

## MINUTES OF THE PLANNING BOARD 11-23-11

Members present: James Harris, James Seamon, Barbara Albro, Donna Doody, Nate Currie. Also present, Town Attorney, Donald Armstrong.

The meeting was called to order at 7:05 PM with the Pledge of Allegiance. **New Business:** The Board has received an application from Cortland County for a minor subdivision on land owned by Anne Henderson for the purpose of erecting a radio communication tower. At .3 acres, the application constitutes a non-conforming lot. Attorney Armstrong outlined the options the Board could take. The board can accept it as is; pass it to the zoning board of appeals or make the determination that the county is immune from the Town's regulations. The questions arises as to whether the county needs subdivision approval from the board or not. Attorney Armstrong discussed a similar case involving Monroe County's request for subdivision approval for an airport. The case states there is a (9) step test to help make that determination. Again the board is advised that it could pass a resolution that this project is not subject to our regulations but also needs to determine which Board should make the decision. Mr. Armstrong said the county is not automatically immune.

Nate Currie stated his family had also been approached with the project but declined it. He further stated that the County has the potential to generate income from renting tower space.

Nate Currie made a motion that we accept that the county is immune even though it is a substandard lot as he feels the importance of the project outweighs the regulations. The motion was seconded by Donna Doody. James Seamon stated he was concerned that we are taking away the authority of the ZBA without having had their input as they could have a counter position. Discussion was had that the Planning Board could approve conditioned upon the approval of the ZBA siding with this board's position. The zoning board will be meeting next week and could take it up then.

Amended motion made by Nate Currie, seconded by Donna Doody, that the Planning Board accepts the County is immune from the Town's subdivision regulations even though it is a substandard lot, conditioned however upon the approval of the ZBA. All in favor, the amended motion carried.

**Old Business:** Still nothing new on the Song Lake View application. The applicant is still working with the County Health Department on finalizing its map. Paul Sheniman, the Board's engineer is working with Pat Reidy and DCC to review lot 3 and any stormwater and erosion impacts.

The Board then reviewed the minutes from the previous meeting with one correction which is noted. Motion made by Barbara Albro, seconded by Nate Currie to accept the minutes as corrected, all in favor, the motion carried.

Chairman Harris then asked for any comments from the public. Al Socha asked if the Town was advised of the RF exposure emission limits. James Harris believes this was all addressed before the application was made by the County. He further asked that if the County decides to lease tower space, is there any way the town can benefit? Mr. Harris stated he did not know how this question could be addressed.

Don Armstrong suggested the question could be posed to Preble's County Legislator or ask the Town Board for any information in that regard.

Since Donna Doody has been elected as Justice Court Judge, this will be her last meeting. She was thanked by the Board for her service and wished well with her new endeavor.

Motion to adjourn at 7:45 PM made by Barbara Albro, seconded by Donna Doody, all in favor the motion carried and the meeting adjourned.

Respectfully submitted,

Mary Anne McCloskey, Secretary.