



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Tuesday, January 2, 2018
Meeting Minutes**

Minutes of a regular meeting of the Town of Southport Planning Board held at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on Tuesday, January 2, 2018 at 7:00 p.m.

Board Members Present: Larry Berman
Jacquelyn French
John Hastings
Chris Parsons
Trish Peterson, Alternate
Tim Steed
Michael Stephens

Board Members Absent: Dan Collins

Others Present: Peter Rocchi, Code Enforcement Officer
Michelle Murray, Secretary
Leslie Mauro, Town Attorney

Chairman Stephens called the meeting to order at 7:00 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the December 4, 2017 minutes. Hearing no comments, the Board accepted the minutes as presented.

Next on the agenda was appointment of Chairman, Vice Chairman and Secretary to the Planning Board.

Board Member Stephens nominated Tim Steed for Chairman of the Board; Board Member French seconded the motion. All were in favor.

AYES: Berman, French, Hastings, Parsons, Peterson, Steed, Stephens
NOES: None
ABSENT: Collins
MOTION CARRIED.

Board Member French nominated Chris Parsons for Vice Chairman of the Board; Board Member Steed seconded the motion. All were in favor.

AYES: Berman, French, Hastings, Parsons, Peterson, Steed, Stephens
NOES: None
ABSENT: Collins
MOTION CARRIED.

Board Member Stephens nominated Michelle Murray for Secretary to the Board; Board Member Berman seconded the motion. All were in favor.

AYES: Berman, French, Hastings, Parsons, Peterson, Steed, Stephens
NOES: None
ABSENT: Collins
MOTION CARRIED.

Next was review of the site plan application of Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Morley Place, Elmira, NY Tax Map #109.07-5-45 Zoned Industrial (I). The application was presented by Attorney Jeff Davis with Barclay Damon on behalf of Up State Tower and Blue Wireless.

Attorney Davis explained that the wireless provider was new to the Southern Tier area and had towers along Interstate 86. They place the cell towers in the line of sight for coverage and chose the Industrial zone at the end of Budd Street and Morley Place by Route 14 which is close to travel corridors. They try to co-locate on existing towers when possible, but they could not find a tower in this area. They want to have a coverage rate close to the people for the way cell phones are used today. The tower is designed with break points for the fall down zone to remain on the property if it were to fall. A variance from the Board of Appeals is being requested for the height of the tower, the setback and fall down zone. The tower is below the FAA height requirement and will not have lights. Attorney Davis mentioned that it was an unlisted action for SEQRA.

The Board was concerned with the fall down zone of the tower on the small lot size. The Board of Appeals does not meet until January 17 therefore a decision has not been made as to whether they want to be lead agent or do a coordinated review and have the Planning Board be lead agent. Any approval would be contingent upon receiving approval from the Board of Appeals. The application was referred to the Chemung County Planning Board.

Peter Rocchi, Code Enforcement Officer, expressed his concern with the fall down zone. He explained that there are homes in that area at the end of Budd Street and Morley Place. It could also fall across Clemens Center Parkway.

Attorney Mauro asked if Blue Wireless includes the Town as additional insurers where there is a possibility of the tower falling and impacting an adjacent property and the Town may grant a variance to allow it to exceed

code. Attorney Davis explained that they would not list the Town as additional insurers.

The Board discussed the construction process, the types of vehicles used for the construction and the maintenance of the tower. They discussed the removal of the tower if it no longer provided service and would consider that as a condition on the site plan approval. Attorney Davis explained that a removal bond was listed in the lease agreement.

Chairman Steed explained that the application shall be modified to show the total height of the tower for the Board of Appeals to consider the Area Variance. The current application states that the antenna tower height at 160 feet but the drawings show the lightening rod 2 ½ to 3 feet above the tower. Chairman Steed explained that the correct height information is going to be necessary for the Board of Appeals to make a determination on the variance.

The Board discussed the aesthetic issue of the tower. Although it is an industrial zone there are other non-industrial properties in the area. The Board asked Attorney Davis to provide visual analysis of area pictures. The Code Officer will coordinate with the Board of Appeals and Attorney Mauro will draft concerns and questions and communicate with Attorney Davis.

The Board discussed the timeframe for the site plan approval. Attorney Mauro explained it was 150 days from the date the application was submitted to the Town which was on December 12, 2017.

Chairman Steed asked for the following information before a public hearing would be set:

1. View shed analysis
2. Materials on the height of the tower showing the correct height of 160 feet or 165 feet.

Paul Pool, Attorney from Broome County, spoke on behalf of Jeff and Jane Jack who are the owners of the property. He explained that they would be submitting a subdivision request to divide off the parcel of land with the tower.

Chairman Steed asked the Town Attorney if the SEQRA should be modified to reference the subdivision. She explained they would take the entire plan into consideration when reviewing SEQRA. The SEQRA documentation should include the discussion that the land may be subdivided in the future and what the impacts are from that. A new SEQRA would have to be submitted with subdivision application.

Charles Collins of Kinner Hill, Pine City asked if the tower was removed and the concrete slab remained was the land owner protected and not have the expense of removing the concrete. Attorney Mauro explained it would be covered in the lease agreement.

No other business to come before the Board. Board Member French made a motion to adjourn the meeting; Board Member Stephens seconded the motion. All were in favor. The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney