

CITY OF AUBURN PLANNING BOARD
TUESDAY, OCTOBER 6, 2015 6:30 PM, MEMORIAL CITY HALL

Present: Sam Giangreco, Anne McCarthy, Andy Tehan, Crystal Cosentino, Theresa Walsh

Absent: Tim Baroody, Frank Reginelli

Staff: Stephen Selvek, Senior Planner; Brian Hicks, Code Enforcement; Greg Gilfus, Traffic Officer APD; Chad Hayden, Corporation Counsel

Agenda Items: 60 Wallace Avenue, Subdivision Review; 68 North Division Street; Site Plan Review; 284 North Street, Site Plan; 14 Allen Street Site Plan Review.

Items Approved: SEQRA Lead Agency for 60 Wallace Street, SEQRA Lead Agency for 284 North Street

Applications Denied: None

Applications Tabled: 68 North Division Street and 14 Allen Street

Chair calls the meeting to order. The Pledge of Allegiance is recited. Roll is called.

A member of the public requests to move the site plan application for 14 Allen Street to be first on the Agenda. Chair asks how many people are attending for the 14 Allen Street site plan application. A show of hands indicates that majority of people are attending for 14 Allen Street. Chair and Board members agree to move 14 Allen Street to be the first application reviewed on the agenda.

Agenda Item 1: Approval of August 4, 2015 Meeting Minutes.

Chair asks for a motion to approve the minutes of the August 4, 2015 meeting. So moved by Theresa Walsh, seconded by Anne McCarthy. All members vote approval. No members opposed. Motion carried.

Agenda Item 2: 14 Allen Street: Site Plan Review for the installation of a telecommunication tower and facility. Applicant: Crown Castle

Chair invites applicant to present the project.

Andrew Leja, Barclay Damon, Syracuse- Representing applicant Crown Castle. All Board members have received a packet and I would like to review the contents of application at this time. The cover is a general description outlining that the antenna is a public utility for purposes of site planning and approvals on a municipal level.

Exhibit 1: Site Plan cover sheet with basic details, including that the monopole will be a 150 foot tower.

Exhibit 2: General written description. Purposes is to provide greater service for the gaps and provide service

for the 4G LTE customers.

Exhibit 3: Discussion of applicable legal standards for public utilities with respect to permitting of telecommunications under the telecommunication act.

Exhibit 4: Part I of the State Environmental Assessment Form. As part of the exhibit there are environmental

constraint maps including a soils map for the purpose of the foundation for the tower.

Exhibit 5: Radio licensing authorization for these particular towers and these frequencies.

Exhibit 6: Crown Castle site condition standards, constraints, limitations to satisfy the site proposal for

installation of the tower
Exhibit 7: Redacted lease agreement with Crown Castle and Auburn IDA.

Chad Hayden- We have redacted copy of the lease with a public agency, why is it redacted?

Andy Leja- Typically the customer will do that. If the public agency wishes to release that information, we have no problem releasing that information. This is customary practice with Crown Castle. Our client does this automatically with such leases and does not distinguish between public and non-public agencies. If there are not any further questions, there are additional exhibits I would like to present. Attachments are in Board packets (maps are put on screen) includes propagation map which is a rendition of the geographic area intended to be covered by the tower and it is a before and after picture. The before picture (purple color) shows the relative intensity available to customers, everywhere you see white are gaps in service area coverage. The corresponding after picture depicts the intended coverage afforded by this tower at that location. The green color would be the 4G LTE coverage. You will see that in demonstrating the need of the project, which is one of our responsibilities as a representative of the carrier, we need to show these propagations. There are gaps in coverage existing and this location will fill those gaps.

Chad Hayden- Do you have a map that shows the coverage of the gaps? Can you highlight the gap coverage that will be eliminated?

Andy Leja- The total gap coverages are depicted by the white color. The green goes further than simply eliminating the gaps; it also provides 4G coverage. By providing this tower at this location it not only covers service gap but also upgrades those who have service but at a lower level, perhaps those who would only have one or two bars on their phone. Also 4G provides substantial improvement in phone communication and data transmission.

Chad Hayden- So you are saying the need is for an increase in service?

Andy Leja- Increase level of service for those who have some and providing service for persons that do not have service.

Chad Hayden- The majority of it is for those who have reduced level of service, right? Requests the scale of the map.

Andy Leja- I do not have the scale available. I believe there are scale maps in Board packets. You will also see that there are two other antennas nearby. One is located near the Finger Lakes Mall, and the other is McMasters corners. This antenna falls between them and covers the gap in coverage in the North West part of town. Shows site plans with Ariel and property views of the proposed property and close up of the station site (in packets and up on screen).

Stephen Selvek- Points to the map on the screen, points to the property and indicates that the South East corner is where the tower is being proposed. It is important for the Board to note that the Zoning of this property is industrial and south of the location is residential.

Andy Leja- The South East location on the parcel maintains adequate setback and fall zone for a 150 foot tower. It is located at least 150 feet from all property lines. There is a 60ft x60ft fenced in compound with landscaping around the monopole. There are not any guide wires to the monopole. There are antennas on top of the monopole and the antennas themselves have a co-axle cable running down the length of the tower, to equipment cabinets at the base. When you speak into the cell phone it communicates with the tower installation, the tower receives the signal through the antenna and then sends it down the co-axle cable down to the equipment landlines and the landlines transmit the information through the landline network to where it needs to go. The proposed fencing is for security reasons and to keep animals out of the area. There will be an access driveway that will connect to Allen Street and is proposed to be a 22 foot

wide access drive that will be used during construction and for maintenance. Towers are visited once to twice a month to ensure everything is working properly. There is not a continuous running generator onsite so there will not be any noise and it is 150 feet tall so it falls below FFA requirements and therefore will not have lighting at the top of the monopole.

Anne McCarthy- Questions the propane tank on the site plan.

Andy Leja- The propane tank is there for an emergency generator. That will be used for emergency situations, such as a power outage. It will be tested on a monthly basis for about 15-20 minutes at a time.

Andy Tehan- Reaffirms that there will not be a light beacon will be on the monopole.

Andy Leja- Correct.

Crystal Cosentino- Will future carrier antennas be added?

Andy Leja- Crown Castle is a tower construction and operation company. Verizon retains them to build a tower. They typically build the tower to allow multiple carriers because the carriers operate at different frequencies and therefore do not all need to be at the same height. They can be at various heights. Typically a municipality will require a tower with co-location so you do not have carriers building their own towers on multiple sites. Verizon looked at other towers to co-locate but in cases where this is not feasible, Verizon will look for a willing landowner to consider construct a tower. Crown Castle is to build the tower at its tenant's optimal height and then anything below that is available for co-location.

Theresa Walsh- Asks for the closest tower to this specification (such as height, and capability of providing).

Andy Leja- There are not any towers in that area with that height in this vicinity. There is the Finger Lakes mall and McMaster Corners antennas, which forms a network of service areas that are all linked together. The towers work together in line of sight to provide coverage. So the height of the towers and topography of the area is important since signals intersect and overlap with one another to provide adequate coverage in an area. That is why when you are traveling on the road you may experience a call that is dropped when service is not available but will be picked back up in a minute or less when service is available again. It is almost like a relay system and the gaps in coverage are the white areas you see on the propagation map. It may be due to topography, interference or other sources in the area like high tension wires. To avoid this providers build up a high network of towers for seamless coverage. In Cayuga County we have the 911 radio system that we use for emergency crews but often times the crew is using their personal cell phones if there is an area where the 911 system is not working.

Chad Hayden- Can the emergency generator be heard off site and what time and day of the week will it be exercised?

Andy Leja- The generator is quiet, like a car running and will be exercised during the during work hours 9am-5pm, unless it is an emergency. Maintenance activities will take place during the week from 9am-5pm as well. No permanent lighting is being proposed.

Stephen Selvek- There is one other item I would like to draw the Board's attention to before we open the public to be heard. If we take a look at exhibit B, the selection process, there are propagation maps with gaps of coverage and maps for the ideal site, which point at Casey Park Elementary school. Other sites were identified as they may or may not be suitable according to their process. They looked at sites with great detail to ensure that they work from a technological standpoint and a zoning compliance standpoint. Some of the other sites that were reviewed included areas that were zoned residential so it was not zoned properly for this purpose. There was an area in Tech Park that did not pass from a technological

standpoint, Casey Park was eliminated because of zoning, Falcon Park was eliminated because of public grant funding restrictions, and ultimately Kubis auto but unable to get interest from property owner.

Andy Leja- In addition to zoning, technological suitability and availability there is also the issue of landowner consent. If we are unable to get consent from a landowner we look elsewhere.

Chair, Sam Giangreco asks if there are any questions from the Board.

Chair opens Public to be Heard.

Karen Walter, 15 Case Avenue- The proposed tower will be in my backyard. Thanks the Board for moving the items on the agenda so 14 Allen Street could be first. Mentions that the memo stated this was to be a Public Hearing, not just a Public to be Heard in order to comply with Section 305.13. Also the memo sent to neighbors was dated on October 1st, postmarked October 2nd and received yesterday (October 5th) so I do not have wonderful exhibits to show. However I was able to get about ten neighbors to come tonight and County Legislature Joe Bennett and City Councilman John Camardo. I also share the question as to how this happened and how it happened so abruptly. I got the letter yesterday and searched Crown Construction, on my smartphone, and saw that they often reach out to landowners for the construction and leasing of cell towers. This morning I called and found out who owns 14 Allen Street, which is AIDA and on April 27th I saw there was an update on the cell tower lease which is proposed to be for \$900/month with a 10% revenue share. It's all about the Benjamin's. If this independent Board allows this to go through, without the consideration of the homeowners who had very little notice, shame on you. Sam (Speaking to the Chair) I know you are a champion for children and schools. This proposed site is less than ¼ mile from the Casey Park sports complex that is used all year long and is less than ¼ mile from Casey Park Elementary school. Property values will plummet. One City employee has his house on the market. It should not be in a residential area. Holy Family Cemetery on State Street Road has property. I think this Board needs to consider everything. McQuay is going to be vacant and efforts need to be used to get tenants there, not on a \$900/month lease. Put the tower down at the landfill so the lease goes into the general fund for the City of Auburn, not under the auspice AIDA. The corner North and York has only one home in that area. There is the Osborne Street Tower, repurpose that. I am not opposed to a tower but I am opposed to a tower in that location. How would you (speaking to Board members) like to have a tower 150 feet from you backyard. I am concerned about the health risks, any kind of waves or emissions and they will all say you do not have to worry about that. But it was not until 1999 Phillip Morris finally admitted that cigarette smoking causes cancer. We do not want to be that next group. I also have a concern that using the AIDA property may be a way to circumvent federal or state environmental impact studies. I do not know if that the case but a lot has happened since May 27th with AIDA's first notice of a possible lease. I think I have given reasonable and worthwhile alternatives.

Ron Quill- 5 Case Avenue- Karen brings up a good point about Phillip Morris. I am concerned about the health risks. There was a study about the use of cell phones are causing brain cancer. And the people that make cell phone say that is not true. Remember the different proximity of kids, Casey Park, Falcon Park and BOCES has a preschool program there. Consider the kids that live and go to school there. There are plenty of places to put the tower. This money will go to AIDA, it does not affect the City taxpayers. There was discussion by Council on the tower located on Osborne Street to decide to sell the tower or not. I believe the City did not sell the tower but at least the tax payers are benefitting from the rental of that tower. I am opposed to the tower in my backyard. My family has lived in that home since the 40's my grandpa owned it, now we own it. Somewhere down the road we are going loose; people do not want a cell tower close to them. There is plenty of property. Look at other locations in Technology Park, the dump. Years ago, looking towards Throop, I could see the church from my house but now the dump is in the way, so in other words that is a high spot. The problem is that AIDA stepped up and said we want to make money. They are supposed to be developing businesses for the area, not making a profit on the property that is going to be impacting the neighbors in that area. Let's develop it for business.

Chad Hayden- Federal law of 1996 telecommunication act and in that act the State and local governments are prohibited from restricting utility placement based on perceived medical implications. Therefore, this Board cannot make a decision on perceived health risks.

Alisa Lawton, mother resides at 17 Case Avenue- Than why not put the tower at the school or Casey Park? If there are not any health risks and that has higher ground, than why not put it there? Just so that you have an idea of our backyards, my mother has a beautiful large wooded lot that is shared with the neighbors. My mother raised six kids on Case Ave and the children would play in the large wood lot and go skating at the little pond. This is our life. My mother is now raising a 4 year old and my brother goes behind to the dump to go hunting there. Please come and see our neighborhood. Please come and see where we are talking about. Putting a cell tower there would be heartbreaking.

Wes Weber, Crown Castle- We do take these objections very seriously as we are not looking to be a bad neighbor. A lot of these items we run into regularly when we are picking a location. I would like to mention a few quick notes. Cell towers use to be at low frequencies 6-9 megahertz. When you use these lower frequencies, they propagate much wider so you used to be able to space them out every mile or mile and a half depending on the topography. With the newer technology we are using a much higher frequency. Here Verizon is using 1700, almost twice the wavelength. This is in need of a much more focused area. Years ago there would have been much more flexibility in where we needed to be but now days the frequencies do not carry as far particularly the higher frequencies, which support the LTE. When you start moving location, there is going to be a gap. The tower costs about \$400,000.00 to build so we are very selective in where the location of the tower is and we want to minimize the amount of towers we build. We are Crown Castle, not Crown Construction; we are the leader in towers and have a vested interest in our properties and neighbors. When it comes to property values, we get this question all the time. There are a number of studies that have been completed that say the opposite; you will not see a detrimental impact on your property. Realtors are always asked about cell phone reception. I understand that you do not want to stare at it but at the same time when you want to call 911 from your backyard you will be thrilled that you have it. As for the landfill, that is not a good location also the parks were not a good location and there also needs to be an interest in a property owner in leasing. Last point, the 1996 telecommunications act is regulated at the federal level. All towers have to go through numerous tests before the towers go up. We do an electromagnetic exposure test that is a quantifiable study that rates maximum permissible exposure (MPE). I have never had one come in above ½ of 1% of the MPE level. If you have a microwave in your home, you will get more radiation off of your microwave than you will off of this cell tower. Furthermore, if you carry a cell phone in your pocket, the farther away you get from a tower, the more the cell phone will power up. You will not have exposure from the tower but you will from your phone.

Karen Walter, 15 Case Avenue- AIDA, stakeholders, our community at large, our workforce residents, taxpayers, labor unions, City Council, School district, colleges, BOCES, the region. That's their mission statement. Planning Board is an independent Board appointed by the Mayor in order to make an independent decision after considering all of the facts and all of the considerations. Having ten homeowners come in less than 24 hour notice and there is a ball game tonight, is no easy feat, but these are the faces of the taxpayers. I have done a lot of caregiving for family members and the nurse, when she is done with her shift, goes home at the end of her day and thinks about her kids, soccer game and whatever. That is my father in the bed, not her father. When the tower goes up, the \$400,000 has been spent, AIDA is putting \$1,000 in their pocket every month, we hear the humming, we see it, and we do not want it in our backyard. That is our message I want to give tonight.

Anne McCarthy- Are these towers abandoned?

Andy Leja- Generally not. The towers are reused as the technology advances. Antennas are changed out as the needs change. It is very rare that towers ever come down. Typically if they do they have been up a long time and are structurally suspect. A monopole is a much lower visual imprint than a typical lattice

tower. There will not be a hum emitted. This is not a transmission tower. It is different than a WMBO radio tower. It does not take a signal from the ground and transmit it out through the air. This is a passive receiving tower. Your cell phones are the transmitters, they transmit the signal, the antennas wait to receive, and then pipe them down the co-axle cable to the line below. It receives signals and transports them through the landlines. Also the dump location was mentioned and if you look at the summary of selection sites, you will see site C located immediately West of the landfill was rejected because of topography concerns because it is simply low. The dump has a liner system to catch the leachate which cannot be punctured. No structures can be placed at the top of the dump, except for pipes for the methane generation system. A monopole tower would require a foundation that would pierce that system.

Chad Hayden- Are all of the antennas 150 feet tall. Does it not emit a signal?

Andy Leja- They vary in size depending on elevation, need and overlapping need for zones. The signal is not a two way signal. Wes, could you speak to that?

Wes Weber, Crown Construction- This tower will send and receive while the connection is active or a call is being made, where a radio tower will push a FM or AM signal continuously. This is line of sight technology.

John Camardo, 12 Tubman Lane- Received calls from many residents on Case Avenue and I am sure as you here people speak today, they are not against the building of the tower but they are concerned about the tower in their backyard, like it is being proposed this evening. As the Board makes their decision, please consider these folks because they have to live with the decision for many years. I hope we can work together and have this project move forward, I know there is property in the City close to that area so it would not be in someone's backyard, but can still have the tower built. I think it is important to keep in mind the folks that abut to this property. Every project can only be successful if we have community buy in and acceptance. I hope that you keep that in mind next month when you make your decision.

Chad Hayden- Mr. Camardo, Do you have any reasons to doubt the need for this tower?

John Camardo- I don't think anyone has a question on the need. I am hearing that the location of the tower is a concern from the constituents I represent in the community.

Kevin Lawton, 66 Standart Avenue- I am an Architect for NY State. My Mother in Law lives at 17 Case Ave. On the topic of need there was a map indicating the need and gaps in service area (comparing purple and green coloring in the maps) and the white indicated the gaps in the coverage. For the sake of the 150 foot tower and people that live on Case Ave, when you show the green map you are not really covering that much white or gap. It is really about the technology. You are bumping up the 3G to 4G coverage. No one is really complaining about the coverage. They are here complaining about the 150 tower in their backyard. If you want to put that into perspective we have buildings in town that are in that range, like Schwartz towers. Do you want to get up and look at Schwartz towers in your backyard? I do not want to look at Schwartz towers every day. We talk about the line of sight, what is the line of sight for the people on the ground. When you are walking on the ground how far do I have to walk away from that tower before I can't see it anymore?

Chair closes Public to be Heard portion of the meeting.

Chair asks Board for questions.

Crystal Cosentino- There are other towers listed. Where is the location of the Auburn DT tower? I am thinking of the Finger Lakes Mall but when I go there I do not acknowledge anything out of the ordinary.

Stephen Selvek- The DT Tower is on top of Schwartz Towers. I cannot speak to the height of the Finger Lakes mall tower but it is located on Ellis Drive. There is one on Route 34 just outside the City, on the West side. The Osborne Street tower is 200 feet from my residence, and is a 250 foot tall tower. It would be good to know the height of the Finger Lakes tower so the Board knows what a 150 foot tower looks like. The tower heights in the area is something we should get to the Board.

Karen Walters- (From the audience) for reference, Schwartz Towers is 110 foot building so if you add on top of that.

Stephen Selvek- There is defiantly a visual difference from a cell tower to a building and that is why I refer to Osborne Tower, which is 250 feet.

Theresa Walsh- Has anyone from the City reached out to Kubis?

Stephen Selvek- No, the City is not necessarily going to insert ourselves in the negotiation but if the Board wants to go back and push for alternate sites we can ask the applicant to do that.

Andy Tehan- What about moving the location to the other end of the lot, away from Case Ave?

Stephen Selvek- That is a question I would direct to the applicant. As to the specific location on the lot, the lot is 600 feet deep and 800 feet wide.

Wes Weber, Crown Castle- We tried to contact Kubis for 2 months since it is a better location. (Brings property map of 14 Allen St. up on screen) It was very difficult to make this site work for our customer. Typically the search ring is ¼ mile tops. This one is the most difficult because of the search ring but at this location we are as close as we can get to the target area.

Chad Hayden questions if the elevation of the site impacts the location.

Wes Weber, Crown Castle- Yes, elevation varies on the site. The farther West you go the lower you get so that was part of the consideration. Kubis is a concern from an environmental standpoint since it is a junkyard. The exposure studies we have to do at the federal level would be difficult getting approved.

Ron Quill, 5 Case Ave- Is the Allen Street site “the site” or are there other sites that we cannot get access to? Now when the County was dealing with the 911 towers, I think there were 19 towers, their answer was eminent domain. If we do not have the ideal site maybe eminent domain the way to go.

Chad Hayden-Mr. Chairman, I do not think you can use eminent domain for this purpose because it is not a public purpose. Utilities are typically privately owned. I can look into it if the Board would like?

Alisa Lawton- There is so much that happens on Case Ave because of the wooded area. There are deer present; you are taking away all of what is left that technology has not ruined. You are taking away from the kids.

Chair asks for Staff comments.

Stephen Selvek- First off, the Board is not taking action on this application tonight. More information is needed from the applicant before the Board has a complete set of documents to review. I am going to touch upon the site plan and the in-house comments from the Design Review Committee (DRC). All of these comments as well as the applications and all information in the packets are available and can be accessed on the City website. Reviews DRC comments:

- Conflicting information regarding width of gravel access drive: Sheets Z3A and Z10 show 12” wide, while Z2 and Z3 indicate 22’ wide. Please revise.
- Provide drainage plan and supporting calculations to support no increase of storm water run-off for post-development conditions as compared to pre-development.
- Because this installation is classified as a utility and will have only very limited access, the City will not require that the entire access road be paved. However, the DRC is requesting that the first 20’ of the access be asphalt paved or concrete to minimize the likeliness of gravel washing into the city street.
- Revise the drawings to show an appropriately sized culvert pipe installed at the start of the access road and aligned with the existing swale/ditch along Allen Street. The culvert will facilitate the flow of water within the existing swale/ditch.
- Is installation of barbed wire at the top of the fence typical of cell tower installations? What is the intent of this?
- Why the use of propane instead of natural gas?

These are items that need to be revised and answered. Additionally, this project is subject to NYS SEQRA. In your packets you will find the applicant submitted part I of the Full Environmental Assessment Form (EAF). There is clarification needed on question E3h regarding designated Federal, State or Local scenic or aesthetic resources. At this point the answer indicated on the form is yes noting that the project site is within five miles of an officially designated scenic or aesthetic resource, but fails to identify the resource. If that answer is indeed yes and that is correct I would ask that the particular resources are identified for proper Environmental Review. There is a question on page 10 of 13 on the very bottom that asks about the project being within 200 feet of any site in the environmental remediation database. This answer is identified as yes and the two sites are: The Former Wadsworth and Sons Scythe Factory with an “N” classification indicates that no further action is needed at this time, the other site listed is the Old Taylor Farm, which is the City Landfill and has the “C” classification meaning remediation is completed (as of 1981). Both sites have had remediation completed and no further action is required at this time.

At this time the Board needs to give consideration to the environmental form. Currently we need more information with respect to storm water, drainage, and the visual impact. I ask that we wait until next month’s meeting for environmental designation. My recommendation to the Board is that we table the application until the next meeting for the consideration of SEQRA and Site Plan review.

Crystal Cosentino- So we would consider SEQRA and site plan on the same night?

Stephen Selvek- The Board will consider SEQRA and it is typical practice for the Board to consider SEQRA and the Site Plan in the same night.

Chad Hayden- As to the telecommunication act the Board needs to review the need of this utility. If it is not needed than you need not to approve it. However, if you find that a need has been established than it is very difficult to limit this transaction under the federal law.

Stephen Selvek- Within the information that the Board has received there is discuss as to the need of the utility. I recommend re-reading the information in your packets since it is particularly technical.

Karen Walter (from the audience) – Asks for the Board to reach out to Kubis or other potential sites. Is there any option on that or is tonight a fulfillment?

Chad Hayden- I would not recommend the staff to reach out to deal with a property owner. That would put us in a liability. The Board has the right to have the applicant to consider other sites.

Chair Sam Giangreco- The Board has not made a decision. There is a lot of information and things to consider before making a determination.

Chair asks for a motion to table the site plan application and SEQRA of 14 Allen Street made by Crystal Cosentino seconded by Theresa Walsh. Application is tabled until next month's meeting which will be held on November 4th, a Wednesday due to Election Day.

Agenda Item 3: 60 Wallace Avenue: Subdivision Review and associated zoning amendment to create two residential (R2) zoned lots. Applicant Mark E Bachman for ESBD Property, LLC.

Chair invites applicant to present the project.

Mark Bachman, Owner of the ESBD, LLC- 50-60 Wallace Avenue are all the same property, they use to be separate properties. I am trying to make them separate again by subdividing so a neighbor can purchase parcel C and maintain it as a lot. Parcel B is a single family house that was vacant and dilapidated. We restored it completely and is now going to be sold to a family. Parcel A is our property and will remain for business use. It is all zoned industrial and looking for B and C to rezoned residential.

Chair opens Public to be Heard. There being none, Chair closes Public to be Heard.

Chad Hayden- To change the zoning map is only in the power of City Council. This Board has the action of a recommendation and an environmental review.

Andy Tehan- Will lot C be cut in half?

Mark Bachman- The entire lot C will go to the neighbor.

Chair asks for staff comments.

Stephen Selvek- This application is twofold. The applicant purpose is to subdivide the existing residential property from the overall industrial use and subdivide the property as residential for the neighbor as well. What has complicated this subdivision is the fact that this overall parcel is currently zoned industrial. In essence there were two separate parcels, one where the existing commercial structure is and one where the house is. It is subdivided in an odd way, at an angle; when the applicant purchased the property and filed the deed, it created a situation where it merged the parcels into one parcel. To subdivide these two lots it would either need a variance for the size of the lots because the lots themselves would not meet the requirements for the industrial zone since they would both need to be one acre in size or it would require the lots to be developed according to the R2 zone and the area to be rezoned at that time. What I am seeking the Board to do is to look at the rezoning to provide a recommendation to Council but also give consideration for a subdivision. The two lots B and C do fit the requirements for the R2 zone should the subdivision and rezoning be approved. Before us tonight for the Board is to declare its intent to be lead agency for Environmental Review which involves City Council on their action to rezone. Planning Board will consider the subdivision. One of the questions that may arise is the concern about spot zoning. In this case given the proximity of the lots to the R2 zone it is not creating a spot of zoning that is unlike the area around it. It is an existing residential home and a vacant lot that can be part of an existing residential property and that zone would meet with the same as the zone adjacent to it. Next month the application

will be before the Board for the subdivision review and it does require a public hearing, which will be held at the next meeting.

Crystal Cosentino- Interesting land issue. Parcel B cannot be sold because it is combined with parcel A, B, and C, correct? Is lot C buildable?

Stephen Selvek- Correct it cannot be sold. Yes, lot C meets the minimum requirements for building but as noted in the application there is interest in the property from the neighbor as a residential lot.

Chair asks for a motion to adopt the SEQRA Lead Agency Resolution so moved by Crystal Cosentino, seconded by Andy Tehan. All vote to approve. None opposed. Motion carried.

Agenda Item 4: 68 North Division Street: Site Plan Review of a 46 vehicle parking lot. Applicant Glenn Fletcher.

Chair invites applicant to present application.

Glenn Fletcher- Acquired the property from the City about 15 years ago. The lot we own extends from Seymour to VanAnden Street and the 46 vehicle parking lot was the recommendation of Brian Hicks in Code enforcement. We have completed many renovations. At this time we are looking at just a gravel lot and will sometime in the future look at paving it.

Chair opens Public to be Heard. There being none, the chair closes the Public to be Heard section of the meeting.

Chair asks Board for questions and comments. There being none, Chair asks Staff for comments.

Stephen Selvek- The application has a layout plan to show circulation, parking spots and there are questions and comments raised by the Design Review Committee. These comments are in the memo provided to Board members and include:

- The general layout and vehicular circulation pattern appears appropriate.
- Spaces are required to be a minimum of 9' wide width; this will impact the layout. 8' wide spots are shown on the layout.
- Maximum entrance/exit driveway width is generally 24'. Allowances of up to 30' + can be permitted for specific traffic requirements such as large truck access, right and left turn exit lanes, etc; however, the site does not appear to warrant this.
- The site plan should extend to the road to show improvements that will be needed in the right-of-way. The existing asphalt approach will need to be removed, new curbing installed to define the new driveway approach, and the condition of public sidewalks should be reviewed. There has been new sidewalk installed.
- Is there proposed lighting or signage?
- A grading and drainage plan with supporting storm water management calculations is needed.
- A landscaping plan is needed.

The proposal right now is to do this initially as a gravel lot. The Code requires that a dustless all weather surface be utilized such as asphalt pavement or concrete but other considerations can be reviewed. Gravel and/or asphalt do impact runoff and require a storm water management plan with calculations. The design as shown, DRC thought was appropriate to build from but the additional information requested needs to be reviewed before a determination is made on the environmental review. I recommend the Board table this plan and wait for additional information for the Board to review.

Chair asks for a motion to table the site plan application and SEQRA of 68 North Division Street made by Andy Tehan, seconded by Anne McCarthy. Application is tabled until next month's meeting, which will be held on November 4th, pending the submission of completed plans.

Stephen Selvek discusses next steps with the applicant including a review of the checklist provided in the application. Stephen mentions that the process often involves submission of the application, and review by the DRC as well as the Board, which often times requires more information from the applicant. We recognize the economic restraints with requiring asphalt paving but at a minimum the Board would like to see a binder layer and then the remaining phased in over time.

Glenn Fletcher states that they plan on phasing it in over time. Currently, they are looking to get our Certificate of Occupancy and have spent a lot of money and time in restoring the building.

Agenda Item 5: 284 North Street: Site Plan Review for the construction of a new storage building and associated site improvements. Applicant: Blair Longo for Blair Construction, Inc.

Chair invites applicant to present the project.

Sam Cichello, architect- I am here with Blair Longo and his family tonight. Their present facility has a little over 20,000 sq. feet and the addition is a little over 10,000 sq. feet. The site is on the edge of the quarry and we are planning on adding a separate building, north of the present structure. It will be 60' x 180' long. The physical characteristic of the site and surrounding area will not be changed from the existing condition and usage. The area west of the building will remain as grass, the swale will direct roof drainage, and the swale bottom will be lined with stone to deter erosion. It is expected the fire apparatus will have access to the building on the east side and will be in conformance of NYS fire code. We have three site plans: the overall site plan, the landscape plane, and the grading plan. The building plans and elevations are page number 4. These identify the activity for the building. In the packet there is a review by a local Civil engineer and his assessment of the drainage plan. He has also copied NYS DEC on that document.

Chair opens the Public to be Heard section.

Tim Lattimore, 63 South Street- I came to observe the meeting. There are some interesting topics tonight. The radio tower, I can remember putting some people up at the Aurora Inn and they were telecommunication specialist from the white house and they could not get any telecommunications out of the Aurora Inn. So hopefully with the 20 million dollars spent on radio systems for the county maybe they can get out now. One point I would like to bring up is that you had a first and a second on the radio tower but you did not have a vote on the tabling of that item. Sam Cichello, the architect here tonight, built the BOCES, brought that building in on time, and is excellent. Sam mentioned Blair Construction and the work they did on the World Trade tower. It is a beautiful operation and hopefully they can expand it and get more structures out of those buildings. I am in favor of the building.

Chair closes the Public to be Heard section and asks for Board comments. There being none, Chair asks staff for comments.

Stephen Selvek- The DRC reviewed the site plan and are mainly are in need of clarification such as the extents of existing and proposed ground surface treatments, i.e. asphalt, compacted stone, grass, etc. located to the west side of the building. Also the former property line and note should be removed from the drawings for clarity. The primary concern is regarding the management of storm water runoff and fill placed on the site. Right now the practice has and will drain into the quarry. It is the topographic nature of the site. A portion of the quarry is owned by the applicant but a portion is also owned by the adjacent property owner. At this time approval of the site plan would essentially allow storm water from this site to drain onto the neighboring property, which is a significant concern. We like to ensure that any additional

storm water created by a property stays and managed on the property. A memo in your packet evaluates the storm water impacts and the memo essentially says, whatever storm water is generated from this site is not going to fill the quarry but what the City engineer would like to see is since there has been fill put on the site for a number of years, which was identified by the consulting engineer for the project, it has the potential to trigger a storm water pollution prevention plan (SWPP). There is guidance from NYS DEC that says, so long that you can prove is not going into a regulated body of water, that the SWPP is not required. What the City engineer would like a letter from is a letter to the purposed from NYSDEC. The other item is with respect is to the storm water runoff on to the neighboring property, the former quarry. The City is requesting a letter from the adjoining property owner stating that it is acceptable to drain storm water to their property.

The other item discussed The areas along the east side and south side of the building will be part of the required fire apparatus access road and must comply with Chapter 5 and Appendix D of the NYS Fire Code including, but not limited to provisions for: location, width, materials, and loading capacity. The fire access road should be capable of 75,000 pounds of loading. As it was noted tonight, the tractor trailers that are in and out of there are 110,000 pounds, but I think the fire department is looking for clarification on the compaction of the stone surface and that it will meet the requirements for fire access.

Sam Cichello- Speaks from audience (inaudible) but is concerned with timing and weather with respect to the involvement of the DEC.

Stephen Selvek- The Board will likely make a determination at the November meeting for SEQRA and then vote on the site plan. We do not want to drag the process out, but the requirement is not any different than other sites. In the letter from the project engineer that was provided, within that answer whether or not a permit is required, they note that if an owner can adequately demonstrate that there is no potential for additional discharge from the construction site to waters of the United State or separate storm water system that no permit is required. Further in order to demonstrate that there will not be any additional discharge, the owner must perform the necessary hydraulic modeling, site assessment, soil testing etc. to support their position.

Tonight the Board will consider its intent to declare Lead Agency for SEQRA.

Chair asks for questions from the Board.

Theresa Walsh- So this is an unlisted action?

Stephen Selvek- The application for SEQRA can be deemed to be a type I action, type II action or unlisted. A type I action has a number of actions that are defined as that action and comes with a high likeliness of environmental impact. A type II has been predetermined not to have an environmental impact and therefore an environmental review is not needed for those specific actions and an unlisted action is everything else that does not fit into those two categories. We do not need to coordinate for an unlisted action but it has been this Board's practice to coordinate if another agency is involved.

Chair asks for a motion to adopt the SEQRA Lead Agency Resolution so moved by Andy Tehan, seconded by Crystal Cosentino. All vote to approve. None opposed. Motion carried.

Agenda Item 6: Other Items

Chad Hayden- Mr. Lattimore brought up that we did not have a vote on tabling the tower application.

Sam Giangreco- Normally we do not ask for a vote on tabling items.

Chad Hayden- Is that typically your practice?

Stephen Selvek- Yes. We make a motion and a second.

Chad Hayden- Okay, you are fine.

Chad Hayden- I have enjoyed my time with you but this is my last meeting. Stacy DeForrest has been hired by the City and will be representing at the next meeting.

Sam Giangreco- Thanks Chad for his time and service to the Board.

The date of the next Planning Board meeting is Wednesday, November 4, 2015 at 6:30 pm.

Motion to adjourn made by Crystal Cosentino and second by Theresa Walsh. All members vote approval. None opposed. Meeting adjourned.

Respectively submitted by Renee Jensen