

TOWN OF PORTLAND PLANNING BOARD

REGULAR MEETING JULY 26, 2016

PUBLIC HEARING FOR VERIZON WIRELESS

MEMBERS PRESENT: Sam Ricotta, Chairman, Robert Patterson, Harold Smith, Thomas Vitale, Signe Rominger, Code Enforcement Officer, Carol Horlacher, Secretary, Joel Seachrist (Town Attorney)

OTHERS PRESENT FOR PUBLIC HEARING: Dale Morse (owner of property), Lucy Rasinski, Joe Rasinski, John Engelbert (Engineer for Verizon), Bryan Tempio (Titanic Engineering-site consultant), Nathan E. VanderWalt (Nixon Peabody), Lee A. Takats, Judith Takats

Sam Ricotta, Chairman brought the **Regular Meeting** to order at 7:00PM. Sam Ricotta, Chairman opened the **Public Hearing** for the proposed Verizon Wireless Tower. Sam Ricotta read the Public Notice and then asked for any public comments.

Nate VanderWalt from Nixon Peabody did an overview of Verizon Wireless and purpose for the hearing. He explained that they were here because of the coverage gap in 4GLT coverage for Portland. He explained that FCC coverage was not provided in the white area of the map.

Several questions were asked by both the Planning Board, Joel Seachrist (Town Attorney) and from public participation. It was pointed out that the ground level for height of the tower was off by 20ft. and would be 190ft. tall and with the lightning rod it would be 194ft tall. Joel Seachrist referred to the Propagations map - G - page 11 of 20. Other miscellaneous mistakes in the Verizon Wireless package proposal were pointed out by the Planning Board (ex. Lake Ontario should be Lake Erie). Thomas Vitale, Planning Board member suggested that the construction

manager attend the next meeting. Joel Seachrist, Town Attorney stated that the Public Hearing should remain open and adjourned to next month's Planning Board Meeting so Verizon Wireless could amend/correct the proposal. A motion was made by Bob Patterson and seconded by Harold Smith to leave the Public Hearing open and adjourn to next month.

Aye 4, Nay 0, Carried

A motion was made by Harold Smith and seconded by Thomas Vitale to accept the minutes from the June 28, 2016 Planning Board Meeting. The Town of Portland Code Enforcement Report for June, 2016 was distributed to each member with no comments made.

OLD BUSINESS:

Court Cases Pending – Status Report:

Updates were given by Signe Rominger, Code Enforcement Officer for the following court cases:

1. Wolter - demolition permit obtained and house is now gone. The barn has also been removed.
2. Piesnak - next court date is 8/17/16 as it is going to trial. Signe also stated that she received a call from Senator Young's office stating that over 100 tires were found behind the Piesnak property. This is being investigated.
3. Stalter - next court date is 8/17/16 as it is going to trial.
4. Bigelow - still trying to serve Appearance Ticket as he is staying with relatives (address unknown) and goes by house late at night when he can't be served. Code office is hopeful

an exact address will be obtained so we can serve him for his pending court date of 8/17/16.

5. Selig - adjourned to 8/17/16 as defendant was in a car accident and had serious injuries.
6. Berry - land bank deal - Supervisor Schrantz and Town Attorney, Joel Seachrist are in process of writing letter of condemnation.
7. Guest - Attorney sending letter from Town Board.
8. Gilbert - to be pursued.

Joint Meeting:

Joint meeting with Brocton officials, Don McCord and Daniel Schrantz is be rescheduled due to lengthy agenda this date. Carol will advise of date and time.

NEW BUSINESS:

The three items listed below will be covered by Signe Rominger, Code Enforcement Officer:

John Selig:

A Public Hearing with the ZBA was held and requests the Planning Board review and give their opinion on a "frost free slab" for the mobile home foundation. Both HUD and the DOS state this cannot be used. The consensus of the Planning Board was to not allow this as HUD regulations must be followed.

Ed Miller - Properties:

Properties Ed Miller would like to sell on Parkview - Signe requests the Planning Board look at the plan and subdivision law (referencing attached map). Sam Ricotta, Chairman stated that they would need a preliminary survey showing how he proposes to sell. This is to be scheduled for the next meeting on 8/23/16.

Definition:

Signe asked the Planning Board to review the definition of “a vehicle and “motor vehicle”. New Code - NYS effective 10/6/16 states “0” vehicles when it previously stated “1” vehicle. Harold Smith stated that a press release is needed and that we should contact Western Southern Building Association.

Signe Rominger, Code Enforcement Officer also advised the Planning Board that a recommendation made by the Zoning Board of Appeals regarding “Side and Rear Yard Setbacks” needs to be reviewed and changed. A copy of the ZBA proposal is being forwarded to the Code Enforcement Office by Mike Felsman, Secretary of ZBA. Carol Horlacher will forward to each Planning Board member and it will be put on the agenda for next month’s meeting.

A motion was made by Harold Smith and seconded by Thomas Vitale to adjourn the regular meeting.
Ayes 4, Nays 0, Carried

Respectfully submitted,

Carol Horlacher, Secretary