

Town of Yates
Regular Planning Board Meeting
January 5, 2023

Chairman Richard Kurz called the Regular Planning Board Meeting to order at 7:00 pm at the Town of Yates, 8 S. Main Street, Lyndonville, NY 14098.

Those Present: Richard Kurz, Chairman of Planning Board
Mark Hughes, Planning Board Member
Ralph Smith, Planning Board Member
Gary Daum, Alt. Planning Board Member
Dawn Metty, Deputy Clerk
Jared Lusk, Nixon Peabody
Will Grover, Pyramid Network Services
Brad Bentley, Property Owner
Paul & Sandy Lauricella
Lloyd Stauffer
Levi Stauffer
John & Kathi Lang
Samuel Martin
Jonas Brubacker
Larry Wolfe

Those Absent: Ed Urbanik, Planning Board Member
Joanne Suhr, Planning Board Member

MINUTES:

Chairman Richard Kurz entertained a motion to accept the minutes from the November 3, 2022 Joint Planning & Zoning Board meeting.

RESOLUTION # 01-1/23

RESOLUTION TO ACCEPT THE MINUTES FROM THE NOVEMBER 3, 2022 JOINT PLANNING & ZONING BOARD MEETING AS PRESENTED TO EACH BOARD MEMBER

RESOLVED, to accept the minutes from the November 3, 2022 Joint Planning & Zoning Board meeting as presented to each board member.

Offered by: Gary Daum
Seconded by: Ralph Smith

Votes: 4 Ayes (Daum, Smith, Hughes, Kurz); 0 Nays

Chairman Richard Kurz asked Jared Lusk if the cell tower on Countyline Rd. was working.

Jared Lusk – It is up and working. To answer the question from the last meeting regarding airspace, a study was done and there is no adverse impact to low altitude federal airways identified, no impact to VFR Traffic Pattern Airspace, no potential FCC Licensed AM Broadcast Station interference identified and no impact to an Air Navigation Facility has been identified (See Attached).

Chairman Richard Kurz mentioned that Gary Daum went to the County Planning Board meeting and asked him to go over the results.

Gary Daum – The County approved with the conditions that if the applicant can provide data for reasons why tower should be taller than the allowed height in the Zoning Code, there should be no need for an area variance. State in the Town Code the heights needed to Telecommunication Towers. That way the Town and the applicants have a base point, or starting point if a variance is needed. The reasoning for that is so the Town and Applicant know the magnitude of the variance. Need to post the address of site near the entrance of the property for the event of an emergency so first responses can quickly locate the property (See Attached).

The regular meeting was adjourned for the public hearing.

Chairman Richard Kurz called the public hearing to order at 7:16 pm.

Chairman Richard Kurz – We have an application from Tarpon Towers on behalf of Bradley Bentley for a cell tower on the property located off of Yates-Carlton Townline Rd.

Jared Lusk – Tarpon Towers is working with Verizon for a 180 ft. telecommunication tower. The existing towers are at capacity and cannot take any more. Need to provide reliable service therefore the need to relieve the existing towers is a must.

Chairman Richard Kurz opened the floor to the public.

Paul Lauricella explained why he didn't want one on his property but said there is a need for the tower and is in favor of it. Brad has been a good neighbor and the tower will be good to serve the public.

John Lang supports it as well but has a couple of concerns. The first one, will it interfere with television service and the second, is there a decommission plan if the tower gets old and falls apart.

Jared Lusk explained that it will not interfere with the television service and has no issue with decommission. A demolition bond can be put in place.

Levi Stauffer asked if there's going to be a light and how bright will it be. He also asked where the power will be coming from. He does not want any more poles on his land.

Jared Lusk said that there will not be any bright lights on it and Levi will have to contact the power company regarding the electric.

Chairman Richard Kurz asked if there were any more questions and if everyone is satisfied he will close the public hearing.

There were no more questions

Public hearing was closed.

Chairman Richard Kurz entertained a motion to accept the SEQR Form submitted by Tarpon Towers.

RESOLUTION# 02-1/23

RESOLUTION TO ACCEPT THE SEQR FORM SUBMITTED BY TARPON TOWERS AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the SEQR Form submitted by Tarpon Towers as presented to each board member.

Offered by: Ralph Smith
Seconded by: Mark Hughes

Votes: 4 Ayes (Smith, Hughes, Daum, Kurz); 0 Nays

Ralph Smith entertained a motion to approve the Special Use Permit Application submitted by Tarpon Towers for the erection and operation of a 185 foot tall telecommunication tower to be located on the Yates-Carlton Townline Road property of Yates resident Bradley Bentley contingent upon submission and approval of a valid demolition bond in the amount of \$100,000.00 (one hundred thousand dollars), said bond to be maintained by present and subsequent owners/lessors. A valid copy of the bond shall be submitted to the Town of Yates on an annual basis. Failure to maintain and present the bond shall result in revocation of the Special Use Permit and immediate removal of the tower by the owner/lessor.

RESOLUTION# 03-1/23

RESOLUTION TO APPROVE THE SPECIAL USE PERMIT APPLICATION SUBMITTED BY TARPON TOWERS FOR THE ERECTION AND OPERATION OF A 185 FOOT TALL TELECOMMUNICATION TOWER TO BE LOCATED ON THE YATES-CARLTON TOWNLINE ROAD PROPERTY OF YATES RESIDENT BRADLEY BENTLEY CONTINGENT UPON SUBMISSION AND APPROVAL OF A VALID DEMOLITION BOND IN THE AMOUNT OF \$100,000.00 (ONE HUNDRED THOUSAND DOLLARS), SAID BOND TO BE MAINTAINED BY PRESENT AND SUBSEQUENT OWNERS/LESSORS. A VALID COPY OF THE BOND SHALL BE SUBMITTED TO THE TOWN OF YATES ON AN ANNUAL BASIS. FAILURE TO MAINTAIN AND PRESENT THE BOND SHALL RESULT IN REVOCATION OF THE SPECIAL USE PERMIT AND IMMEDIATE REMOVAL OF THE TOWER BY THE OWNER/LESSOR.

RESOLVED, to approve the Special Use Permit Application submitted by Tarpon Towers for the erection and operation of a 185 foot tall telecommunication tower to be located on the Yates-Carlton Townline Road property of Yates resident Bradley Bentley contingent upon submission and approval of a valid demolition bond in the amount of \$100,000.00 (one hundred thousand dollars), said bond to be maintained by present and subsequent owners/lessors. A valid copy of the bond shall be submitted to the Town of Yates on an annual basis. Failure to maintain and present the bond shall result in revocation of the Special Use Permit and immediate removal of the tower by the owner/lessor.

Seconded by: Mark Hughes

Votes: 4 Ayes (Smith, Hughes, Daum, Kurz); 0 Nays

Gary Daum spoke about the County Planning Board meeting.

NO FURTHER BUSINESS WAS DISCUSSED

Chairman Richard Kurz entertained a motion to adjourn the meeting.

Offered by: Mark Hughes

Seconded by: Ralph Smith

Votes: 4 Ayes (Hughes, Smith, Daum, Kurz); 0 Nays