

**TOWN OF BARRE
PLANNING BOARD
SEPTEMBER 11, 2023**

CALL TO ORDER: The board met at the Town Hall and the meeting was called to order at 6:33 pm by co-chair Mr. Keeler.

BOARD MEMBERS PRESENT

Tom Keeler	Wes Miller
Jean Depatie	Kurt Dudley
Stephen Harling	Kirk Mathes
Jean Peglow	

ABSENT BOARD MEMBERS

Eric Watson, Alternate

Others present: Robert Burgdorf, Esq. from Nixon Peabody (Verizon); Dustin Wyman, NB&C (Verizon); Steven Parsons, Stephanie Rodden, Joseph Leonardo, Charles Moore, Thomas Hicks, and Town of Barre Attorney Bridget O'Toole

I. APPROVAL OF MEETING MINUTES

Mrs. Peglow made a motion to approve the August regular meeting minutes with no corrections. Motion was seconded by Mr. Harling and carried. (7-0)

II. NEW BUSINESS

Mr. Keeler stated that after talking with Mr. Miller that the order of applications under new business is changed to Parsons/Rodden Application, Charles Moore Application, Bell Atlantic/Verizon Application. There was not an objection, therefore, the order was changed.

Mr. Keeler asked Ms. Rodden to present her application. They would like to build a Barn Venue to host mostly weddings and other events. There would be a "main cabin" for the event itself, a cabin for the couple to stay in overnight. Everyone must be gone by 10 pm. Discussion took place:

- Location is more Kams Road than Maple Street
- Barns are hidden from the road
- Will be a stone driveway in with a parking lot
- There is nothing presently located there except for woods
- There will not be anyone living there

- §350-50 resort/complex requirements were read as that seems to closest zoning related to the request
- §350-90 regarding site plan review requirements was also read
- There is public water available. A septic tank will be needed and applicant told to contact the Health Department.
- Contact the Fire Department regarding fire lane requirements
- Maple Street is not a county road so the application should not have to go to the County Planning Board
- A better map is needed with distances and setbacks, show lighting, septic location, egress, any signs etc.
- The whole business plan is needed, including what will be in the cabins, their use, safety items etc.
- It would be best if an engineer be contacted. Applicant wanted to make sure that this idea was acceptable before spending the money for an engineer
- Applicant was told to resubmit an application with all the necessary information
- Commercial kitchen is a possibility, however, food would be catered in
- Make sure parking is sufficient and does not impede view upon entering road
- A Special Use Permit is renewable every year. Any modifications would have to come back to this board for approval
- Mrs. O'Toole stated that the long (full) SEQR form would be needed and not the short form

Mr. Keeler asked Mr. Moore to present his application. Mr. Moore stated that he is planning on buying the property on Sheeler Road. However, before he did, he wanted to make sure that with the undersized lot will not impede him from remodeling the inside. He would like to use the home for a couple of his employees to live-in. Mr. Moore's home property is less than one mile away. The present owner is being given 60 days to clear the land of abandoned vehicles, trash, etc. There are another 5 or 6 homes around it that are not salvageable surrounding the property. The present owner is still residing there with electric and furniture inside. The well is shared with two other homes currently. The septic also needs inspecting. The zoning board has not heard the application yet. Discussion took place:

- § 350-35 D 1, §350-36 A was reviewed
- Would like to clean up the home and install drywall
- Is not being reestablished
- Home is furnished and has gardens surrounding it
- Lot has always been the size it currently is
- Culvert from road may need to be replaced
- §350-35 E 1 B was discussed as the right of way is only 25' and not 30'
- Lot is an existing lot and does not need to come before the planning board or zoning board. Mrs. O'Toole agreed

The application was declared null and void.

Mr. Keeler asked Mr. Burgdorf to present the application of Bell Atlantic/Verizon. Mr. Burgdorf stated that the cell service in this area is not adequate. A return path is needed. Exhibit G 16 of the application is showing service deficiencies. Exhibit G 18 was also presented with yellow means service is not adequate and green is good. Exhibit H 1 with the big circle was also brought to the board's attention as the target area for locations of either a new tower or another location suitable for installation. A new tower cannot be in wetlands. The tower needs to be 175' high with an equipment shelter with a chain link fence surrounding the tower. A gravel road will lead to the tower with traffic to it only a couple of times per year. Discussion took place:

- There will be no lights located on the tower as its below the FAA's regulation
- Height restriction will be seen at the zoning board
- Which side of the road was asked. Mr. Wyman took that map to Mr. Hicks and showing him the location
- The tower will be owned by Verizon and they will be allowed to lease space to other companies as per agreement
- Private airports are different than public ones. For public airports, Verizon must comply with FAA rules
- Because of the overwhelming complexity of the application, we should leave no stones unturned – the board should not just push the application forward
- If lights were wanted, the FAA would have to approve it
- Setbacks with wind turbines are not an issue. If they were tower would move a few feet to avoid the issue
- Mrs. O'Toole presented 2 resolutions to the board on SEQR lead agency and establishing an escrow account.

Mrs. O'Toole asked for an attorney/client executive session.

Resolution 20-2023

Introduced by:

Jean Depatie

Seconded by:

Steve Harling

To go into executive session for attorney/client consultation

UPON ROLL CALL VOTE:

Mr. Keeler - Aye
Mr. Miller - Aye
Mr. DePatie – Aye
Mr. Dudley - Aye
Mr. Harling – Aye
Mr. Mathes - Aye
Mrs. Peglow – Aye

The resolution passed at 7:31 pm.

Resolution 21-2023

Introduced by: Jean Peglow
Seconded by: Kirk Mathes

To return from executive session

UPON ROLL CALL VOTE:

Mr. Keeler - Aye
Mr. Miller - Aye
Mr. DePatie – Aye
Mr. Dudley - Aye
Mr. Harling – Aye
Mr. Mathes - Aye
Mrs. Peglow – Aye

The resolution passed at 7:41 pm.

Resolution 22-2023

Introduced by: Steve Harling
Seconded by: Kurt Dudley

TOWN OF BARRE PLANNING BOARD RESOLUTION THAT THE PROPOSED TELECOMMUNICATION FACILITY TO BE LOCATED AT 14295 WEST BARRE ROAD IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE PROPOSED ACTION AS AN UNLISTED ACTION

WHEREAS, on or about August 31, 2023, Bell Atlantic Mobil Systems, LLC d/b/a Verizon Wireless (the “Applicant”) by its attorneys Nixon Peabody LLP submitted applications for a special use permit, site plan approval and an area variance for a proposed telecommunication facility to be located at 14295 West Barre Road (Tax ID No. 106-1-73.1) (the “Proposed Action”); and

WHEREAS, the Proposed Action involves the construction of a 174-foot telecommunications facility with a facility area of approximately 10,000 square feet on a 208-acre parcel; and

WHEREAS, the Proposed Action does not meet the requirements of either a Type I or Type II action under SEQRA; and

NOW THEREFORE, the Planning Board of the Town of Barre hereby declares itself lead agency for the purposes of SEQRA review.

AND THEREFORE, the Planning Board further resolves that the proposed action is classified as an Unlisted Action under SEQRA.

UPON ROLL CALL VOTE:

Mr. Keeler - Aye

Mr. Miller - Aye
Mr. DePatie – Aye
Mr. Dudley - Aye
Mr. Harling – Aye
Mr. Mathes - Aye
Mrs. Peglow – Aye

The resolution passed.

Resolution 23-2023

Introduced by: Jean Peglow
Seconded by: Kirk Mathes

TOWN OF BARRE PLANNING BOARD RESOLUTION TO REQUIRE PAYMENT IN ESCROW

WHEREAS, on or about August 31, 2023, Bell Atlantic Mobil Systems, LLC d/b/a Verizon Wireless (the “Applicant”) by its attorneys Nixon Peabody LLP submitted applications for a special use permit, site plan approval and an area variance for a proposed telecommunication facility to be located at 14295 West Barre Road (Tax ID No. 106-1-73.1) (the “Proposed Action”); and

WHEREAS, on or about August 25, 2023 counsel for the Applicant signed an acknowledgment that Applicant is responsible for all legal, engineering, or other extraordinary or unanticipated expenses incurred by the Town in review of the proposed action; and

WHEREAS, the estimated expenses of the Town to its consultants in review of the proposed action are estimated to be in excess of \$1000; and

NOW, THEREFORE, be it resolved that effective upon passage of this resolution the Applicant is directed to pay Five Thousand Dollars (\$5000) into escrow with the Town of Barre to reimburse the Town for its expenses in review of the proposed action.

AND THEREFORE, this escrow shall be replenished by the Applicant as expenses are paid by the Town.

UPON ROLL CALL VOTE:

Mr. Keeler - Aye
Mr. Miller - Aye
Mr. DePatie – Aye
Mr. Dudley - Aye
Mr. Harling – Aye
Mr. Mathes - Aye
Mrs. Peglow – Aye

The resolution passed.

Engineering firms can either be MRB Group or LaBella Associates. Dates, deadlines, and future board meetings were mentioned. Mrs. O’Toole will draft a contract and contact them due to time restraints.

The board thought that because of a Zoning Board of Appeals application due to the height, there should be a separate County referral and separate decisions made. The public hearing can be combined.

III. OLD BUSINESS

Mr. Keeler asked the board for a representative to the Comprehensive Plan review committee. Mr. Depatie or Mr. Miller would be the only impartial members as to green energy and wind turbines.

Resolution 24-2023

Introduced by: Kurt Dudley
Seconded by: Kirk Mathes

To appoint Jean Depatie to the Comprehensive Plan review committee with Wes Miller as an alternate

UPON ROLL CALL VOTE:

Mr. Keeler - Aye
Mr. Miller - Aye
Mr. DePatie – Aye
Mr. Dudley - Aye
Mr. Harling – Aye
Mr. Mathes - Aye
Mrs. Peglow – Aye

The resolution passed at 7:31 pm.

IV. COMMUNICATION

ORLEANS COUNTY PLANNING BOARD

The August meeting was cancelled.

Mr. Keeler would like to take a few moments for Mr. Wilford (Willie) Wraight as a former long-standing member of the Planning Board. A few memories were shared and a moment of silence was done.

V. ADJORNMENT

Mrs. Peglow made a motion to adjourn the meeting at 8:00 pm; seconded by Mr. Harling and carried (7-0).

Lee A. Preston, Clerk

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