



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue • Elmira New York 14904

PLANNING BOARD Regular Meeting

**Monday, November 4, 2019
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 Monday, November 4, 2019 at 7:00 p.m.

Board Members Present: Dan Collins, Vice Chairman
Jacquelyn French
John Hastings
Jennifer McGonigal, Alternate
Chris Parsons, Chairman
Trish Peterson
Chad West

Board Member Absent: Larry Berman

Others Present: Michelle Murray, Secretary
Leslie Connolly, Town Attorney
Kathy Szerszen, Town Supervisor

Chairman Parsons called the meeting to order on or about 7:00 p.m. He asked if the Board Members had any comments, questions, concerns or corrections about the September 3, 2019 minutes and the October 15, 2019 Special Meeting minutes. Hearing no comments, the Board accepted the minutes as presented.

Next was review of Site Plan for Christopher Pedrick to operate a deer processing business located at 167 Kinner Hill Road, Pine City, NY. Tax map #127.00-1-6.4 zoned Agricultural Residential.

Mr. Pederick presented pictures of the property to the Board. He had a hog farm at the location and has now expanded the building to process deer for the three-month hunting season. They do not need approval from Board of Health for processing personal animals. Casella will dispose of the dumpster waste every other Monday. Board of Health approved the construction of an on-site wastewater treatment system.

The Board discussed the hog processing which will require permits from New York State for a Custom Meat Plant. The Board will make the approval contingent upon not doing hog processing until they obtain the proper permits from NYS. The hours of operation would be Sunday through Saturday 4:00 p.m. to 10:00 p.m. for three months starting October 1 and ending December 31.

There were no further comments from the Board. Chairman Parsons set a public hearing for Monday, December 2, 2019 at 7:00 p.m. or as soon thereafter as it can be heard.

Next was review of the Site Plan of Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Budd Street and Morley Place, Elmira, NY Tax Map #109.07-5-45 Zoned Industrial.

The Applicant was not present. The Board discussed what was submitted and obtaining an expert to help decipher the information. A decommission of the facility would be a condition if approved. There would not be any stormwater impacts. The roadway plan needed to be expanded upon. The applicant needs to provide legible propagation maps and provide substantive evidence that efforts to locate elsewhere were denied.

The Board discussed the SEQR and Notice of intent to be Lead Agency, which would be addressed when a complete application is submitted.

The Board discussed the draft new Telecommunications law and that a copy was sent to the applicant by our litigation council.

Vice Chairman Collins made a motion to notify the Applicant that their application is incomplete; Board Member French seconded the motion.

Resolution No. 009-2019 PB

INCOMPLETE SITE PLAN APPLICATION FOR UPSTATE TOWER CO., LLC AND BUFFALO-LAKE ERIE WIRELESS SYSTEMS TO CONSTRUCT A TELECOMMUNICATIONS TOWER AT BUDD STREET AND MORLEY PLACE, ELMIRA, NY TAX MAP #109.07-5-45 ZONED INDUSTRIAL (I)

Resolution by: Collins
Seconded by: French

WHEREAS, on November 4, 2019 at the regularly scheduled Planning Board meeting, the Planning Board discussed the site plan application of UpState Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Budd Street and Morley Place, Elmira, NY Tax Map #109.07-5-45 Zoned Industrial (I); and

WHEREAS, at that meeting the Applicant was not present; and

WHEREAS, at that meeting Vice Chairman Collins made a motion to notify the Applicant that the site plan of UpState Tower Co., LLC and Buffalo-Lake Erie Wireless Systems is an incomplete application; and

WHEREAS, Board Member French seconded the motion; and a

DISCUSSION on the motion took place with the Planning Board; after due deliberation it is

RESOLVED, that the Planning Board hereby determined that the application is incomplete for the following reasons for Site Plan of UpState Tower Co., LLC and Buffalo-Lake Erie Wireless Systems to construct a telecommunications tower at Budd Street and Morley Place, Elmira, NY

- (1) Failure to provide a roadway plan identifying the roads that construction vehicles will be traveling in accordance with the Town of Southport's Planning Board and Zoning Board of Appeals attorney's 2/19/18 email to UpState/Blue Wireless attorney Matthew Kerwin;
- (2) Failure to provide legible propagation maps clearly depicting the areas in the Town of Southport studied, such as street names or other identifying markers, as requested by the Town of Southport Zoning Board of Appeals at its 1/18 meeting; and
- (3) Failure to provide substantive evidence that Applicants' efforts to locate the proposed tower on less intrusive properties than the easterly terminus of Morley Place, properties that would not require a variance from the Town of Southport Zoning Board of Appeals and/or collocate on existing facilities were denied or otherwise infeasible (*see UpState Tower Co., LLC v. Town of Kiatone*, 2017 U.S. Dist. LEXIS 35610).

AYES: Collins, French, Hastings, McGonigal, Parsons, Peterson, West

NOES: None

ABSENT: Berman

MOTION CARRIED.

The Board discussed conflict of interest and the appearance of potential conflict.

The Board discussed the Telecommunication application that would be used after the Town Board passes the new ordinance.

No other business to come before the Board. Chairman Parsons made a motion to adjourn the meeting; Board Member Peterson seconded the motion. All were in favor. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Michelle Murray
Planning Board Secretary

Original on file with Town Clerk

cc: Planning Board
Town Board
Town Clerk
Town Attorney