

**TOWN OF DARIEN
GENESEE COUNTY, NEW YORK 14040**

PLANNING BOARD
MEMBERS PRESENT:

February 19, 2018
Tom Dougherty, Larry Stabell,
Pam Trowbridge, Jay Blatchley,
Brandon Calmes, Shawn Shanahan
Richard Rheinheimer

MEMBERS ABSENT:
OTHERS PRESENT:

Jerry Yoder & members of the public

The meeting was called to order at 7:30pm. Everyone present recited the pledge to the flag. The minutes from the January 15, 2018 meeting were read. Larry Stabell made a motion to approve the minutes as read; Rich Rheinheimer second. All ayes; the minutes were approved.

Jerry Yoder discussed the proposed zoning law changes.

American Towers: Cuddy Feder submitted an application for American Towers, LLC for a Special Use Permit and Site Plan Review. The location of the property is 9657 Fargo Road, Corfu, Tax Map # 1.-1-37 & 2.-1-9.2. The public hearing was open at 7:45PM with a reading of the notice as it appeared in the official newspapers. Tom Dougherty read Genesee County Planning Boards recommendation of approval with the explanation The proposed communications tower should pose no significant county-wide or inter-community impact. It is recommended that the applicant submits the enclosed application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that an address be given to the proposed tower that meets Enhanced 9-1-1 standards. Mr. Leroy discussed Ken Feitshans's and the lease agreement with American Towers. He believes there is room for this communication tower on existing towers in the area. Mr. Yoder indicated it is for improved cell service coverage and that companies have replaced and changed items on the existing towers on Sharrick and Colby Roads. Mr. Yoder further explained there is an increasing band width and everyone has moved around on the band width chart. Mr. Leroy inquired as to the tax breaks received by the companies constructing the towers. The Board indicated they don't have anything to do with the taxes. Mr. Leroy agrees that if technology advancements say we need it that's fine, but doesn't want unnecessary towers. Discussion was had with regard to how high a person owns, towers and drones in the area. Ms. Chiochio of Cuddy Feder, indicated her legal opinion is 400. However, wireless carrier companies must consult with the FAA if it is over 200' so as not to interfere. Advances in technology put networks reaching capacity and the towers reach shrinks. They first review to see if they can locate on an existing tower prior to cost of new tower. Mr. Koepf indicated he is directly across the street from a 150', pretty short tower that is barely above the trees. Larry Stabell inquired as to the bond requirement and maintenance of the access road. Ms. Chiochio advised American Towers will maintain the driveway and it is included in the terms of the lease. Larry Stabell made a motion to approve a negative declaration on the SEQR; Jay Blatchley second by . All ayes; negative declaration approved. Mr. Leroy advised he had 911 issues in the past with calls bouncing off the tower, but it was corrected. He doesn't want that happen with the new tower. Larry Stabell made a motion to close the public hearing at 8:04PM; Jay Blatchley second by . All ayes; public hearing closed. Larry Stabell made a motion to approve the Special Use Permit and Site Plan; Rich Rheinheimer second. All ayes; approved with no additional modifications. Tom Dougherty discussed a performance bond in case it is built then goes defunct or a maintenance bond if defunct and needs to be removed. It is an annual bond where they pay a fee. Jay Blatchley indicated a 30 year lease with a renewable bond is standard.

Larry Stabell advised \$30k at today's cost to remove the tower. Tom Dougherty indicated \$50k recommended for maintenance bond for life of lease. Larry Stabell made a motion to amend approval of the Special Use Permit and Site Plan Review to include a maintenance bond of \$50k that lasts the life of the lease; Jay Blatchley second. All ayes; approved with condition of a maintenance bond of \$50k that lasts the life of the lease.

Mike Plitt thanked Jerry Yoder for his time and effort putting the new Zoning Law proposal together for the Boards review. The Board, Jerry Yoder and Mike Plitt discussed training material currently under review and the proposed Zoning Law changes, together with the model solar energy law template.

It was indicated the board could hold additional meetings to review the proposed changes. The court room was not available on the 4th Monday, the 1st Wednesday, the 3rd Thursday of each month nor any Tuesdays.

Jay Blatchley made a motion to adjourn the meeting; Shawn Shanahan second. All ayes; meeting adjourned at 9:12PM.

Respectfully submitted

Brooke Finkney,
Clerk