

Town of Bristol

Planning Board
Draft Minutes
November 3, 2014

Members Present: Joann Rogers, Bob Raeman, Bob Stryker, Bob Drayn, Patti Giordano, and Secretary and Acting Chair Sandra Riker

Others Present: Mike Bieniek, Ron & Sharon Lawson, Richard Rogers & Linda Dryer, Mr. & Mrs. Fay Caskey, Lynn Cronise, Carol Hacenbauer, and John Campbell

Meeting Opened at 7:00 pm with Pledge of Allegiance.

Minutes of October 6, 2014 were reviewed and a motion made by Bob Raeman with a second by Patti Giordano to accept them with the changes suggested by Bob Stryker. All Board members agreed.

Lawson Minor Subdivision:

Ron Lawson presented the minor subdivision map for lands belonging to his wife and himself at 4401 State Route 64 in the Town of Bristol. The lands consisting of lots 124.00-2-49.000 and 124.00-2-47.100 were recently combined into one tax parcel now known as 124.00-2-47.100. The Lawsons wish to subdivide the new parcel into two lots one known as Lot 2 being vacant land 5.224 +/- acres and the second known as the house parcel of Lot 1 being 7.455 +/- acres. Their surveyor has added contour lines as suggested by the Planning Board at the Oct 6th meeting. The Survey Intent and Title reflect the map for subdivision. The Right to Farm Law and Bristol's Water Statement are included on the map.

- The Board was advised that both parcels are on public water.
- The septic system for the house parcel is all on Lot 1.
- There are no buildings on Lot 2.
- If Lot 2 were to be developed it would need to come before the Planning Board for Site Plan review under the Steep Slope Regulations.
- SEQRA was submitted and the Board waived its review because there are no development changes to the Lots at this time.

A motion was made by Bob Raeman to approve the minor subdivision as presented with a second by Bob Drayn. All Board members agreed.

Aviat Network Site Plan:

Mike Bieniek, the Zoning Director for LCC Law of Rosemont, Illinois is representing Highway Networks d/b/a Aviat Network with the Site Plan to add two microwave dishes to the existing American Tower at 4668 Ganyard Hill Road, also known as tax map # 137.00-1-7.000 in the

Town of Bristol. He advised the Board that the dishes are part of a point to point network system to provide data transmission across the country. This is a line of site process so a dish would be placed at 135' on one side of the tower and one at 235' on the opposite side.

The Board would like a chance to review the original agreement between American Tower and the Town prior to making a final decision on the Site Plan for this project.

The following points of the Site Plan process were discussed with Mr. Bieniek:

- What is currently on the Tower? Bieniek replied that he thought the County and AT&T Mobility was leasing space for microwave dishes on the tower belonging to the American Tower Company.
- Are there similar dishes anywhere else in the country? Mr. Bieniek said yes and mentioned several locations and went on to advise the Board the firm he represents is currently working on 8 or 10 applications in the State of New York.
- Who are the other permitting agencies? Bieniek said FCC and that approval has been granted.
- There will be no changes in lighting. Additional lighting is not necessary for these dishes.
- What will the structural capacity of the Tower be when these dishes are placed on the tower. Bieniek said the signed Engineer report provided by American Tower said it will be at a 94% capacity. He added that if modification were made to the Tower it would be able to support more activity.
- How will the dishes be placed? A crane would come in to place the dishes.
- How often will there be activity at the Site? Bieniek said there is maintenance done on a monthly basis and additional activity at the time of construction.
- What type of a lease is used for this activity? Bieniek replied typically it is a 30 year lease that would be negotiated between American Tower and Aviat Network. He has provided a sample of the Master Lease for the Board to review. It makes American Tower the first to be notified if there is an issue and they would in turn direct Aviat Network to address the problem.
- Will the foot print of the Tower be expanded? No, the equipment cabinet needed for the dishes would be 3' x 3' in size and would sit at the base of the tower. It is 81" in height.

- Will there be an increase in noise? No, the dishes do not require the use of a generator or compressor.
- Any other site disturbance? None, the dishes only require electric and telephone transmission and both are readily available at the Site.
- Will the dishes cause a visual disturbance? No, the dishes are of a color that does not cause a reflection or glare.
- What is the estimated schedule for completion of the project? The time frame needed to set the dishes and pour the concrete for the equipment cabinet pad will be 1 ½ to 2 weeks. They would like to have this done before the weather turns.
- What other necessary permits are involved? The FCC permit would be supplied at the time the building permit application is submitted.
- The Planning Board will submit the above findings to the ZBA for their November 11th meeting. However, they will not make a final Site Plan decision until December 1st based on the review of the American Tower information on file in the Code Office (see comments by Bob Raeman at the end of the minutes) and the application to the FCC being provided by Mr. Bieniek.

The Board was made aware of a list of questions Mr. Caskey had regarding the Microwave dish application. They advised him to present his questions to the ZBA meeting on November 11th, it is a public hearing and the appropriate time to get his answers. The Secretary advised the Board and the Caskeys that not all the questions would be directed to Mr. Bieniek and would work with the Town's Assessor to provide some of the answers.

Richard Rogers Informational Meeting:

Richard advised the Board he has been in a legal dispute with the neighbor for the past two years over the use of the gas well located on Rogers property at 6641 Vincent Hill Road in the Town of Bristol. His father originally had the well drilled to provide natural gas for a larger parcel owned by him. Over time the parcel was divided and Richard now owns the piece the well sits on and provided gas to both parcels created by the subdivision. The adjacent parcel is no longer family owned and Rogers does not wish to carry the liability associated with the well ownership. He said the DEC informed him that the first step would be to transfer ownership to the neighbor, this process would take 2 to 3 months. They told him the minimum acreage needed to be associated with the well is ½ acre (enough land for them to access it if needed to plug it when it was no longer usable.)

Once the transfer of the well was in place he would want to subdivide the acreage that the well and its necessary boundaries. The Board told him the neighbor would need to annex the well

parcel to her property and provide road access through her parcel. The subdivision would not be approved if it created a landlocked parcel where the well is located. This could be accomplished with a lot line adjustment and documentation from the DEC and a survey map showing all lands involved.

Richard thanked the Board for their input and would consider his options.

Other Business: The next meeting will be on December 1, 2014.

CEO report:

- 5 new permits, 8 C of O & C of C were issued for October.
- The ZBA met and started the Special Use Permit for Aviat Network. 2 violations had been sent out and resolved.
- There is a new home under construction on Tilton Road.
- Updating of the Septic Law is under review by the Town Board.
- Fire inspections and regular inspections are ongoing.
- Scanning of drawings on hold. Bob Raeman asked if we had looked into the cost. The Secretary told him it appears to cost prohibitive at this time, he suggested we look into grants and possibly having the drawings sent out to be scanned and put on disk for future use.

A motion was made by Raeman to adjourn the meeting.

Respectfully submitted,

Sandra Riker
Secretary and Acting Chair
Town of Bristol
Planning Board

Attachment: Regarding Review of American Tower on file in the CEO office:

FROM

Subject: Ganyard Hill Road Tower Application
From: Bob Raeman (raemanr@gmail.com)
To: pzsecbristol@frontier.com; Robert.Stryker@ny.Nacdnet.net; rdrayn@gmail.com;
Joann.Rogers@ny.usda.gov; nharvey@rochester.rr.com;
Date: Tuesday, November 4, 2014 9:15 PM

I have reviewed the available files on the tower that was constructed in the 1960s the earliest correspondence in the file was 1995, it is evident that the application in front of the zoning and planning board is routine. There are several applications on file for site plan approval with SEQR forms and subsequent Neg Declarations.

I have found nothing out of order that would prevent this application from moving forward, the only suggestion I would incorporate into any action taken is that any equipment on the tower that is not in service be removed.

Bob Raeman

These minutes were approved with a motion by Bob Raeman and a second by Bob Stryker. All Board members present agreed.