

Town of Bristol

Planning Board
December 1, 2014
Minutes

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

Others Present: Brandon Gooding, Mike Bieniek, Fay and Deborah Caskey, Steve Hawkins, Frank Webster, Nick Cohen, Jim and Ben Cutter

The meeting was opened at 7:00 pm with the Pledge of Allegiance.

Webster Minor Subdivision:

Mr. Webster is dividing his 263 +/- acres into two parcels. He will retain 70 acres +/- and sell the remaining 193 +/- acres to his neighbor Steve Hawkins. Mr. Hawkins will be annexing the acreage from Webster to his existing adjacent parcel that has road frontage on Lower Egypt Road to provide access for the new lands acquired.

Mr. Hawkins advised the Board that the lands he is purchasing from Webster has a R.O.W. access to Song Road. The Board inquired about the width of the R.O.W. and its use. Mr. Cutter told the Board that the R.O.W. is through his lands on Deuel Road and it is 25' to 30' in width. He said it is mentioned in his deed and dates back to somewhere in the 1920s, and its purpose is for utility and mineral right access. He has allowed Webster to use it when necessary for timber harvesting and Webster has the access repaired after its use. The Board informed all three gentlemen that R.O.W. could not be considered as an access site for the lands being purchased by Hawkins unless it was widened to 66' width minimum and steep slope requirements might mean it would need to be wider than that in size. Mr. Cutter said he has no intention of widening that R.O.W. because he would not like it to become an issue for further subdivision of the lands. The parcel being purchased by Hawkins from Webster would be landlocked if not combined with the lands already owned by Hawkins.

The Board then looked at the map presented by Webster and said they found it to be very confusing as it is labeled with lots 1,2 and 3. This is not a clear depiction of what will be transpiring. They asked Mr. Gooding (representative for Venezia Associates, Land Surveyors) to have the map redrawn to represent the following:

- Mr. Webster's original lands with the original total acreage shown
- The division of the lands being subdivided and the acreage of both of those parcels shown including the remaining lands of Webster and its size.
- Mr. Hawkins original lands with the total acreage shown and then a land hook connecting the parcel being purchased from Webster to his original parcel and the new acreage shown as a result of that combination.

The Board asked the Secretary to provide Mr. Webster with a new subdivision application so it can be clearly stated that the subdivision will result in a parcel combination for Hawkins. The map will ultimately reflect Mr. Webster's parcel being 70+/- acres and Mr. Hawkins parcel will be 250+/- acres. Mr. Gooding said he would redraw the maps and submit them in time for the January meeting of the Planning Board.

Site Plan Review for Aviat Network for placement of two (2) microwave dishes on the tower at 4668 Ganyard Hill Road owned by American Tower Company:

A public hearing notice was posted on November 24th in the Messenger Post Now newspaper and on the Town of Bristol Webpage.

The public hearing was opened by the Chairman. The Chairman shared a portion of the draft minutes from the Zoning Board of Appeals meeting of November 11th with regard to the Telecommunication Act of 1996 §704 (a) (7)(B)(iv) of the Act and Protections Afforded the Telecommunication Provider in the Facilities Siting Context:

No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

Mr. Caskey asked if the licenses had been approved by the FCC for the dishes? The Chairman advised yes they had been and Mr. Bieniek had provided copies for the Board to review. The FCC Limited NEPA Checklist Report indicates: ***"The undersigned certifies that this site will be mounted/constructed in compliance to the new RF exposure regulations mandated by the FCC with regard to the general public. The FCC guidelines regarding Maximum Permissible Exposure will not be exceeded as a result of activating this site" and signed by the Project RF Engineer on September 19, 2014.***

Mr. Caskey also asked what would happen if the dishes were no longer used? Mr. Bieniek said that in accordance with the Town of Bristol regulations if activity ceased for more than one year Aviat would be responsible to remove the equipment from the Tower.

Caskey asked what is the length of the lease between Aviat and American Tower Corp? The Chairman read from the lease provided stating it is for 5 years with 4 renewal terms of three years each. At the end of that time the lease could be extended or terminated between Aviat and American Tower Corporation as the two companies decide.

There were no further questions so the public hearing was closed.

Whereas, The Site Plan had been reviewed at the November 3rd meeting and the additional information the Planning Board had requested at that time in the form of the FCC licenses and a copy of the lease has been provided by Mr. Bieniek as the representative for Aviat Network and,

Whereas, this application has been reviewed by the Ontario County Planning Board and returned without a formal recommendation on applications proposing co-location of telecommunication equipment and accessory structures on existing towers and sites (class I) as it presents little potential for countywide or intermunicipal impact, and

Whereas, the American Tower Corp. file has been reviewed by Planning Board member Robert Raeman and determined the application presented by Aviat is routine in nature to past applications receiving site plan approval with SEQR forms and subsequent negative declarations and,

Whereas, his only suggestion was a statement incorporating an action that if any equipment on the tower is not in service it shall be removed. The following motion was presented:

A motion was made by Bob Raeman with a second by Bob Drayn to approve the Site Plan application presented by Aviat Network with the following stipulations:

- ***If the equipment becomes abandoned or not being used for more than one year according to the Town of Bristol Zoning Regulations and or***
- ***If the lease between Aviat Network and American Tower is severed Aviat will be responsible for removal of the equipment from the tower at 4668 Ganyard Hill Road. The Board polled as follows: Stryker aye, Rogers aye, Raeman aye, and Drayn aye and the motion was approved.***

Other Business:

The Secretary said she had listened to a Webinar from Biels Document Management Company with regard to data scanning and possible grants to help with the cost associated with this service. She and the CEO will be meeting with their representative on Dec. 11th for more information.

The meeting was then adjourned with a motion by Bob Drayn.

Respectfully submitted,

Sandra Riker

Secretary and Acting Chairman

Town of Bristol

Planning Board

January 7, 2015: The December 1 minutes were approved by Bob Stryker with a second by Bob Raeman upon revision in Webster action to reflect a R.O.W. would need to be a minimum of 66' in width in order to be considered as an access way for the lands being subdivided by Webster and purchased by Hawkins. All Board members agreed.