

**TOWN OF DANBY
PLANNING BOARD MINUTES
JANUARY 15, 2009**

PRESENT:

Chairperson Robert Roe

Planning Board Members: George Blanchard, Joel Gagnon, Dave Mastroberti, Strichartz

ABSENT: (EXCUSED)

Anne Klingensmith, Ray VandeBogart, Olivia Vent

Others Present:

Susan Beeners - Code Enforcement Officer

Carol W. Sczepanski - Planning Board Secretary

Members of the Public

Leslie Connors, Bill Farrell, Dan Klein, Ric Dietrich, Barbara Miller Fox, Tahera-Rufica Kussam, Alexandra Constas, Kiera Crowley

Further Consideration of Omnipoint Communications Application

The Planning Board reviewed the following resolutions related to the Omnipoint Communications request to install six antennae at the Durfee Hill Road Wireless Telecommunications facility.

RESOLUTION NO. 1 OF 2009

SEORA DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, SPECIAL USE PERMIT FOR PROPOSED OMNIPOINT COMMUNICATIONS INSTALLATION AT DURFEE HILL ROAD WIRELESS TELECOMMUNICATIONS FACILITY

By Naomi Strichartz: Seconded by George Blanchard

WHEREAS, this action is to consider issuing a Special Use Permit to Omnipoint Communications, Inc., for the proposed collocation of six antennae at a height of 110 ft. on an existing 185-ft tall wireless telecommunication tower along with related equipment at 292 Durfee Hill Rd., Town of Danby Tax Parcel # 13-1-1022/99; Crown Castle, tower owner, William Farrell, landowner; and

WHEREAS, this is a Type I action for which the Planning Board of the Town of Danby is acting as Lead Agency in environmental review, and for which no other involved agencies have been identified, and

WHEREAS, the Planning Board on January 15, 2009 has reviewed the full Environmental Assessment Form Parts 1, 2, and visual EAF Addendum, along with the recommendation of the Code Enforcement Officer that a negative determination of environmental significance be made for this action, **NOW, THEREFORE, IT IS**

RESOLVED, that the Planning Board of the Town of Danby, acting as Lead Agency in environmental review of this Type I action, makes a negative determination of environmental significance.

All roll call vote on the resolution resulted as follows.
(Klingensmith, VandeBogart & Vent excused)

Blanchard	Aye
Gagnon	Aye
Mastroberti	Aye
Strichartz	Aye
Roe	Aye

Carried

RESOLUTION NO. 2 OF 2009

SPECIAL USE PERMIT FOR PROPOSED OMNIPPOINT COMMUNICATIONS INSTALLATION AT DURFEE HILL ROAD WIRELESS TELECOMMUNICATIONS FACILITY

By Naomi Strichartz: Seconded by Dave Mastroberti

WHEREAS, this action is to consider issuing a Special Use Permit to Omnipoint Communications, Inc., for the proposed collocation of six antennae at a height of 110 ft. on an existing 185-ft tall wireless telecommunication tower along with related equipment at 292 Durfee Hill Rd., Town of Danby Tax Parcel # 13.-1-1022/99; Crown Castle, tower owner, William Farrell, landowner; and

WHEREAS, this is a Type I action for which the Planning Board of the Town of Danby, acting as Lead Agency in environmental review, has on January 15, 2009 made a negative determination of environmental significance; and

WHEREAS, Town's Code Enforcement Officer has recommended, subject to the conditions of approval recommended as part of any resolution granting a Special Use Permit; that this application for Special Use Permit is in compliance with applicable provisions of the Wireless Telecommunications Facilities Siting Law for the Town of Danby, and that, as proposed, wireless service would be provided essentially within the Town of Danby; and

WHEREAS, the Planning Board on January 15, 2009 has held a public hearing for consideration of this application; **NOW, THEREFORE, IT IS**

RESOLVED, that the Planning Board of the Town of Danby hereby issues a Special Use Permit to Omnipoint Communications, Inc., for the proposed collocation of six antennae at a height of 110 +/- ft. on an existing 185 ft. tall wireless telecommunication tower along with related equipment at 292 Durfee Hill Rd., town of Danby Tax Parcel # 13.-1-2 2/99: Crown Castle tower owner, William Farrell, landowner notwithstanding various other requirements related to building permit issuance

and installation provided in the Town's Law.

1. Receipt of certification that the NIER levels at the proposed site are within the threshold levels adopted by the Federal Communications Commission.

A roll call vote on the resolution resulted as follows.
(Klingensmith, VandeBogart & Vent excused)

Blanchard	Aye
Gagnon	Aye
Mastroberti	Aye
Strichartz	Aye
Roe	Aye

Carried

Miscellaneous Reports

Chairperson Roereported hereceived information from the Soil and Water Conservation-2009 Agriculture Assessments.

Cornell's Cooperative Extension has set up a advise program. They will come and visit your property. For \$20 they will do a soils sample.

Applicationsto ordertrees are available for an annual treesale at the Town Clerk's Office.

Reports

Proposed Local Law

Chairperson Roereported that the Planning Board has received from the Task Force Comprehensive Implementation Committee a draft local law entitled: "A Local Law Related to the Right to Engage in Agricultural Activity in the Town of Danby".

Councilperson Dan Kleingave a brief history of the proposed local law and explained that the Task Force followed NYS Agriculture regulations. Adoption of this local law would also require changes in Danby Zoning Regulations.

The Planning Board requested that this item be deferred to February to give them time to review the draft local law.

Chairperson Roetabled discussion and decision on the proposed local law pending further review by the board members and Town Justices.

Subdivision Regulations

Concerns to have a change the Subdivision Land Regulations of the Town of Danby. Recently amended on August 13, 2007.

Council person Kleingave a brief history of the Task Force review and draft of changes to the Town of Danby Subdivision Regulations. The last proposal for approval of subdivisions was amended by the Town Board and acreage was reduced for subdivisions.

The Planning Board discussed how the changes suggested by the Task Force was amended and they would like to have their original proposal considered.

Naomi Strichartz and Chairperson Roehave concerns about the economy and the job market that the expenses involved in preparation of maps, etc and probably this is an unnecessary financial or psychological burden given the current state of the economy and job market.

Further discussion was tabled to February 15, 2009.

Proposal for Subdivision on Curtis Road

An application has been received from Bob Brooks for a proposed subdivision of Town of Danby Tax Parcel 14.-1-15.24, 6.686 acre total, located near the east side of the intersection of Curtis Rd and Danby Rd., into two lots of 3.011 and 3.675 acres each. Robert Brooks Owner.

Motion to Schedule Public Hearing - Brooks Application

A motion was made by Joel Gagnon and seconded by George Blanchard that the Planning Board of the Town of Danby schedule a public hearing for 7:00 p.m. on February 19, 2009 for the Brooks proposal for subdivision.

A vote on the motion resulted as follows:

Carried

Adjournment:

On a motion the meeting adjourned at 7:20 p.m.

Respectfully submitted

Carol W. Szczepanski, Secretary