

PRESENT: Paul Jusko, Chairman
Patricia Hacker, Vice Chairman
Kevin Maxwell, Secretary
Margaret Andrzejewski
J. David Early
Thomas Edington
Jeff Mendola
Michael Pohl
David Stringfellow

ALSO PRESENT: Councilman Dennis Mead – Town Board Liaison
Michael Perley – Town Attorney
Robert DeSantis – 6346 May Drive for Special Use Permit
Gary Ferraro – SBA Network Service for Co-location

Chairman Jusko called the meeting to order at 7:31 P.M.

MINUTES

Chairman Jusko asked if there were any additions or corrections to the minutes November 13, 2001. Being none Mrs. Hacker made a motion to approve the minutes, second by Mr. Early. All in favor.

CORRESPONDENCE

Mr. Maxwell reported the following correspondence:

- to Mr. DeSantis requesting site plan of property with indication of buildings, and Notice of Decision from the Zoning Board Public Hearing of May 7, 1998
- from Mr. DeSantis complying with this Board's request
- from Chairman Jusko to Evans National Bank President James Tilley expressing this Board's concern with the ingress/egress situation at the new bank site

LIAISON – COUNCILMAN MEAD

Councilman Mead said that there was nothing to report from the Town Board Meeting of November 21, 2001.

SBA NETWORK SERVICES – OMNIPOINT

Mr. Ferrara gave the following overview:

- 250' existing tower that SBA owns
- proposing to co-locate at 240'
- at base a proposed 10' x 10' concrete pad
- proposed equipment cabinet of 4' x 5' x 2' on concrete pad
- proposed ice bridge, approximately 1 foot wide, installed on cabinet to protect cables running from the cabinet to the base of the tower

SBA Network Services, con't

- proposed electrical panel mounted on a post

Mr. Perley asked if a wind load study had been done. Mr. Ferrara said yes it had been analyzed at 70 M.P.H.

Mr. Jusko stated that there are existing co-locations at 250 feet and 170 feet, he asked if the co-locations at 220 feet and 215 feet were part of the original structure. Mr. Ferrara said he did not know but would check to find out. He added that there are other proposed carriers shown to give an idea of what the tower is capable of.

Mr. Ferrara spoke of the wind study analysis that had been completed.

Mr. Perley asked if the analysis was done before they were permitted to co-locate or was this to accommodate this Board.

Mr. Ferrara said that is normal prior to a lease agreement that the tower be analyzed to insure that whoever the leasor is or the leasee is that the tower is capable to handle their equipment, before investing any time or money into the site. Mr. Ferrara added that knowing there are two other carriers interested in the tower the analysis anticipating the other two carriers and the tower passed this analysis.

Mrs. Hacker asked for clarification of what is existing and what is proposed. Mr. Ferrara said existing is Sprint is at 250 feet; Cellular One at 220 feet; Nextel at 155 feet and an existing antenna used for paging at 170 feet which virtually has no bearing on the load of the tower.

Mr. Ferrara said that tonight he is asking for approval for Omnipoint Holdings doing business as Voice Stream.

Mr. Ferrara displayed an Radio Frequency Propagation map for the Board members to see.

Mr. Perley asked if William Johnson was used for this study. Mr. Ferrara said that Mr. Johnson primarily works for municipalities.

Mr. Perley said that our law provides for the applicant to pay for an engineering study and asked Mr. Ferrara if he would make arrangements with Mr. Johnson to review the RFP. Mr. Ferrara said he would make the arrangements.

Mr. Ferrara asked the time turnaround for approval. Mr. Perley said providing there is a Planning Board recommendation tonight, the Town Board could set Public Hearing date at the next Town Board meeting.

Mr. Jusko asked Mr. Perley to check into the two locations on that are on the tower. Mr. Perley said he is going to ask SBA for a detailed accounting of what is on the tower and what is supposed to be on the tower.

Chairman Jusko asked if there were any other questions, being none Mrs. Hacker made a motion to recommend Omnipoint's application for co-location subject to all documents legally required are in order; the need is verified by RFP Specialist William Johnson; and receipt of documentation which verifies the prior approval of all existing antenna on the tower. Mr. Edington seconded the motion. All were in favor.

ROBERT DESANTIS – 6346 MAY DRIVE

Mr. Jusko asked Mr. Perley the time frame on a renewal. Mr. Perley said this is not a renewal, there is no provision for renewal, that technically every two years has to reapply.

Mr. Maxwell asked if Mr. DeSantis has to reapply for the variance. Mr. Perley said no, that it continues, there is no built in time limit for a variance. He added that if nothing has changed this Board could accept the prior document. Mr. Jusko asked if this requires a public hearing. Mr. Perley said yes, at Town Board level.

Mr. DeSantis said that nothing has changed since 1998, that the lot coverage has stayed the same.

Mr. Early said that Mr. DeSantis' property appears to have less lot coverage than other properties in the area.

Mr. Maxwell asked if this is temporary, do you take it down in the spring.

Robert DeSantis – 6346 May Drive, con't

Mr. DeSantis said no. Mr. Perley said it is temporary because there is no permanent foundation, and has to be renewed every two years.

Mr. DeSantis said that he received permission in May, 1998 to have two accessory buildings on the property.

Chairman Jusko asked if there were any further questions.

Being none Mr. Early made a motion to recommend continuation of the special use permit, per site plan submitted, based on the Zoning Board of Appeals decision of May 7, 1998 granting a variance for exceeding lot coverage, and based on the Town Board decision of May 26, 1998 to allow a second accessory building, and their approval of a Special Use Permit at that time. Second by Mr. Maxwell. All were in favor.

ELECTION OF OFFICERS

Chairman Jusko asked for nominations for Chairman. Mr. Maxwell nominated Paul Jusko for Chairman. Second by Mr. Stringfellow. Chairman Jusko asked if there were any other nominations. Being none, Mr. Edington made a motion for the Secretary to cast one ballot for Paul Jusko for Chairman. Second by Mr. Early. The members voted in favor of this motion. The secretary was directed to cast one ballot for Paul Jusko as Chairman for 2002.

Chairman Jusko asked for nominations for Vice Chairman. Mr. Early nominated Patricia Hacker for Vice Chairman. Second by Mr. Jusko. Chairman Jusko asked if there were any other nominations. Being none, Mr. Jusko made a motion for the Secretary to cast one ballot for Patricia Hacker for Vice Chairman. Second by Mr. Early. The members voted in favor of this motion. The secretary was directed to cast one ballot for Patricia Hacker as Vice Chairman for 2002.

Chairman Jusko asked for nominations for Secretary. Mrs. Hacker nominated Kevin Maxwell for Secretary. Second by Mr. Stringfellow. Chairman Jusko asked if there were any other nominations. Being none, Mr. Jusko made a motion for the Secretary to cast one ballot for Kevin Maxwell for Secretary. Second by Mr. Edington. The members voted in favor of this motion. The secretary was directed to cast one ballot for Kevin Maxwell as Secretary for 2002.

Chairman Jusko asked if there was any other business to be brought before this Board.

GENERAL DISCUSSION

Three Girls Café

Mr. Maxwell asked if the Planning Board had ever received any site plan as requested from the Girl's Café. Mr. Jusko said no. Mr. Maxwell said that as Mr. Brox had pointed out recently that we are allowing this project to proceed without proper site plan procedure being followed. He asked Mr. Perley what recourse this Board has. Mr. Maxwell added that he has a concern with the drainage.

Mr. Perley said the engineer would need approval of the paving material to be able to determine what drainage situations may arise.

Mr. Maxwell said if the Building Inspector allows The Girls' Café to proceed, and they come to the Planning Board and we say that we want something different, where do we stand. Mr. Perley said that they are proceeding at their own risk at anytime until the application is approved by the Town Board. Mr. Perley asked Mr. Maxwell what are they proceeding with. Mr. Maxwell said the parking lot. Mr. Maxwell said he does not feel that they should be proceeding without bringing a site plan to this Board. Mr. Perley said there is no provision to keep them from bringing in gravel and there is no provision to keep them from grading topsoil, if they start installing a lot then there may be some jurisdiction.

Mr. Perley said that a site plan had been delivered to him, which he displayed at this time, and said he was under the assumption that all the Board members received the same. He added that the site plan was incomplete as it displayed only the proposed parking and not the existing parking.

Mr. Maxwell asked if it were safe to assume that a Certificate of Occupancy would not be issued until a site plan has been approved at this level and at Town Board level. Mr. Perley said that he would tell Building Inspector Kramer that they should not be proceeding with the installation of the parking lot until the composition of the material is approved by the engineer, and approval for drainage is received; and certainly not open the doors without an approved site plan and certainly be made clear to them that they are proceeding at their own risk.

Mrs. Hacker expressed a concern with Mr. Kramer presenting the plans for the applicant, he should not be put in that position, he should be there for guidance only if the need arises.

Mr. Perley said that he would speak to Mr. Kramer so these people don't get the wrong idea, that Mr. Kramer is there for guiding and suggesting, not for determining.

Boston Hills Subdivision

Mr. Maxwell asked if Mr. Eckis had installed the cul 'd sac. Mr. Perley he is completing the T-Turnaround, the Highway Superintendent has put in a guardrail off the top of the turnaround so that another driveway cannot be installed, he added that Mr. Eckis has no problem with that.

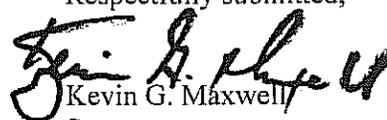
Mr. Maxwell said that Highway Superintendent Kreitzbender had called this week to say that another driveway was being installed. Mr. Maxwell directed Mr. Kreitzbender to Mr. Perley and to Mr. Kramer.

Chairman Jusko asked Mr. Perley if he would have an update on the 3 Girls' Café and Boston Hills Subdivision for the December 11, 2001 meeting and that they be an agenda item.

Chairman Jusko asked if there was any other business to be brought before this Board.

Being none, Mr. Stringfellow made a motion to adjourn at 8:13 P.M., second by Mrs. Hacker. All in favor.

Respectfully submitted,


Kevin G. Maxwell
Secretary

KGM:tjf