

**Town of Murray  
Planning Board Meeting  
Minutes  
June 1, 2021  
7:00 p.m.**

**Board members present:** Chad Fabry- Chair  
Dorothy Morgan  
David Knapp

**Board Members Excused:** Lynn Vendetti

**Others:** Attorney for Town: Maureen Werner, Esq.  
Barclay Damon: Matthew Kerwin  
Taryn Estates: David Paul  
James K. Glogowski, P.L.S  
Warren B. Rossenbaum

**Pledge of Allegiance.**

**Agenda items:**

**1. David Paul – Taryn Estates – 17255 Gulf Road**

- Zoning Board of Appeals approved an Area Variance request for a front set back from 75' to 65' at their May 24, 2021 hearing
- Water Calculations have been received and also an updated Site Plan - June 1, 2021
- Applicant received five more changes from Town Engineer, MRB Group
  1. Marked private water main – completed
  2. Details for meter pits – incomplete, Chairman said that could be put in notes section
  3. Typo – completed
  4. Water District Extension – Assessor will do it once lots are formed, this will be a component of Water District 11
  5. Board of Health – need to put Backflow preventer on hydrant line (6")
- All other comments from the Planning Board and Town Engineers, MRB Group have been addressed

Copies of letters acknowledged from:

- Mr. James Bensley – indicating no 239m referral needed
- Fire Chief – indicating current road is sufficient for emergency equipment

Applicant is Requesting:

- Pre-liminary approval for entire project
- Final site plan approval for Phase 1 consisting of Lots 1 & 2

Mr. Fabry – all criteria has been satisfied to approve entire site plan condition upon:

- Meter boxes
- Developer obtaining CPS7 waiver from the State – HOA

Mr. Rossenbaum- understands there may be an issue with the issuance of C/O before we get CPS7, the developer has no problem with that. We may ask the Town for a conditional C/O if this process for a CPS7 waiver does takes 6 months.

Ms. Werner – a Declaration of Covenant has to be filed with the County Clerk's office before any C/O can be issued.

Mr. Fabry – that would be between the applicant and the Code Enforcement Officer. One more item I need to address is that the Town would like to request for Mr. Paul to pave the area between the end of the driveway and the right of way (10') this is a common practice due to the increase in traffic from the four houses being built.

Mr. Rossenbaum – we understand the concern from the Chairman and should it come to pass that there is a problem created by the lack of pavement we would ask that the Building Inspector address the issue with Mr. Paul as opposed to including this in the site plan approval. A Mylar will be presented to the Town for signature and recording this was agreed upon by Chairman, Mr. Fabry.

**Motion by Mr. Fabry to approve the Taryn Estate Sub-division as submitted on the final revision, dated 6/1/2021 with the following conditions:**

**Contingent upon:**

- 1. Meter box details be provided in the site plan**
- 2. Satisfactory waiver of the CPS7**
- 3. Payment of all Legal and Engineering costs associated with the project.**
- 4. Declaration of Covenant**

**Seconded by Mr. Knapp, all "Ayes" Motion unanimously approved.**

Mr. Fabry then read the SEQR to the board members for their review and comment.  
(See attached)

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>JAMES K. GLOGOWSKI, PLS</u> Date: <u>3/26/2021</u> Signature: <u>James K Glogowski</u>		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Planning Board</u> Name of Lead Agency	
<u>6/1/21</u> Date	
<u>Chad Fabry</u> Print or Type Name of Responsible Officer in Lead Agency	<u>Planning Board Chairman</u> Title of Responsible Officer
<u>C. I. H.</u> Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT

**2. Application of Vertical Bridge REIT, LLC and Verizon Wireless to Construct a Telecommunications Tower**  
**Carton Road, Town of Murray, NY (Tax Map # 54-2-6.111)**

Mr. Matthew Kerwin, from Barclay Damon was present to represent the applicant.

Presentation to the board about the Telecommunication Tower from Mr. Kerwin:

- This Tower will be used by Verizon Wireless
- Verizon is a public utility regulated by FCC
- Verizon wants to upgrade its network in Orleans County due to customer demand
- Verizon needed a technologically appropriate location to address service issues
- Construction of 180' monopole with 4' lightning rod as well as placement of 9 antennas at the centerline height of 175'
- The equipment will be surrounded by a 50' x 50' fenced compound access via a 30' wide access and utility easement
- Utilities will be brought to the tower site within the easement via an underground conduit
- Vertical Bridge has entered into a lease agreement with the current property owner for the proposed facility
- Submittals – applications for site plan and special use permit to Planning Board and Area Variance to the Zoning Board of Appeals
- The proposed facility requires an Area Variance from the Local Law 3-1997, Section 8(5) to permit the tower facility to be located approximately 402' from the nearest structure to the north (367' from the fall zone) and 185' from Carton Road to the west (150' from the fall zone) where 1000' is required.
- Tower has no exterior cables only within monopole interior
- Tower facility will be designed with a structurally engineered buckle point at the height of 145' on the tower, in the event of significant storm event, the tower would fail (if at all) at the buckle point, in an effective fall zone of 35' which would be contained entirely within the underlying parcel, as well as Verizon's lease area
- Tower facility is not located within a designated Agricultural District
- County planning review is not required
- Explanation of Wireless Telephone Technology
- Search area developed by RF (Radio Frequency) design engineers
- Investigation of search area a total of 26 parcels were reviewed initially
- Only 11 parcels submitted to RF Engineers for review and approval toward the creation of a new tower facility
- Site called Murraydale it contains .94 square miles

- Carton Road most viable candidate to meet our needs
- Simulation pictures in Chapter 16 for Float Balloon
  - Will post pictures on website for the residents to view

**Mr. Fabry made a motion for the Planning Board to declare Lead Agency on the Vertical Bridge and Verizon Wireless Telecommunication Tower, this is an unlisted action and the applicant has filled out the EAF and will be referred to at the Public Hearing. Seconded by Mr. Knapp; All “Ayes” motion unanimously approved.**

**Motion made by Mr. Fabry to schedule a Public Hearing for July 6 @ 7 PM for the Vertical Bridge application for the proposed cell tower on Carton Road roughly a half mile north of Ridge Road on the east side. The Planning Board will declare Lead Agency on the project. Seconded by Mr. Knapp; All “Ayes” motion unanimously approved.**

**Minutes from last meeting**

Mr. Morgan made a motion to approve the minutes of May 18, 2021 meeting. Seconded by Mr. Knapp; All “Ayes” motion approved.

**Motion made by Mr. Fabry to adjourn the meeting. Seconded by Mr. Knapp; Motion approved unanimously.**

**Respectfully submitted,  
Diane Herzog, Clerk  
Town of Murray Planning Board**