford and Attorney Brenner for coming and informed them their Special Permit would be heard on December 5, 2016 at 6:30PM.

### **SITE PLAN PROCEDURE PROCESS:**

Ms. Kerrick stated the following:

- She would stay on as a Planning Board member.
- How we as a Board could determine information provided by an applicant is either factual or inflated.
- The need for the Board to have the applicant address all the required information.
- Potential misinformation when it comes to viewshed.
- The need to have a topo map particular to the site.
- Concern when the applicant does not follow the stipulations as required on the application.

Mr. Neu stated a written complaint would need to be issued to address a stipulation was being violated and viewshed is subjective.

Mr. Carlson stated that the LULA group may help interpret what is viewshed and a viewshed workshop would be beneficial to the Planning Board.

Upon review of the building permit, a question arose whether the cost of the proposed project should be required.

Mr. Harrop stated the cost of the project is subjective and may need to be taken off the application.

Ms. Kerrick thanked the Board for addressing some of the issues.

Ms. Gabel made a motion to adjourn the meeting at 9:06PM, seconded by Ms. Kerrick. Ayes-6. Nays-0.

Respectfully, Maureen Kurtz