

Town of Enfield Planning Board Meeting

April 2, 2008

Minutes

Members Present: Virginia Bryant, Ann Chaffee, James McConkey, Rich Neno, Sr. Calvin Rothermich, Debbie Teeter, Doug Willis

Also Present: Herb Masser/Town Board liaison, Alan Teeter/Code Enforcement, Mike Miles/EMC, Randy Hartmeyer/Fortune Wireless, John Rancich, Kay Callahan, Doug Rumsey, Jessica Rumsey, Mary Jo Lovelace

Call to order 7:05 p.m.

October 3, 2007 Minutes: Motion to approve by C. Rothermich, 2nd by R. Neno, Sr, approved without dissent.

New Business

1. **Bylaws Amendment:** D. Teeter expressed concern over what has happened during privilege of the floor at prior meetings and said that during the process of amending the bylaws a few years ago the board believed they were required to have privilege of the floor. The board has since learned that this is not the case. She moved that the Bylaws be amended as follows:

Item #9 currently reads: "**Each meeting shall** have a period for comments and statements from the public, to be known as 'Privilege of the Floor'. A time limit may be imposed at the discretion of the Chair."

Proposed change: "**At the discretion of the chair, a meeting may** have a period for comments and statements from the public, to be known as 'Privilege of the Floor'. A time limit may be imposed at the discretion of the Chair."

Motion seconded by C. Rothermich, followed by board discussion. R. Neno, Sr. said he thought this change would make the meetings go smoother with less back and forth between the board and the public. C. Rothermich said he understood the Town Supervisor to say at the last Town Board meeting that the Planning Board should not have Privilege of the Floor. A. Chaffee wondered how the public could provide information or pose questions to the board. V. Bryant said they could provide information and questions in writing or by email, and she would work with the Town Clerk to develop a process to forward public comment to all members. J. McConkey said people, with the consent of the Planning Board, could also present things to the board at meetings. Roll Call vote on the motion: V. Bryant - yes, A. Chaffee - yes, J. McConkey - yes, R. Neno, Sr. - yes, C. Rothermich- yes, D. Teeter- yes, D. Willis – yes, motion approved without dissent.

2. **Proposed AT&T Cell Tower:** Randy Hartmeyer of Future Wireless, Inc requested to be on the agenda on behalf of his company and AT&T. His company has renewed the building permit for the Cingular cell tower approved on Poole property which was never built. However, they have determined the previously approved tower height of 150' will not be sufficient for their needs; they would like to install a 195' tower with a 4' lightning rod, for a total height of 199'. The site plan is virtually unchanged, and he provided copies of the site plan for the board. J. McConkey wondered if it was just below 200' for a reason; FFA regulations would apply if the tower was over 200'. R. Neno Sr. and V. Bryant mentioned the lack of cell service in the center of town, which will likely not be addressed by this new tower, and brought up the possibility of a Repeater. Mr. Hartmeyer said the height increase was to address part of that problem. V. Bryant said some towns have required cell tower companies address problems like this as a condition of tower approval. J. McConkey said the Fire Department is located in the center of town. D. Teeter mentioned that during the recent ice storm many calls came directly into the fire station, not through 911, probably because the residents considered the calls non-emergency: trees down on the roads. With the power being out in most of the town for an extended period, cutting phone and heat to many homes, cell service to the fire station might have helped people contact the fire station without tying up the 911 lines. J. McConkey said that since the tower height has changed, there will need to be another Site Plan Review. C. Rothermich noted the 1999 amendment to the Site Plan Review law wasn't integrated into the document, so members need to

refer to both. D. Teeter requested service maps for the new tower. She also referred to the Site Plan Review law to outline what Fortune needs to supply to the town; a copy of the Site Plan Review law was provided to Mr. Hartmeyer. D. Teeter referred to the Site Plan review and stated that the Planning Board must act in the best interests of the town, and this may be the only chance the board has to address the lack of cell service in the center of town. C. Rothermich said the Cingular representative made addressing this problem sound very simple, but no commitment had been made at that time. V. Bryant, who was contacted by a representative from Velocitel, a company apparently working with Fortune and AT&T, shared the same concerns with that company. She said the board would like to work with AT&T to get service in the center of town, perhaps using an existing structure. According to Site Plan Review, Fortune will need to provide an application as outlined in that law, then a Public Hearing can be scheduled. The Public Hearing will need to be published in the paper at least 10 days in advance, which the town will take care of, and these costs will be billable to Fortune. J. McConkey also got a letter on behalf of Global, which referred to SHIPO, which is part of SEQR.

3. Enfield Energy, LLC MET Tower Request: John Rancich requested to be on the agenda for two purposes: to request the current MET tower remain in place for an additional amount of time and to request approval for an additional 197' MET tower at the top of Buck Hill Road. He brought a completed short EAS for each tower with him. V. Bryant provided information she received from the DEC that states a MET tower is a temporary structure and therefore is a Type II action, which does not require SEQR review. There are two issues:

- The board authorized the MET tower to be in place for 18 months, which ends at the end of the month; since the board has not met in several months, this is the first opportunity Mr. Rancich has had to request the installation time be extended. He would like a short extension of some sort to have time to do whatever the board would require to keep the tower in place for a longer period of time.
- He would like to erect a second tower.

The board referred to the Site Plan Review law. J. McConkey said that the board could have initially granted the tower a 2 year period instead of the 18 month period, so it seems reasonable to extend the current tower's operation for 6 months. D. Teeter said that based on the Site Plan Review law, Mr. Rancich would need at least 2 months, but probably not longer than 4 months to work through that process. There were some questions about the Planning Board's authority to approve an extension, but members reviewed the enabling legislation and it does give the Planning Board the authority to review and approve. H. Masser suggested the Planning Board proceed and he would mention it at the next Town Board meeting to see if any members thought additional action was needed. The board reviewed the items listed for the application to determine which would be required. C. Rothermich suggested only the first 4 items seemed relevant, and that in view of the first tower already being in place the board should waive an application for that tower and require an application only for the second tower. A. Chaffee suggested giving a 6 month extension for the first tower, and also require Mr. Rancich to submit an application for it along with the application for the second tower. Motion by A. Chaffee to approve a six month extension for the existing MET tower and require completion of an application for it with the same requirements as the application for the second tower. Seconded by D. Teeter, approved without dissent. Mr. Rancich was provided with a copy of the Site Plan Review and instructed to submit the tower application in accordance with the instructions in that document.

Old Business

1. Town Wind Law: V. Bryant said she was very impressed with the model ordinance the Town Board officials brought back from their NYC training. C. Rothermich said that the Town of Hartswell law is very good, better than any he's seen; J. McConkey agreed. A. Chaffee suggested everyone commit to reading that law for the next meeting. Bryant agreed, and suggested we look for exceptions, such as dealing with MET towers, which are in the model ordinance. A. Chaffee also mentioned looking for protections for the town in the event of an accident. H. Masser suggested "hold harmless" language, he also mentioned addressing small/household installations. A. Chaffee referred to a flicker effect rate calculated by a Danish firm. D. Teeter echoed A. Chaffee on the need to be aware of the impact of flicker, as well as noise, on nearby residents. A. Chaffee reiterated we need to be cognizant of people who live near any proposed wind farm. Members agreed to familiarize themselves with the Hartsville, NY law for the next meeting

Motion to adjourn at 8:35 p.m. by C. Rothermich, 2nd by R. Neno Sr., approved without dissent.