

PLANNING BOARD MEETING  
Monday, March 16, 2015 @ 7:00 p.m.  
8220 Loop Road  
Baldwinsville, NY 13027

The Town of Lysander Planning Board meeting was held Monday, November 8, 2015 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Fred Allen, Chairman; Joanne Daprano; Hugh Kimball; James Aust; John Corey; William Lester; James Hickey

OTHERS PRESENT: Al Yager, Town Engineer; Zach Benjamin, Planning Board Attorney; Tim Wolsey, Code Enforcement Officer, Robert Brenner, Nixon-Peabody; Dave Herbowy, Tectonic; Suzanne Hutchinson, Realty USA; Joseph Case; Vincent Kearney, Belgium-Cold Springs Fire Department; Frank Costanzo, Zoning Board of Appeals; Eugene DiDomenico; Dean Cummins; Bill Lawrence; Steve Sehnert, Applied Earth Technologies; Karen Rice, Clerk

I. PUBLIC HEARING -- 7:00 p.m. (Continuation from February 26, 2015)

- |   |                 |
|---|-----------------|
| 1. Minor Subdivision & Movement of Lot Line | Cummins, Dean   |
| Case No. 2014—017                           | Plainville Road |

The Public Hearing was reopened at 7:00 p.m.

Fred Allen, Chairman, stated that the application was forwarded to the Onondaga County Planning Board for their review and recommendation, who made the following determination: NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends that said application be DISAPPROVED for the following reason: Onondaga County Health Department records show that structures on both proposed lots (Lot 1 and the remaining lands) are served by a single septic system located on proposed Lot 1 as well as a single water source. It is illegal to service more than one parcel with a common private sewage or water system. Provisions for legal sewage disposal and water systems must be provided for each lot prior to Department endorsement of the subdivision plan.

There is a letter on file from the applicant to Jeffrey Till, PE, Onondaga County Health Department, dated March 16, 2015, that will be made part of the public record, in part:

I am the owner of a parcel of land in the Town of Lysander on the east side of Plainville Road known as the former Plainville Turkey Farm. I am attempting to divide the former sales office and museum from the former processing plant, offices and barns for salt to an individual who intends to remodel the sales office into a single family residence for his use. A subdivision plan by Applied Earth Technologies, Stephen Sehnert, Land Surveyor, is before the Planning Board for approval.

Of concern by the Planning Board is the fact that all of the buildings on this parcel are served by a common subsurface sewage disposal system which I am aware cannot continue once the parcels are separated. The septic tank and disposal field is on the proposed house lot. The line, pump discharge, from the plant has been cut and capped both the line from the plant and that part of the line that continues to the septic tank. The cut and capped line has been witnessed by your office.

I am aware that I will need to install a new disposal field to serve the plant buildings once a use has been determined.

The above action is to induce the Town of Lysander Planning Board to approve my subdivision plan.

Dean Cummins stated that his surveyor was supposed to forward a letter from Caster Well Drilling stating that they have been contracted to drill a well as soon as the weather permits for them to drill a well.

Karen Rice, Clerk, stated that she has not received a copy.

Mr. Cummins stated that he has a copy but can't locate it. It is part of the purchase offer. Further, I don't understand why we even have to provide it as it's over five acres and is not required for a subdivision. I understand the septic because there was two (facilities) into one, but what I don't understand, if it serviced the place up there with 150 to 200 people, and I'm not doing anything with the plant, but we disconnected it and that's done.

Mr. Cummins further stated that the neighbor that is buying the property to add to his is here this evening to testify to that as well. Further, I hope that I've done everything to satisfy the board.

The Public Hearing closed at 7:04 p.m.

## II. APPROVAL OF MINUTES

Review and approval of the minutes of the February 26, 2015 special Planning Board meeting.

### RESOLUTION #1 -- Motion by Corey, Second by Hickey

RESOLVED, that the minutes of the February 26, 2015 special Planning Board meeting be approved as submitted.

6 Ayes -- 1 Abstain (Allen as he was not present at the February 26<sup>th</sup> meeting)

## III. OLD BUSINESS

- |                      |                 |
|----------------------|-----------------|
| 1. Minor Subdivision | Cummins, Dean   |
| Case No. 2014—017    | Plainville Road |

Fred Allen, Chairman, stated that at previous meetings access was discussed. Stephen Sehnert, Licensed Land Surveyor, has indicated on the plan that the existing blacktop drive is the access easement for Lot No. 1.

Mr. Cummins concurred stating they will use that until such time they put in a different driveway on their own property if they so choose.

Mr. Allen reiterated the earlier conversation that there is a letter with regard to the well.

Mr. Cummins concurred stating that Mr. Caster is going to drill a well when the weather permits. He can't drill in this cold weather. I never realized or thought that I'd have to drill a well before a subdivision because if you didn't approve the subdivision there'd be no point in having a well. The purchase offer calls for the well to be put in before closing. The real estate agent representing the buyer, Suzanne, is here. Hopefully the snow will be gone enough to bring his drill rig up there and get that done. There is a letter stating that that was faxed to Mr. Sehnert, but I couldn't find the original. It may have ended up in a different file. Suzanne can attest that her buyer is going to want a well on the property.

Suzanne Hutchinson, Realty USA, concurred stating that they have an accepted contract on the parcel and it does require that a well be drilled before we close on the property.

Jim Stirushnik, Dinglehole Road, questioned if there was a requirement for the quality of the water.

Karen Rice, Clerk, stated...not for subdivision.

Mr. Allen stated that that would be up to the County (Onondaga County Health Department).

Mr. Allen stated that they board is now in a position to conditionally approve the subdivision.

Karen questioned what the board would condition it on, the water?

Mr. Allen the subdivision can't really be filed until the well is done, right.

Karen stated that it can, it's not a condition of this board; it's a condition in their contract.

#### FINDINGS:

An environmental assessment indicates that this action will not result in any significant or adverse environmental impacts.

This action is consistent with the Town's Comprehensive Plan.

This action is consistent with the Town's current zoning ordinances.

This action has been referred to the Onondaga County Planning Board who have determined that the application be DISAPPROVED for the following reason:

Onondaga County Health Department records show that structures on both proposed lots (Lot 1 and the remaining lands) are served by a single septic system located on proposed Lot 1 as well as a single water source. It is illegal to service more than one parcel with a common private sewage or water system. Provisions for legal sewage disposal and water systems must be provided for each lot prior to Department endorsement of the subdivision plan.

#### Discussion:

The Onondaga County Planning Board's comments have been mitigated.

This action will cause no adverse effects on the public health, safety and welfare in the neighborhood or district.

RESOLUTION #2 -- Motion by Allen, Second by Hickey

RESOLVED, that a Public Hearing having been held and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, Final Plat approval for a two (2) lot subdivision application by Dean Cummins for property located at Plainville Road & Gates Road, Plainville, New York, Part of Farm Lot No.84, and Tax Map No. 044.-01-14.3, as shown on a made dated, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved, with the following conditions:

1. All outstanding fees associated with this application, including expert fees if applicable, and fees in lieu of land for public use are paid to the Town Clerk.

BE IT FURTHER RESOLVED, that all conditions associated with this application must be completed within one-hundred, eighty (180) days of this Final Plat approval or such approval shall expire.

7 Ayes -- 0 Noes

RESOLUTION #3 -- Motion by Allen, Second by Kimball

RESOLVED, that in granting a subdivision to Dean Cummins for property located at Plainville Road & Gates Road, Plainville, New York, the Planning Board invokes its right to impose a fee of \$150.00 per lot for one (1), in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

7 Ayes -- 0 Noes

All fees associated with this application have been paid.

All modifications and conditions, setforth in the Final Plat approval, must be met for the application to be considered approved for filing the plat in the Onondaga County Clerk's office and the issuance of building permits.

State law states that the applicant shall file the final plat in the Onondaga County Clerk's office within sixty-two (62) days from the date of final approval or such approval shall expire. The applicant shall also file one copy of the final plat in the Lysander Planning Board Clerk's office.

- |                         |                 |
|-------------------------|-----------------|
| 2. Movement of Lot Line | Cummins, Dean   |
| Case No. 2014—017       | Plainville Road |

Joe Case, Plainville Road, the adjacent property owner, is purchasing additional lands from Dean Cummins. He will be adding 50' to the east and 30' to the south.

**FINDINGS:**

A separate environmental impact study is not required as one was done with the subdivision of the parent parcel, Case No. 2014—017.

This action is consistent with the Town's Comprehensive Plan.

This action is consistent with the Town's current zoning ordinances.

This action did not require referral to the Onondaga County Planning Board as they are not creating a new lot.

This action will cause no adverse effects on the public health, safety and welfare in the neighborhood or district.

RESOLUTION #4 -- Motion by Allen, Second by Corey

RESOLVED, that the Planning Board, having reviewed the application of Dean Cummins, on behalf of Joseph and Brittney Case, for the Movement of a Lot Line for property located at 7894 Plainville Road, Plainville, New York, Part of Farm Lot No. 84 and Tax Map No. 044.-01-15., from property located at 7830 Plainville Road, Plainville, New York, Party of Farm Lot No. 84 and Tax Map No. 044.-01-14.3, as shown on a map dated November 24, 2014, revised February 25, 2015, prepared by Stephen Sehnert, Licensed Land Surveyor, it has been determined that the request for a division of land is not considered a subdivision of land and the Planning Board authorizes the Chairman of the Planning Board to approve the division of land with the following conditions:

- 1). A deed shall be prepared and submitted to the Planning Board attorney for his review.

7 Ayes -- 0 Noes

IV. NEW BUSINESS

1. Controlled Site Use/"Subdivision/Lease" Syracuse SMSA/Verizon Wireless  
Case No. 2015—001 8456 Smokey Hollow Road

Robert Brenner, Esq., Nixon Peabody, Eugene DiDomenico, RF Design and David Herbowy, Tectonic, represented the applicant, Syracuse SMSA, Limited Partnership doing business as Verizon Wireless.

Mr. Brenner stated that the initially submitted an application to the Town on November 26<sup>th</sup>, 2014 requesting the necessary zoning approvals required in connection with the proposed facility. The facility is proposed at 8456 Smokey Hollow Road. It is adjacent to two existing tall radio antenna structures. The company is proposing a 190' self-support tower with a 4' lightning rod that will have an antenna center aligned at 186' and at the antenna center line there will be a 12 panel antenna array. There will be a 12' x 30' prefabricated equipment shelter along with the Tower enclosed in a fence compound. This tower will not be lit; it is below the FAA threshold for lighting, so there won't be a strobe light, red light, or anything like that.

Mr. Brenner itemized the exhibits that were submitted as part of this application:

- |           |   |
|-----------|---|
| Exhibit A | Completed town-supplied application forms;                          |
| Exhibit B | Project Description   |
| Exhibit C | Applicable Legal Standards  |
| Exhibit D | Compliance with the Town of Lysander's Controlled Site Review Regs  |
| Exhibit E | Compliance with applicable area variance standards;                 |
| Exhibit F | Radio Frequency ("RF") Narrative;                                   |
| Exhibit G | Site Selection Analysis;  |
| Exhibit H | Full Environmental Assessment For ("EAF"), with visual EAF Addendum |

Exhibit I	Copies of Verizon Wireless' FCC Licenses
Exhibit J	Verizon Wireless Co-location Policy;
Exhibit K	11" x 17" Copy of the Project Site Plan
Exhibit L	Proof of Compliance with applicable Federal Regulations

The overall Site Plan was posted for the board and public to see with a complete set of Zoning Drawings on file with the secretary, consisting of:

Title Sheet; Adjacent Owner Property Plan & Information; Overall Site Plan; Grading Plan; Compound Plan; Tower Elevation; Details; Equipment Shelter Details and Fence Details.

Mr. Brenner stated that two minor changes have happened to the plan since the initial submittal. We appeared before the Zoning Board of Appeals for an Area Variance in early February. The ZBA asked us to take a second look at trying to lease more space. The Town requires "subdivision" approval in connection with the creation of a leased parcel. The standard Verizon Wireless leased parcels is normally 100' x 100' (10,000 square feet). Recognizing the Town's requirement in the AR-40 Zoning District, we worked with the land owner and leased in excess of 50,000 square feet and that was the absolute maximum they said they would lease to us at that time. Based on some feedback we got from the ZBA we went back to the landowner and pushed them hard and we got the 80,000 square foot lot size. That eliminated the need for an area variance. Secondly, as part of the Town Engineer's review; he indicated that there was some concern about the proposed Tower and the unlikely event of a Tower failure if it were to strike one of the guy wires. Break points have been built into the Tower and shown on the updated copy of the site plan, prepared by C & S Companies, Structural and Civil Engineers assigned to this site. If the Tower were to strike a guy wire it wouldn't necessarily result in failure of the radio tower but the Town Engineer expressed the concern about that. The design and plans have been revised to satisfy that concern. The Tower will not strike any of the guy wires, nor will the Tower fall down onto Hencle Boulevard or onto any adjacent parcel.

Fred Allen, Chairman, stated that he's unfamiliar with Towers that have break points... does it break to the north & west; is the break on all three sides or one side?

Mr. Brenner stated that it would depend on the actual incident or condition that caused it to break, but this particular Tower the engineers have indicated that it can be designed at 50% breakpoint. Depending on the condition that would cause it to break in any direction; but again, tower failures are very remote, they don't happen very often. If it were to break it would likely fit within the 95' radius shown on the plan. If they do break they remain attached, they would just "flop" over.

William Lester questioned if the breakpoints make it less structurally sound.

Mr. Brenner: No, breakpoints are fairly common and the majority of the towers that are proposed have breakpoints built into them. It's not unique in any way to design a breakpoint into a tower.

Hugh Kimball stated that the Tower is a lot closer to the houses on Smokey Hollow, you're only using the 95' fall zone instead of the previous 190'.

Mr. Brenner concurred stating that he deferred to the Planning Board, if the Planning wishes to proceed with the location that's proposed, then Verizon Wireless can proceed with that location; or if the Planning Board is inclined to approve the alternate location Verizon Wireless could construct it at that location.

James Hickey questioned where the existing towers would fall if a guy wire was severed? Realizing you're not responsible for those towers, but what would happen with those other towers?

Mr. Brenner stated that those towers in the present condition, should one fail it would "fail" onto Hencle Boulevard. One of them is over 300' in height. They would clearly come down on the road just based on the existing conditions.

Mr. Hickey stated that one would take out the Tower behind it...you have a lot of tension. If you sever one it's going to go back and take the other one out as well as any other utilities.

Mr. Brenner stated that the guy wire technology is if one of the wires tension is severed at any one point, it doesn't necessarily pull in the direction of the other guy wires. It certainly could happen, but it's not absolute that that would happen.

There was considerable discussion with regard to the existing towers, adjacent properties and what's on them, CSX's tracks, utilities, easements, etc... It was determined that the applicant only had to show what was on their property, not adjacent properties. The parcels were extracted from tax maps, not plotting easements or anything like that.

Mr. Kimball stated that the radio stations appear to have above ground electrical connections, and likely other connections to their towers, is that going to stay where it is and be above ground or are they going to take it below ground?

Mr. Brenner stated that the Radio Station improvements will remain where they are. Verizon is not interfering or altering them in any way.

Mr. Allen questioned the revision dates, as they differ.

Mr. Brenner concurred stating that one is a later amendment on that same day. The difference relates to that leased parcel size.

Mr. Allen stated that it's a bit confusing in trying to prepare a resolution.

Mr. Brenner stated that he will make any necessary modifications required.

Mr. Hickey stated that the Tower is designed for a wind load of 90 mph which is very common in this area with wind speeds up to 100 mph, but when you throw the inch of ice on it it will lower it to 40 mph...

Al Yager, Town Engineer, stated that he's not a structural engineer, but he believes there's wind reduction allowance in winter months in the Building Code for tall structures.

Mr. Hickey stated that you'd think that would be just the exact opposite, especially up here near the Great Lakes. I'm just taking my limited knowledge....I've built things 50' and under so I'm not in that 190' range. I'm just curious; it has nothing to do with this board.

Tim Wolsey, Code Enforcement Officer, stated that the wind load for Onondaga County is 60 mph.

Mr. Hickey stated that it states 40 on the plan.

Mr. Brenner concurred stating that that also takes into account the one inch of radial ice around the entire tower structure.

Mr. Allen questioned the need for any new curb cuts for access to Smokey Hollow Road.

Mr. Brenner stated that that will be done during the building permit process. You could make that a condition of any approval.

Mr. Hickey questioned how often the curb cut is even used once you're up and running.

Mr. Brenner stated that at most these sites aren't visited more than once or twice a month. They are visited for routine maintenance to make sure the equipment is operational. These are unmanned facilities. There is no plumbing, no bathrooms, folks aren't hanging out there, they're just go to check out the facility to make sure everything is in order and then they're leaving.

William Lester questioned why Verizon can't use the radio tower's existing curb cut and come through their parking lot to access the leased site.

Mr. Brenner stated that Verizon likes to secure an exclusive access/utility easement. We wouldn't want to be intruding on their existing parking area.

Mr. Allen stated that the feed line coming from the radio station to the Tower are low. If you had to come in with a crane truck or move a generator you may not be able to get under it. Further, having read the comments from the Public Hearing at the Zoning Board of Appeals, did you learn anything or have any changes been made as a result of their concerns.

Mr. Brenner stated that the two take aways from that meeting were, first, we got the ZBA's message that it was important to go back to the Landlord, look for additional space. The space we have now is eight times the company's standards. This is a very, very large parcel for Verizon Wireless. From the public's concern, I remember one gentleman indicating that he had some feedback with respect to the radio towers and he could hear noises coming off of metal filing cabinets and things like that. We looked into that after the meeting and these facilities operate at a much lower power level than an AM/FM radio tower and the reason for that is because those facilities need to transmit their signal for a much greater distance than these facilities can do and are able to do. The power level is much, much less. Our RF engineer indicated that since the power level is so much lower, you would not experience that type of interference.

Mr. Allen stated that there was also a comment that someone thought it would make their property value go down. That's a judgement call. I can't believe that yours would be any worse than the towers that are there.

Mr. Brenner stated that the company tries to co-locate on the existing facilities if it can; if it can't it tries to co-locate its facility adjacent to other tall structures. This is an ideal location for the company. The alternative would be to go somewhere in the immediate vicinity. You'd have to take down a number of trees and clear-cut the area to build the tower. That would be the only visually obtrusive object in that area. Whereas here you've got other towers that are in excess of 100' taller...

Mr. Allen questioned if there was anything brought up by the public that was abnormal, that you don't hear from any siting of a tower.

Mr. Brenner stated that the comments that were raised by the public at the Public Hearing were fairly routine and we get those comments all of the time.

Mr. Kimball questioned if they anticipate more towers popping up in Lysander or will this cover you for the time being.

Mr. Brenner stated that when these towers are proposed, they are proposed for two different reasons; coverage reasons—to provide coverage in areas where there's either weak coverage or no coverage at all and capacity reasons—this particular site is being proposed to address both. The reason for it is the proliferation of the 4G LTE technology and increased user demand. This will both provide additional coverage to this particular cell and then off load some of the other towers in the vicinity. As far as other tower proposals in the Town of Lysander that will be coming in short order, there aren't any. That would be user driven and need driven based on the customer base. I can't say with certainty that this will be the only one in the Town, but there are no immediate plans to submit an application short order. That could change next month; it depends on how the existing structures are performing, what their needs are and whether or not they have to be off-loaded. It's ever changing.

Mr. Kimball questioned the 700 MHz band...are you confident that there is no exposure problems for the public or interference.

Mr. Brenner stated that there is a report in the November 26<sup>th</sup> application, tab L; that report includes that this facility operates within FCC threshold, so I would rely on that report.

Mr. Kimball recalls that it was indicated at a prior meeting that we would be able to get a non-interference letter.

Mr. Brenner concurred stating that if this board wants that as a condition of this approval, we can provide that.

Mr. Kimball stated that he'd like see the tower against a backdrop of trees rather than standing alone in a field. I was thinking the American Legion site could have done that even if you had cut down some trees, but I understand also you had some issues, power lines weren't sufficient or something in that area.

Mr. Brenner concurred stating that this was found to be the ideal site for Verizon Wireless. The Site Selection Analysis details the reasons why this site was the one that was chosen.

Mr. Kimball questioned what happens when the tower is no longer needed; satellite technology or they find a way to split band widths more, etc... Is there a provision in your leasing document; is there some kind of guarantee that somebody will take that tower down when it's no longer needed.

Mr. Brenner stated that this is something board's throughout the State condition as part of the approval. If the use is no longer by Verizon Wireless or they cease using the tower in any way or discontinue operations the board could require that the tower come down in a certain amount of time. What's reasonable and what is often required is somewhere around a year or a little bit less.

Mr. Kimball stated that the County indicates that there are or may be some wetlands associated with this site. I know for a fact that it is wet; are you confident that you can get a crane in there and that the crane isn't going to tip over when you erect the tower.

Mr. Brenner stated that Verizon took a look at the site as part of its initial diligence to determine whether or not to construct on this site, the wetlands are more to the north and east. Verizon wouldn't have any issues in constructing their tower in this proposed location.

Mr. Allen questioned how often they run the generators.

Mr. Brenner stated that they only operate in the event of a power failure or they exercise once a week during a set period for about an hour.

Mr. Allen questioned if we should anticipate problems with the neighbors from a noise standpoint.

Mr. Brenner stated that the generator that's normally proposed are in the pre-fab equipment shelter and operate at about a 65 decibel level which is consistent with other household generators and other household appliances (washing machine, air conditioner).

Mr. Allen added that the exhaust is vented outside however.

Mr. Brenner concurred stating that it is vented straight up and at the rear of the shelter, which is the side of the shelter closest to the tower. That would be approximately 175 to 180 feet from the edge of the right-of-way of Hencle Boulevard.

Mr. Hickey questioned if the tower's decommissioned and it takes up to a year, how does that impact the landowner and his lease rights.

Mr. Brenner stated that the lease contemplates that and there is a termination rate built into every lease agreement in favor of Verizon Wireless, to the extent that it no longer needs its facilities. The reason for that is to be responsive to requests, such as the one the board is asking about, so the facility can be decommissioned and doesn't stay up for a number of years unused. The reason why Planning Boards and Zoning Boards include that condition to resolutions is normally as a function of telecommunications ordinances or laws. There's usually an expressed provision to that affect in those laws. There's also a removal and end of the term clause built into the lease for the removal of the equipment and the structures.

Mr. Allen stated that he feels that is an appropriate condition with the board concurring.

Mr. Allen questioned whether or not there were any other changes to the package initially submitted, other than the site plan.

Mr. Brenner stated that there only other change was to Sheet C-100, with respect to the larger leased parcel area. The document presented this evening was in response to the Town Engineer's request with respect to the fall zone. If this is the desired configuration we can revise the plans accordingly so you have a final set incorporating that 95' fall zone radius away from the guy wire areas.

Mr. Allen polled the board to see if they wanted to proceed with Lead Agency, review the SEQR and approve the plans conditionally or wait until the next meeting when we get the revised set of plans.

Further, there was some discussion as to whether not a Public Hearing is required for the "subdivision/lease".

It was determined that there is a waiver provision in Section 117-31 that allows the board to waive any provisions of the subdivision if a Public Hearing weren't held.

Zach Benjamin, Planning Board Attorney, stated that he does not feel a Public Hearing is required.

Mr. Brenner asked that there be a FINDING to that affect prepared.

Mr. Allen questioned if the application had to go back before the Onondaga County Planning Board because it's substantially different than what they reviewed. We could do Lead Agency and SEQR this evening and take action at the next meeting.

Mr. Brenner stated that that would impact the timeline because the company wants to get the site on line as quickly as possible, but at the same time we want to make sure this board has all the information it has asked for.

Jim Stirushnik, Dinglehole Road, suggested that since there won't be a delay to the applicant, a Public Hearing be held at the next meeting to allow the public to speak.

Mr. Allen stated that a Public Hearing is not required for a Controlled Site Use.

Jim Hickey questioned why the application has to go back before County.

Mr. Allen stated that they've acquired more land, the tower position has changed and it's a different tower...

Mr. Brenner stated that it's the same tower with break points designed into them.

Karen Rice, Clerk, stated that April 3, 2015 is the deadline with a meeting date of April 15<sup>th</sup> in time for our meeting of April 20<sup>th</sup>.

Mr. Brenner stated that he will get the necessary plans to the clerk for the referral.

Mr. Brenner continued stating that the board would like to see an updated drawing showing the fall zone; non-interference letter; wind load/ice load data (40 mph vs 60 mph); letter with regard to the removal of the tower if it is no longer in use.

The Board concurred and proceeded with discussions as to whether or not a Long Environmental Assessment Form is required or if the short form would suffice.

Mr. Brenner stated that generally we submit a long form for the board's consideration for a new tower build, should this board desire to go with a short form we can have one prepared and bring it to the next meeting.

Mr. Allen concurred stating that what has been submitted is overkill. The board as well as Mr. Yager concurred.

RESOLUTION #5 -- Motion by Allen, Second by Corey

RESOLVED, That the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as Lead Agency for the Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, 8456 Smokey Hollow Road, Baldwinsville, New York, Controlled Site Use application.

7 Ayes -- 0 Noes

Mr. Brenner thanked the board for their time.

2. Minor Subdivision  
Case No. 2015—003

Bogawitch, Alex  
Kibby/Prine Road

Stephen Sehnert, Licensed Land Surveyor, represented the applicant stating that Mr. Bogawitch owns approximately 26 ½ acres on the southwest corner of Kibby and Prine Roads, both of which are Town roads. The parcel contains a house at the corner. He would like to divide off the house and an 82,530 square foot lot to be conveyed to the current tenants. The remaining lands, mostly wooded, will be retained by Mr. Bogawitch. The property is zoned Agricultural. It is not in an Ax Taxing District. There are no freshwater wetlands or 100 year flood hazard associated with the parcel. There is an existing well and septic as well as an improved driveway.

Fred Allen questioned Section 117-14 of the Subdivision Regulations: All lot lines shall be at right angles to the street or to a tangent of the arc of a curved street.

Karen Rice, Clerk, stated that that's not always possible and should be taken out of the regulations or reworded.

Al Yager, Town Engineer, stated that the proposed changes to our regulations does give the Planning Board additional controls.

William Lester questioned if the septic system is contained on the lot.

Mr. Sehnert stated that to the best that they can determine, yes. There are no records of it, but in discussions with people in the area and Alex himself, yes.

Jim Hickey asked if County comes in when property changes hands to make sure the septic doesn't cross lines.

It was determined that it does not.

Mr. Sehnert stated that the lot lines go right into the woods to accommodate where they think the septic is to make sure it's on the appropriate parcel.

RESOLUTION #6 -- Motion by Allen, Second by DaPrano

RESOLVED, That the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as Lead Agency for Alex Bogawitch, Kibby & Prine Road, Fulton, New York Minor Subdivision application.

7 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; Mr. Chairman, reviewed Part Two—Environmental Assessment, with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
  - a. public / private water supplies? No
  - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

RESOLUTION #7 -- Motion by Allen, Second by Aust

RESOLVED, that having reviewed the SEQR regulations, determined this is an UNLISTED ACTION, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the Alex Bogawitch, Kibby & Prine Road, Fulton, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

RESOLUTION #8 -- Motion by Allen, Second by Lester

RESOLVED, that a Public Hearing be held within 62 days at a date and time designated by the secretary on the application of Alex Bogawitch, for a subdivision of property located at Kibby and Prine Road, Fulton, New York, Part of Farm Lot No. 36 and Tax Map No. 015-04-09, for a development of two (2) lots from a parcel of 28 ½ acres.

7 Ayes -- 0 Noes

Mr. Sehnert thanked the board for their time.

V. ADJOURN

RESOLUTION # 9 -- Motion by Lester, Second by Corey

RESOLVED, that the march 16, 2015 regular meeting of the Town of Lysander Planning Board adjourn at 8:30 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk