



# PLANNING BOARD TOWN OF PORTER

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**Thursday, March 3, 2022**

The regular meeting of the Town of Porter Planning Board was called to order at 7:00 p.m. with the Pledge to the Flag.

Present: Chairperson Jeffrey Schulze, Vice Chairperson Mark Fox, Member J. Anthony Collard, Member Ryan Ross, Code Enforcer Peter Jeffery, Attorney Michael Dowd, Planning Board Secretary Amy Freiermuth

Excused: Member Robert Tower

**Sketch Plan Review/Referral recommendations (2 required) to the Zoning Board of Appeals for Eco-Site/Verizon Wireless for an Area Variance and Special Use Permit for a New Telecommunication/Cell Tower at 2521 Youngstown-Lockport Road, Ransomville (Ransomville Fire Company); Tax Map 65.10-2-11.2.**

Code Enforcer Jeffery distributed hard copy materials to the Members that had been provided electronically via Dropbox prior to the meeting. He explained that Verizon has applied for a Special Use Permit and Height Variance for a cell tower to be located on the Ransomville Fire Company property in Ransomville.

Attorney Cory Auerbach from Barclay Damon and Will Grover from Pyramid Network Services were present.

Attorney Auerbach explained that the plan was to construct a 174- foot galvanized mono pole to house the infrastructure for telecommunication antennas along with a 50 x 50 foot fenced in compound to house all equipment for up to 4 carriers. Currently Verizon has committed to the project and there would be room for 3 other carriers once constructed. Mr. Auerbach stated that the proposed location covers an area of need for cell service and that 170 feet (plus 4 feet for a lightning rod) is the minimum height needed for the coverage in the area.

Chairperson Schulze stated that he spoke with residents in this area and they said that their cell service is horrible. Attorney Auerbach stated that this cell tower would address in-building and in-vehicle coverage issues.

Chairperson Schulze stated that the most impact/benefit would be for those in the Hamlet of Ransomville and asked about the look of the project. Attorney Auerbach stated that the cell tower is set back from the road and adjoining property and will have a 6-foot fence with slats to screen the area surrounding the compound. Photo simulations were displayed. He stated that there is no opportunity to “hide” the tower but because it is set back from the road it will be less noticeable and the ground equipment will be screened.

Vice Chairperson Fox asked if there will be bushes in front of the screened fence to make the area less visible and asked if a 6-foot fence would be tall enough. Attorneys Auerbach stated that the area will be naturally screened on the north, west and some of the south by the trees already established. Code Enforcer Jeffery stated that the areas may not be visible to residents once the trees have leaves on them.

It was stated that the Ransomville Fire Company will have a lease for this project and will make approximately \$12,000 a year to start from this project. An audience member from the Fire Company stated that they were ready to go and looking forward to the project.

After a brief discussion, Mr. Auerbach stated that an 8-foot slated fence with bushes around it to conceal the compound was a reasonable request. He stated that the pole itself is galvanized and does not have any exterior cables – they are all underground.

Chairperson Schulze asked if anyone in the audience had any questions. Resident Brenda Bank asked if the lease would increase with each locator. Mr. Grover stated it would be a flat rate regardless of how many carriers were involved, but there are increases every five years within the 30-year lease.

Member Collard asked if there was a decommission plan and Attorney Auerbach stated that there is a bond included in the project to cover decommissioning.

A motion was made by Vice Chairperson Fox and seconded by Member Collard to recommend to the Zoning Board of Appeals that the Area Variance be approved to include the height variance for the pole of the cell tower for 174-feet and a height variance for an 8-foot-high opacity slated colored fence to surround the compound.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Absent

Member Ross: Yes

Motion carried.

A motion to recommend to the Zoning Board of Appeals that the Special Use Permit be approved with the condition that Eco Site come back to the Planning Board with a detailed Site Plan for vegetation near the fencing on the south, east and west side of the compound. The motion was made by Vice Chairperson Fox and seconded by Member Collard.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Absent

Member Ross: Yes

Motion carried.

**Sketch Plan Review for Bob Fuller, 2498 Youngstown Wilson Road, Ransomville; Tax Map 34.00-1-31.1 for a Minor Subdivision.**

Bob Fuller and Justin Fuller were present.

Code Enforcer Jeffery stated that he spoke with Mr. Fuller regarding the subdivision and a sketch plan was drawn to divide the current parcel into two lots – one for each home. The larger lot will be divided with most of the land, the older home and the farm. The smaller lot will have approximately 125 feet of road frontage by about 240 feet of depth. The property line will be 20 feet in front of the existing garage for the smaller parcel.

Chairperson Schulze stated that he feels that 20 feet may not be adequate room to move a vehicle into and out of the garage but feels that 24 feet would be sufficient. A brief discussion occurred regarding the spacing, but ultimately Mr. Bob Fuller was not pleased with the suggested 24 feet and the sketch plan was left at the current proposed of 20 feet. Attorney Dowd stated that an easement could be created for the future for both parties to have access to the driveway. He also stated that because the Fuller's have hired an attorney, if they don't like the current sketch plan, they can, and should, discuss alternatives to the plan with their attorney prior to moving forward.

A motion to approve the Sketch Plan as presented was made by Vice Chairperson Fox and seconded by Member Ross.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Absent

Member Ross: Yes

Motion carried.

**Sketch Plan Review for Armand and Jane Cerrone, vacant land on Lake Road, Youngstown; Tax Map 45.00-1-9.1 for a Minor Subdivision.**

Siblings Armand Cerrone and Jane Cerrone were present. Mr. Cerrone explained that they would like to subdivide a portion of their lakefront property and have a potential buyer for the land. Currently they own two "fingers" on the north side of Lake Road with a larger parcel on the south side that is all deeded as one piece as a "J Hook".

The new parcel will meet all minimum requirements and will be about 150 feet of road frontage, 159 feet at the lake and about 685 feet deep.

A motion to approve the Sketch Plan as presented by made was by Member Collard and seconded by Vice Chairperson Fox.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Absent

Member Ross: Yes

Motion carried.

### **Discussion on Rural Residential Business Zoning law chapter changes with Code Enforcer Jeffery.**

Code Enforcer Jeffery informed the Members that the ZBA discussed the RR Business and feel that it may be a good idea to update the comprehensive plan for the Town. He stated he feels that the code needs to address contractors and lawn/landscaping businesses. He stated that it may make sense to address these businesses in the use table in the meantime. No decision was made, or action taken after the discussion.

### **Code Enforcer Jeffery's report**

Code Enforcer Jeffery's stated he will email his report to the Members once complete.

### **Attorney Dowd's report**

Attorney Dowd had nothing further to report.

### **Correspondence / New / Old / Miscellaneous Business**

None.

With no further discussion, a motion to adjourn the meeting at 8:50 p.m. was made by Chairperson Schulze and seconded by Vice Chairperson Fox. All in favor, motion carried.