

TOWN OF MEREDITH PLANNING BOARD PUBLIC HEARING

November 9, 2009

Present members: Sue Dapkins, Bill Turick, Will Outsen, Floyd Vogt, and Christine Alexander. Also present Tom Evans from DCPD. Matt Rogers from Saratoga Associates.

Townspeople: 13

Public Hearing called to order by Outsen at 6:30 p.m.

Don Pernice came forward. [Ref. # 09-09] Pernice presented maps, copies of certified mailings, and explained that his proposed small wind turbine is approximately 792 lbs., 24 V., 8' x 8' x 40' container width at the base. Total height is 76' 3". There will be 4 guy wires; 2 wires grounded onto the container and 2 wires in the ground. It will be placed on his property, tax map # 80.-2-27.22, at 6000 County Highway 14.

Elliot Matthews asked where the tower would be placed. Pernice showed Matthews the spot on the map where the turbine will be placed.

Matthews asked if TOM (Town of Meredith) has zoning. Answer of, No zoning in TOM, came from members on the Board and from the audience.

Matthews asked if there are restrictions on how property is used in TOM?

Capouya answered, No restrictions on how property is used but there are subdivision regulations codes for # of dwellings. The septic systems need to be approved.

Matthews asked if a property can have multiple dwellings?

Capouya replied that TOM regulations may restrict # of dwellings.

Matthews asked if Pernice's dwelling on property 80.-2-27.22 was approved?

Evans answered, Yes, by Building Inspector.

Matthews asked if Pernice's wind turbine met requirements of Planning Board.

Outsen answered, Yes.

Evans followed up the affirmative answer by saying that Pernice did indeed fill out the small wind turbine application sufficiently and is going through TOM review process.

Matthews remarked that this wind turbine will decrease the value of surrounding property because the turbine, which is taller than any other man-made object, will be in plain sight.

Barry Noble remarked that a turbine is green energy and should be acceptable to public eye.

Matthews asked if the turbine can be moved to the back of Pernice's property.

Pernice answered that the turbine must be 1 and half times the height of the tower from property line.

Matthews asked where the base would sit.

Pernice replied that the turbine does indeed sit at old grade of land.

Matthews asked to have it on record that he prefers a fence around the base versus the container because it is ugly.

Pernice asked Matthews if board batten would be acceptable to cover the container.

Matthews appreciatively agreed that board batten would be more appealing to look at.

Outsen asked if there were any more comments or concerns. None. Hearing closed.

Outsen opened the floor to comments regarding SBA's proposal for a cell tower on Gessell Rd. This hearing is still open.

Ray Wojcik stood and spoke. A cell tower is an ugly invasion to residential area. The options of distributed antennas and fiber optics should be pursued. There is an initiative to designate Rt. 28 a scenic byway; a cell tower would work against tourism promotion. The coverage we have now is sufficient. AT&T would be the only carrier on the SBA built cell tower. Our local government can regulate how many towers are put up if the holes are considered insignificant gaps, a tower is unnecessary. The holes that SBA promises to provide coverage in are insignificant so SBA probably can't use TOM. Don't approve SBA's application when you have alternatives that provide better coverage.

Dorothy Wojcik stood and spoke. Apology for outburst at last meeting. Thank you to the Planning Board. SBA proposal will not cover enough area.

Diane Noble said they live in dead zone, from Meridale to bottom of Franklin Mt. electrical outages are common. If this cell tower can help save a life, it's a good idea.

Barry Noble said Coe Hill and Houghtaling Hollow Rd. have no coverage. I pay taxes so should get services and if this cell tower provides a service, I would like it.

D. Wojcik asked for someone to explain the mystery as to why she gets good coverage with her Cingular phone. Does AT&T change their frequencies?

Matt Rogers answered that at any given time signals vary because of weather. Also, his AT&T phone gets good service from Oneonta to Town Hall.

D. Wojcik asked why she got signals before the Town Hall towers went up.

R. Wojcik and Barry Noble agreed that Houghtaling Hollow Rd. gets no service, ever.

B. Noble's Verizon land line doesn't even provide good service.

D. Noble commented that wireless would be good if it worked.

Pam Vogt also has weak land line service.

Outsen asked if there were any more comments. None were made, therefore Outsen reminded everyone that the public hearing will stay open and continue at a later date.

5 minute break.

Regular Meeting

Outsen called the regular meeting to order at 7:30 p.m.

The September and October minutes were reviewed.

Outsen asked the Board if the minutes should include the titles of Mr., Mrs., or Ms.

Petersen said she was not going to record a person's title.

Alexander commented the honorific isn't important.

Turick thought stating names in the minutes is important.

Vogt then recommended making adjustments to the minutes before the meetings. Vogt mentioned a suit brought against the Board years ago that was decided in the TOM favor and their minutes were only 1 page long. Too much information can cause problems.

Typos and corrections were given to Petersen to be made on the September minutes.

Outsen made the motion to approve September minutes as corrected. Dapkins 2nd. Vote called and passed unanimously.

Typos and corrections were then made on October's minutes after review. Alexander moved to approve Octobers minutes as corrected. Dapkins 2nd. Vote called and passed unanimously.

Outsen read Krystine Hadley's resignation letter, dated Oct. 6, 2009.

Old Business.

Don Pernice was not present. Vogt asked if Pernice's application to install a small wind turbine could be approved even though Pernice was absent.

Evans remarked that Pernice does not need to be present, if everything is in order at this point and the board is ok with him not being present.

Alexander inquired about the necessity of a fence and container.

Vogt believes Pernice knows he doesn't need a container. Alexander and Dapkins weren't sure.

Vogt asked if Pernice's application could be approved and tell Pernice he doesn't need fence or container.

Evans said yes, Pernice has met requirements.

Turick asked if the wind turbine will get inspected after it is installed.

Evans said yes, by Building Inspector.

Danny Birnbaum (from audience) asked if Pernice would change his point of installation if Pernice did not use a container.

Evans said Pernice must install the turbine at the exact location specified on the map due to the setback requirement.

Outsen asked if the guy wires should be painted orange, a bright color.

Evans told the Board they must decide if the guy wires should be colored and tell Pernice.

Alexander and Dapkins agreed that colored wires would be good.

Vogt recommended Pernice be invited back to the next meeting for further discussion.

Evans said the colored wire coverings must be 3'-8' above ground according to TOM regulations. The Board needs to let Pernice know what their questions are concerning this proposal so to prepare Pernice for the next meeting, along with the fee being \$150, not \$50 (typo in Oct. minutes).

Gessell Tower.

Rogers reviewed the fact that Part 2 SEQR has been completed; a negative declaration was agreed on; and he has drawn up a formal letter stating the rationale for a negative declaration and sent it to the members for review. Rogers made a correction concerning the letter; there is No Zoning in TOM. Rogers recommended the Board to approve of the formal letter.

Vogt made the motion to approve and affirm negative declaration summary as put together by Rogers. Outsen 2nd. Vote called and passed unanimously.

Outsen asked what the next step was.

Rogers answered: he will send copies of SEQR and the formal letter to DEC and to the TOM. Rogers commented on the subject of hiring an unbiased RF Engineer in the future.

William P. Johnson, of Scottsville, NY has made contact with TOM Board offering his services to inspect the propagation maps provided by SBA and determine just how much of the gaps will be covered.

The Board agreed Johnson's services could be valuable, as an objective review of the propagation maps, if needed in the future. So, far SBA is still attempting to answer the public concerns stated at the September public hearing.

Rogers also remarked that SBA would be responsible for paying Johnson for his services, if necessary.

Vogt asked if anyone knew how much the tower was going to cost SBA to build.

The amount of \$130,000 was guessed.

Vogt commented that it is the public who will be paying for this ultimately.

Evans inquired as to whether or not Cell Tower construction is allowed subsidies.

Rogers said he is not familiar with cell tower construction being subsidized.

SBA needs to prove the cell tower really can fill provide service in gaps.

New Business.

Jerry Pellegrino was not present, but had verbally requested whether or not he could donate some of his land to a nearby cemetery.

Evans brought to the Board's attention a letter from the DCPB concerning the new FEMA flood maps. All residents within the flood plain have received the letter informing them of 2 upcoming meetings at which the public can attend to learn about the new maps designating flood areas. These maps will need to be adopted by the TOM eventually.

Birnbaum asked if the FEMA notification letter could be posted on the TOM website.

Evans agreed to supply the information for the website.

Public Comments.

Birnbaum asked if SBA is keeping up with replenishing the escrow fund.

Outsen said, Yes.

Alexander moved to close the meeting at 8:50 pm. Turick 2nd. Vote called and passed unanimously.