

The January 28, 2020 meeting of the Town of Portland, N.Y., Planning Board was called to order by Chairman Harold Smith at 6:30pm with Board members Dale Furman, Robert Patterson, Daniel Larish and Code Enforcement Officer (CEO) Wendy Spinuzza.

Absent: none

In attendance, approximately six (6) guests and public. Sign in sheet provided by CEO Spinuzza.

The Pledge of Allegiance to the United States of America was lead by Chairman Smith.

Mr. Furman made a motion to accept the January 28, 2020 meeting agenda, seconded by Mr. Patterson. Motion carried by voice vote (4-0).

Mr. Smith introduced Wendy Spinuzza as the new combined CEO for the Town of Portland and Village of Brocton. CEO Spinuzza reported she will be working in the CEO office/inspections, Monday, Tuesday (1/2 day), Wednesday, Thursday and performing field work on Friday's.

The Board members welcomed CEO Spinuzza stating that we look forward to working with her on some upcoming planning board issues.

Mr. Patterson made a motion to approve the November 2019 meeting minutes as recorded, seconded by Mr. Furman. Motion carried by voice vote (4-0).

Old Business:

a. Codification of Town Laws - Chairman Smith reported that the December 2019 meeting with the contractor did not occur, stating that Roxanne Sobceki, Portland Town Clerk, has made several phone call contact attempts, leaving voicemail messages with the contract company. No return phone calls or contact as of this meeting.

b. Mr. Hanmann - regarding property on second street. CEO Spinuzza stated that she has the file and will be reviewing the contents to determine if and what correspondence / actions will be need.

c. Abundant Solar power - Chairman Smith reported that the Abundant Solar power project (Planning Board's November 2019 voted to accept and forward our recommendation of approval) is scheduled for the February 2020 Portland Town Board meeting.

New Business:

a. Route 5 Cell Tower (Verizon) - Mr. Christopher Ciolfi, Principal/Owner, Evolution Site Services, LLC, PO Box 2854, Pittsfield, MA 01202 presented a proposal for a 195' Cell Tower on property ("old/abandoned" grape farm) on route five (5) across from Lake Erie State Park. Mr. Ciolfi provided "stamped" survey's and arial photo's of the 4 acre proposed Tower site, stating that he would like the planning boards opinions and advice/recommendations on the proposed sub-division of the seventeen.two (17.2) acre site and site plan review.

+++Please note presented documents and proposed details of the sub-division and Tower sites are being maintained in the Town of Portland Code Enforcement Office.

Chairman Smith and board members reviewed the provide documents. Board members asked and Mr. Ciolfi answered the following questions:

1. "How tall is the Tower" - 195 feet tall, no lights , no guide lines, self-supporting steel frame construction. Follow-up question by Chairman Smith: I seen somewhere in the proposal a 199 foot tall Tower. Mr Ciolfi stated that the actual steel frame tower is 195 feet tall with a four (4) foot lighting rod on top of the 195 foot Tower.

2. "Will the Verizon antenna(s) be higher than the 195 feet Tower and 4 foot lighting rod? - Mr. Ciolfi stated "NO, the antenna's will not exceed the top of the 195 feet Tower", stating/citing FAA rules are

different for Towers above the proposed 195 feet. Follow-up Question by Mr. Larish: Besides Verizon, what other customers would be possibly using the Tower and would the 195 feet height be the same for other customers. Mr. Ciolfi stated that he would hope that AT&T and T-Mobile would be interested in space on the Tower, also stating that no antenna's would be above the 195 feet.

3. "Size of proposed Tower lot: Mr. Ciolfi stated the size of the purchase land would be 245' x 564 1/2', with the actual Tower foot print inside a 75'x75' fenced area. Follow -up question by Chairman Smith: Barbed wire on the top. Mr. Ciolfi, "yes, typically 7' + 1' of barbwire, 3 strand on top of the fence".

+++Mr. Ciolfi and the current owner asked if the proposed 12' road easement could be "flipped" so as to utilize an existing right of way road on the 17.2 acre parcel/property. While reviewing the right of way/easement question Board Members Patterson and Furman asked about the "Fall zone" of the Tower, both noting that the current proposed Tower site location could possibly fall onto neighboring property. After further discussion, Chairman Smith suggest that the proposed Tower site be relocated to the center of the four acre site. Mr. Ciolfi stated that that appears to be "do able". Mr. Larish noted the suggested new site location would also benefit the "flipped" right of way / easement that Mr. Ciolfi and the landowner asked about.

4. Present site plans with what type of signage: Mr Ciolfi stated that the site would have a front gate with posted sign/language stating no trespassing, no advertising and in compliance with FCC licensing requirements.

5. Maintenance: Mr Ciolfi stated that the ground area inside the fencing will have ground fabric and crush stone layer, providing minimal upkeep. The area outside the fencing will be contracted with a local individual for "weedwhacking and mowing" approximately 2 times a month.

6. Inspections: Mr. Ciolfi stated that a Site/Tower inspection is done every five (5) years and a copy can be sent to the Town of Portland CEO.

7. Chairman Smith addressed the SEQR requirements. Mr Ciolfi stated that the proposed site appears to be in compliance, with SEQR. In addition, Mr. Ciolfi stated he has hired a independent company (CBRE) to research and compile added required by the SEQR process and FCC requirements. Mr. Patterson asked about the FAA flight area/patterns. Mr Ciolfi stated that the near east airport is eight miles and that a complete report will be submitted to the FAA.

Mr. Patterson stated that the SEQR short form is the proper form for this proposed project.

8. Chairman Smith addressed the Town of Portland Bonding and fee requirements:

Mr. Ciolfi stated that \$100,000.00 removal/abandoned bond was very high, typically other towns require no more than \$20,000.00, noting that a contractor would typically spent 1/2 day removing this type of structure and site improvements. Also, Mr. Ciolfi stated that he does not understand the \$100,000.00 performance bond requirements, stating that if he failed to complete construction, "would the town then complete the project?". Chairman Smith and Mr. Patterson stated that if Mr. Ciolfi does not agree with the above bonding requirements that he should address them with the Portland Town Board, informing Mr. Ciolfi that the Portland Town Board set's the fee and bonding schedules.

Mr. Ciolfi stated that a public benefit with the approval of the project is the AT&T "first net public safety - 911".

Board members and Mr. Ciolfi - discussion on scheduling the public hearing and number of copies of the application/documents. THE Planning Board and Mr. Ciolfi agreed to hold the public meeting at the regular planning board meeting on February 25, 2020 at 6:30pm, providing Mr.Ciolfi can provide 12 copies of the application/documents required and that Mr. Ciolfi/ Evolution, LLC will notified by regular U.S. mail the affected parties with 500 feet of the 17.2 acre boundaries. THE above must be done no later that two weeks before the scheduled February 25, 2020 hearing.. Mr. ciolfi agreed and stated that

it was "reasonable and should be doable". Mr. Ciolfi will provide CEO Spinuzza with a copy of the landowners who are notified of the public hearing.

b. Subdivision Webster road: Attorney Eades requested a minor subdivision of property at 6000 Webster Road. Selling owner: Debra S. Delcamp; Purchasing owner: Michael and Jody Johnston. Please see the legal documents located in the Code Enforcement Office.

Motion by Chairman Smith to approve the minor subdivision, seconded by M. Furman, carried by voice vote (4-0).

c. Any other business: None

d. Executive session to discuss personnel.

At 7:44pm, Board members adjourned regular meeting and convene into executive session.

At 8:15pm, Board members ended executive session.

At 8:16pm, Mr. Patterson made a motion to adjourn, seconded by Mr. Furman. Carried by voice vote (4-0).

Recorded and submitted respectfully,
Daniel Larish