

**TOWN OF BARRE  
PLANNING BOARD  
NOVEMBER 13, 2023**

**CALL TO ORDER:** The board met at the Town Hall and the meeting was called to order at 6:40 pm by co-chair Mr. Keeler.

**BOARD MEMBERS PRESENT**

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

**ABSENT BOARD MEMBERS**

Eric Watson, Alternate

Others present: Jeff Sakolnk, Ryan Jordans, Adrienne Daniels, David Daniels, Matt Sousa, Kriss Sniffen, Beth Wood, Matthew Sousa of MRB Group, Robert Burgdorf esq for Bell Atlantic/dba Verizon Wireless, Town of Barre Attorney Bridget O'Toole, and Sean Pogue

**I. APPROVAL OF MEETING MINUTES**

Mrs. Peglow made a motion to approve the October regular meeting minutes with one correction being the second adjournment incorrect. Motion was seconded by Mr. Dudley and carried (7-0).

**II. PUBLIC HEARING**

Bell Atlantic/dba Verizon Wireless/" Barre Corners"

106-1-73.1

Mr. Keeler stated that the hearing is a joint public hearing the with Zoning Board of Appeals as the application is asking for a height variance along with the site plan review and special use permit. The height variance request was approved at the County Planning Board. The site plan and special use permit was approved with comments and conditions being made of:

1. The telecommunication tower will be 5G compatible per conversations with the Town of Barre
2. The telecommunication tower will allow other providers to use the tower in the future
3. MRB Group has reviewed the site plan, and the engineering fir has updated the site plan based on their review and suggested comments
4. Post the address of the site near the entrance of the property in the event of an emergency so first responders can quickly locate the property.
5. Forward Site Plans to the Orleans County Office of Emergency Management for their comments and review.

The public hearing was opened by Mr. Keeler at 6:47 pm.

Mr. Robert Burgdorf, spoke on behalf of the applicant, explaining the intent of the application. There were no other comments. Mrs. O’Toole suggested leaving the public hearing open for another 10 minutes or so going on to other business in the meantime.

Mr. Sousa from MRB Group stated that the reviewed site plan after the suggested changes were made and approved the changes. Additional comments were:

1. The applicant shall post a security pond to cover the cost of total removal of the tower installation, including the complete restoration of the property to its previous condition. The amount of the bond shall be equal to the amount of the full assessed value of the wireless service facility, plus 20%, which shall be reviewed by the Town Board and Town Assessor every four years
2. The applicant shall submit an agreement between the applicant/owner and the town that governs the roles and responsibilities for the tower removal. The agreement shall be subject to review and approval by the town attorney.
3. The removal estimate provided by the applicant should be revised to list the itemized cost of removal for each component of the project rather than a lump sum
4. The planning board should consider granting the applicant a waiver from Town Code §350-63 (F) (5) requiring the applicant to provide a landscaping plan

All MRB comments related to the site plan have been addressed.

**Resolution 27-2023**

Introduced by: Steve Harling  
Seconded by: Jean Peglow

**WHEREAS**, there being no other comments

**THEREFORE**, to close the public hearing at 7 pm

**UPON ROLL CALL VOTE:**

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

The resolution passed.

**III. NEW BUSINESS**

In regards to the AES Baird Solar project, Mr. Jordans wanted to inform the board that there are changes to the storm water runoff. Mr. Jordans took over after earlier approvals were made and discovered the topography maps did not match the property. Additionally, it was discovered that someone has been dumping fill where the storm water pond was going to go. That essentially raised the property up causing the storm water to go up into the pond which is not possible. A new SWPPP map was submitted to DEC. Because this is not a new project, it will not be available to view on the website until

after Thanksgiving. The footprint of the project is the same except the pond is no longer included. There will be putting some large stone topped with smaller stone to facilitate drainage.

#### **IV. OLD BUSINESS**

Mr. Keeler stated that we now must adopt a negative SEQR based on the applicant and review of the SEQR

##### **Resolution 28-2023**

Introduced by: Jean Peglow  
Seconded by: Steve Harling

**TOWN OF BARRE PLANNING BOARD RESOLUTION ADOPTING FULL ENVIRONMENTAL ASSESSMENT FORM PART 2 & 3 AND MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE PROPOSED TELECOMMUNICATION FACILITY TO BE LOCATED AT 14295 WEST BARRE ROAD**

**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**, by letter dated September 26, 2023, the Town’s engineering consultant MRB Group provided comments to the Planning Board on the Proposed Action and requested additional information; and

**WHEREAS**, on October 10, 2023, the Applicant supplemented its applications in response to MRB Group’s September 26, 2023 comments, 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**, as part of its application, the Applicant submitted a Full Environmental Assessment Form dated August 11, 2023, and

**WHEREAS**, on September 11, 2023, the Planning Board of the Town of Barre declared itself lead agency for purposes of SEQRA review of the proposed action, and

**WHEREAS**, on September 11, 2023, the Planning Board of the Town of Barre classified the action as an Unlisted Action, and

**WHEREAS**, the Planning Board of the Town of Barre is required to refer any issuance of special use permits, area variances, and approval of site plans to the County Planning Board pursuant to GML § 239-m.

**WHEREAS**, on October 26, 2023, Orleans County Planning responded to the Town of Barre’s GML 239-m referral with a recommendation of “Approval” with the following conditions:

1. Post the address of the site near the entrance of the property in the event of an emergency so first responders can quickly locate the property,
2. Forward site plans to Orleans County Office of Emergency Management for comment and review; and

**WHEREAS**, on November 13, 2022, the Planning Board and Zoning Board of Appeals held a joint public hearing on the project and public comments were received by members of the public; and

**WHEREAS**, no interested or involved agencies identified or provided comment on any potentially significant environmental impacts, and

**WHEREAS**, the Planning Board has reviewed all submissions made by the Applicant, considered comments made by the public and interested agencies, and taken a hard look at the potential environmental impacts of the Proposed Action and has caused to be prepared Part 2 and Part 3 of the Full Environmental Assessment Form (“FEAF”), attached hereto, and

**NOW THEREFORE**, the Planning Board hereby adopts the attached FEAF Part 2 and Part 3 and directs a Co-Chair of the Planning Board to execute the same,

**AND THEREFORE**, the Planning Board hereby finds that there will be no major or minor environmental impacts associated with the Proposed Action,

**AND THEREFORE**, the Planning Board hereby makes a negative declaration of environmental significance for the Proposed Action.

**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 29-2023**

Introduced by: Jean Peglow  
Seconded by: John Depatie

**TOWN OF BARRE PLANNING BOARD RESOLUTION REGARDING BELL ATLANTIC MOBIL SYSTEMS, LLC’S APPLICATION FOR SITE PLAN APPROVAL AND A SPECIAL USE PERMIT FOR THE PROPOSED TELECOMMUNICATION FACILITY TO BE LOCATED AT 14295 WEST BARRE ROAD**

**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**, by letter dated September 26, 2023, the Town’s engineering consultant MRB Group provided comments to the Planning Board on the Proposed Action and requested additional information; and

**WHEREAS**, on October 10, 2023, the Applicant supplemented its applications in response to MRB Group’s September 26, 2023 comments, 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**, on October 26, 2023, Orleans County Planning responded to the Town of Barre’s GML 239-m referral with a recommendation of “Approval” with the following conditions:

3. Post the address of the site near the entrance of the property in the event of an emergency so first responders can quickly locate the property,
4. Forward site plans to Orleans County Office of Emergency Management for comment and review; and

**WHEREAS**, on September 11, 2023, the Planning Board of the Town of Barre declared itself lead agency for purposes of SEQRA review of the proposed action, and

**WHEREAS**, on September 11, 2023, the Planning Board of the Town of Barre classified the action as an Unlisted Action, and

**WHEREAS**, on November 13, 2022, the Planning Board and Zoning Board of Appeals held a joint public hearing on the project and public comments were received by members of the public; and

**WHEREAS**, on November 13, 2023, the Planning Board made a negative declaration of environmental significance for purposes of SEQRA; and

**WHEREAS**, after review, the Planning Board has weighed the effects of the Proposed Action on health, safety, and welfare of the community and made the following findings:

1. The Proposed Action is necessary to meet current and expected demands for telecommunications services. There is a known area with poor or no cellular service within the Town of Barre that the Proposed Action is anticipated to eliminate.
2. The Proposed Action conforms with applicable FCC and FAA regulations.
3. The Proposed Action is set back within a much larger parcel to minimize visual impact to the extent practicable, while the tower will still be visible from some vantage points, the benefit of the project outweighs any potential impact. Given the height and utility of the tower it is not

practical for it to be completely screened. Accordingly, the Planning Board has waived Town Code §350-63(f)(5) requiring a landscaping plan.

4. The Proposed Action complies with all portions of the Town Code related to telecommunication facilities.
5. The site of the Proposed Action is the most appropriate among those available within the feasible area for the location of a telecommunication facility because of both its availability and its ability to address the current outage area and provide connectivity.
6. The Proposed Action is designed to accommodate future shared use by at least one other telecommunication service provider.
7. The provision of automobile parking, pedestrian and automobile traffic and circulation is adequate because the site is not expected to attract vehicles or pedestrians after construction
8. The location, arrangement, size, design and general site compatibility of buildings, lightings and signs is adequate for the proposed use.
9. No stormwater or drainage facilities are required for this project during operation.
10. Water supply and sewage disposal facilities are not required for this project during operation.
11. There is adequate access to the site for emergency services.
12. No on-site refuse storage is required for this project during operation.
13. The Proposed Action is compatible with the general intent of the Town of Barre Comprehensive Plan.
14. The proposed use will not be detrimental to the public health, safety, and welfare of the community because there will be no emissions from the Project and it will improve connectivity to the telecommunications network for users within the Town of Barre.

**NOW THEREFORE**, the Planning Board does grant a Special Use Permit and Site Plan Approval for the Proposed Action with the following conditions:

1. The applicant shall post a security bond to cover the cost of total removal of the tower installation, including pad/base, and the complete restoration of the property to its previous condition, including seeding of area. The amount of the bond shall be equal to the amount of the full assessed value of the wireless service facility, plus 20%, which shall be reviewed by the Town Board and Town Assessor every four years;
2. The applicant shall submit an agreement between the applicant/owner and The Town that governs the roles and responsibilities for Tower removal. This agreement shall be subject to review and approval by the Town attorney;

3. The removal estimate provided by the applicant shall be revised to list the itemized cost of removal for each component of the project rather than a lump sum; and
4. This approval is contingent upon receipt of an area (height) variance from the Town of Barre Zoning Board of Appeals.

**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.

Mr. Keeler stated that he has not contacted Mrs. Rodden, however he will be doing so soon. It was mentioned that there is a Bruma Woods sign near that location that is new.

**V. COMMUNICATION**

**ORLEANS COUNTY PLANNING BOARD**

Mr. Keeler wanted to review September more thoroughly now that he has more information.

- Village of Albion’s request for Special Use Permit and Site Plan Review to convert a vacant adult assisted living complex into a multi-family apartment complex on South Main Street to return the application
  - Village planning board had too many unanswered questions
  - Orleans County Planning Board had concerns about the unanswered questions
    - Fire lanes, access to the building if parking lot is stone (withstand the load of fire equipment, snow removal, emergency exits needing solid surfaces to parking lots, number of handicap spaces, unnamed rooms use, outdoor gathering spaces located, fence expansion, screening, deadline of paving of second parking lot, have those willing to rent and live there, second business plan for vacant units or trouble finding people willing to pay the asking price, only one entrance and exit point)
- Village of Holley’s request for Use Variance for a business to include service to small engines other than lawn tractors and snow blowers on West Albion Street was returned
  - Use variance is not the proper solution but to rezone
  - Terms used for the original use variance and proposed amendment have restrictive terminology

October (Town of Barre's request is discussed above)

- Town of Ridgeway's request for Special Use Permit and Site Plan Review to display and sell manufactured sheds on Ridge Road was approved with conditions
  - Change the site plan regarding the location of displaying the sheds to meet zoning setbacks. Alternatively, send an Area Variance to Orleans County Planning Board before Town of Ridgeway makes final approval of the complete application
- The Genesee Finger Lakes Regional Planning Council Fall 2023 training workshop is on November 9<sup>th</sup>.

A letter from Pace Butler was received and the members were given the opportunity to view it.

## **VI. ADJORNMENT**

Mrs. Peglow made a motion to adjourn the meeting at 7:29 pm; seconded by Mr. Harling and carried (7-0).

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Lee A. Preston, Clerk