

REVISED
Zoning Board of Appeals
Special Meeting
Thursday, July 16, 2020
7:00 P.M. – Town Hall – 1529 NYS Rte. 12
Binghamton, New York 13901

PRESENT: James Brewster, Chairman
Aleta Kinne, Vice Chair
Melanie Pandich, Board Member
Scott Smith, Board Member
Joseph Aston, Board Member
Thomas Eldridge, Alternate

ALSO, PRESENT: Nadine Bell, Special Council
Frank Carl, Councilperson
John Freer, Ordinance Officer
Alex Urda, Town Engineer
Donna Webster, Stenographer of the Zoning Board

Ms. Webster: Frank. Can you hear me?

Mr. Carl: Yes. Okay. Joe, can you hear me? Yup. I can hear you. Okay. Thank you,

Ms. Webster: Ms. Bell, can you hear me? I can. Okay. Thank you. I'm Donna. I am pleased to meet you in a virtual setting.

Ms. Bell: Sure. Same here. I'm going to mute myself and listen, because I think in my experience that works best during the meetings. But if there's anything that anybody has any questions before the meeting starts, I'm certainly available to, I'm willing to answer any questions. Okay, great, Jim. I know it's not seven yet, but I think all our board members are here. So, when you're ready.

Mr. Brewster: Yeah. I'll still have to go through the procedure sure. Language that we've had unless the numbers have changed. Yeah, so reading Ms. Bell the document I'm going to read, which you know, is the one about talking about zoom. I've got extended, the last executive order number I have is extended. Oh, two or 2.1, two and 2.15 extended by two and 2.38 and two or 2.39. Should those be amended?

Ms. Bell: I think, I think those are accurate. Essentially. The executive orders have been extended to August 6th, so you're fine.

Mr. Brewster: Okay. Okay. With that it is seven o'clock. I will call the Town of Chenango, the Zoning Board of Appeals, a special meeting together. And first order of business says, they said, I must read the well, first of all, I need to have the role called the board. So, we can

establish a quorum. So, you can do that. Mrs. Webster, Mr. Brewster present Ms. Kinne, Ms. Pandich,

Ms. Webster: Mrs. Webster, Mr. Brewster present Ms. Kinne, present Ms. Pandich, present. Mr. Smith, present Mr. Aston present and Mr. Eldridge present

Mr. Brewster: Okay. Having heard that we have a full board and thus a quorum, I'll read the following into the record.

I, James rooster chairman of the zoning board of appeals have confirmed with counsel that this meeting is being held in accordance with the governor's executive orders. Two, a 2.1 and two or 2.15, which were extended by executive orders, 200, 2.38 to a 2.39, respectively.

As relevant here, these executive orders suspend provisions of the open meetings law to the extent necessary to allow any public body to meet and take any action authorized by law without forbidding in public in-person access to meetings. They also authorize municipal board meetings and public hearings before such municipal boards to be held remotely by conference call or similar service.

This meeting is obviously being held remotely via Zoom virtual meeting software. The public has the ability to view or listen to this meeting live via the ZOOM app web browser. And by telephone, this meeting is being recorded and will be transcribed at a later date. We'll move forth with the agenda. I do want to say just in case, I want to remind everybody that you can get in just by telephone. Doesn't have to be a video connection. And the reason I say that is there are showers and storms around central New York, which could take somebody out. We look good here in Broome County, but those who are remote you never know there's a higher chance of the normal to lose your power and your internet, et cetera. So, I just want to make sure everybody heard the part about telephone, where you can get in, if you have just the back, have a backup plan. So, said another couple of ground rules. We will be discussing the SEQR form the seasoning. And so, the board members will be un-muted. The rest of the audience will be, will be muted. There will be no public comments tonight down the road and the 28th, we do have the public meeting scheduled for that purpose which will encompass the entire application. We will as necessary may ask the applicant questions for clarification and so forth. But otherwise we will be conducting our business as we go forward. So, with that the first order of business really is to jump right into it. And initially it looks like we will have to declare ourselves as the lead agency at this time and that needs to be done by roll call motion and our roll call vote. So, I'll accept the motion to declare us as the lead agency for this SEQR evaluation.

Ms. Bell: Mr. Brewster, that's the lead up?

Mr. Brewster: Yes. Ma'am.

Ms. Kinne: Would you take a few minutes to introduce the board? We have not met her. She has not met us. You're the only one who's spending contact with her.

Mr. Brewster: Thank you, Aleta. I have it in my mind and it totally slipped. So yes, we will do that. So, ladies and gentlemen of the board hopefully she's on your screen, but our special counsel. Okay. You might have to scroll, but she's out there. Ms. Bell, is there a special counsel from her law firm up in the Syracuse area, so I forgot the name of it, but so we have a, we have a leader Kenney who who's the vice chair. We have Joe Aston. We have Scott Smith and we have Melody Pandich and we have Thomas Eldridge who is our alternate to the board. So, you wanted to briefly introduce yourself that works. That'd be great,

Ms. Bell: Certainly, good evening, everyone. My name is Nadine Bell as chairman Brewster indicated I am with the law firm Castello Kuhnian fear on here in Syracuse. My practice encompasses the representation of municipalities, both at the town board village board and common council city level as well, planning boards and ZBA. Our firm's municipal department is pretty large. We represent in some capacity, I think last count around 25, 26 different municipalities. So, attending ZBA meetings is because it was a frequent thing for me. It's been a pleasure to work with chairman Brewster. And if anybody has any questions through this process and wants to reach out to me either by email or by telephone, please do so I am more than willing to talk. I know this is not a process that's inherently that you're inherently comfortable with. And if I, if there's anything that I can do to help in this process as we go through it, please reach out to me.

Mr. Brewster: Okay. Thank you. In addition to our attorney, we also have in presence from the, well from, from the town officials, we have our representative to the town board, Frank Carl we have ordinance John Freire and we have our town engineer, Alex Urda from Urda Engineering and the applicant tonight is George Santorie from, and please correct me if I say that wrong, I had a little bit French and it looks French to me. So, from, from Aerosmith incorporated who was the Apple representative applicant for the ATM T cell tower project. Okay. Again, thank you Ms. Kinne for catching me on that. And that was, that was definitely an important thing to do. So now at this point I will accept that motion to declare ourselves lead agency on this. Motion to declare the ZBA as Lead Agency for Application 2020-V02 New Cingular Wireless, PCS, LLC. For SEQR purposes- Motion made by Aleta Kinne, thank you. Do I have a second? Okay. Mr. Aston second. And a roll call please. Mrs. Webster.

Motion to establish Application 2020-V02 as an Unlisted action under SEQR and proceed through the Full Environmental Assessment Form – Motion made by Joe Aston, seconded by Scott Smith and carried by the following roll call:

| | | |
|--------------------------|-------|-------------------|
| James Brewster, Chairman | Voted | <u> Y </u> |
| Aleta Kinne, Vice Chair | Voted | <u> Y </u> |
| Melanie Pandich | Voted | <u> Y </u> |
| Scott Smith | Voted | <u> Y </u> |
| Joseph Aston | Voted | <u> Y </u> |
| Thomas Eldridge | Voted | <u> </u> |

Ayes -5 Nays – 0 Absent - 0

Mr. Brewster: Aye, motion carries. We are the lead agency next up. We will be going through the part, one of the SEQR, which is the information provided by Mr. Santorie and associates. And we will be going through our part two, which is the identification of potential impacts. First, we have to discuss the type of action that this is going to be, and I've taken a look at it at some council on this. So, I'd like to offer that this type of action is unlisted. And one of the criteria that was the closest to perhaps making it a different type of action was the land impact coverage of the land, which has been stated to be approximately 0.9 acres with some other numbers in there as well. I see one point up to 1.5 in the type classification in the workbook and the secret handbook. There's example when a project that's splitting my screen here, sorry, folks. When a project is its part six, 17.4 B eight, and it says that any unlisted action, including a nonagricultural excuse me, any type one action, including a nonagricultural use occurring wholly or partially within an ag district, which this does the type one threshold is 10 acres. However, it needs to be reduced by 75%. So, if you do that, this project can still be up to 2.5 acres of impact and be an ambient unlisted. So even if we take a look at the, the high end of their estimates for the disturbance, it's still under two and a half acres, and therefore classify this in my opinion, as, as an unlisted action. However, that said, we have a full EAF and we will be going through the entire full EAF package to make sure that we cover all of the information in detail and very hard to look at, since that full application was, was presented to us. So, to summarize that rule, I'm looking into propose an unlisted declaration of the tight with the condition that we mean we'll go through the full environmental assessment. Do we have any discussion on that? Any, any agreement, any disagreement or any other proposals?

Ms. Kinne: Yeah. Mr. Brewster, I have to say I disagree. I feel that it is a Positive Declaration. I feel the land usage is over one acre. I don't know if we need to go into having a survey. I believe the environmental impact is any land overwhelmed on the acre. We have to go further with the report. I can hold my comments until the end, but I do have to disagree on it being Unlisted.

Mr. Brewster: Well, yes, I'm going to certainly get clarification from our attorney on that, but I'm going to take a shot at it that your, your, your comments definitely will apply at some point later during the form, as we go through it in one of the sections. However, what we're doing here is trying to delineate between a type one action, an unlisted action, and a type two right off the bat. This is not a type two. So, it's either unlisted or a type one. It has nothing right now to do with our declaration of positive or negative or conditional negative.

Ms. Bell: Well, I call it a type one, but I didn't realize what type one was always Unlisted.

Mr. Brewster: Okay. I will I point to Ms. Bell to try to make that a point clearer. To clear me up, or just to clarify things here.

Ms. Bell: So just to be clear, the under the secret regulations, there are type one actions that are defined. There are type two. And as the chairman has indicated, clearly this is not a type two. If it doesn't fall within the clearly defined type one actions, then it falls into an

Unlisted action. And for the reason that the chairman previously indicated that because the property is located in an agricultural district, the 10 acres of disturbance that's normal doesn't apply. It's reduced to 2.5 acres, but it still falls under that 2.5 acres of disturbance. However, by declaring this an Unlisted action, the board has still required that a full EAF be reviewed tip quite often, when you have an unlisted action, a board will just require an applicant will only submit a short EAF. That's not the case here. So, the full EAF has been submitted. It is, and it's about to be reviewed. So, you are essentially giving this application the same review that you would if you had designated it as a type one action. So even though it's being designated as a, an unlisted action because it doesn't clearly meet any of the criteria that are set forth for a type one, you're still doing a very thorough environmental review and not be the light review, if you will, that a short EIF would, would have positive declaration, negative declaration, all of that, that'll be at the very end after you've gone through your full EAF and taken a look at things and ask the applicant about any questions that you may have. It sounds to me like there's certainly some, some concerns that the board has. And the purpose of this meeting tonight is to give the board that opportunity to talk to the applicant and really flush out any of the information that's been received or information that needs to be received. So, designating this as an Unlisted action does not in and of itself result in a lesser environmental review of people. Does that help at all or clear as like, yes? You are doing yeah, no, no.

Ms. Kinne: As long as you are doing a complete review.

Ms. Bell: You're, still doing a very complete review.

Mr. Brewster: Right? So that's my that's, my proposal is to go with unlisted and just reiterating what, what was just said. If there's, and, and really that one particular part of the type one thresholds and requirements was the only thing that I can find if anybody has found something different, then bringing that forward. But I think myself and the attorney have taken a very close look. But you never know. So, if you know expressed her concern, which, which would come up, you know, during the review and does anybody, does anybody really think it's with evidence, does anybody really think it's a type, a solid type one, Jennifer, from what I read here, a type one action non-residential project, physically altering 10 or more acres of land. This is obviously not doing 10 or more acres,

Mr. Eldridge: So, it would have to fall on Unlisted.

Mr. Brewster: Correct. And, and even with the reduction, because it's an agricultural, that's what I was pointing out. And then it's actually 2.5 if we reduce it because it's in an agricultural district with the, evidence provided to us from the applicant and looking at the spec sheets, (the, plan). I went through with an engineering ruler, and I got to be about 1.5 square at 1.5 acres, is that the most granted it was not, you know, it was, it was, it was an approximation, but there's no way I would have gotten anywhere close to two and a half. So, I think at worst it would be a two, even including the roadway down to, to the main road. If there's disturbance there, which there shouldn't be, you know, a significant disturbance on that road, maybe small or, but anyway, so I think it's under the threshold. I think it's worthy of an Unlisted. Anything else before Ms. Bell, we have to call a vote on that? Right? We can't just say it's an Unlisted action.

Ms. Bell: Ultimately your actions will acknowledge what the what, how you characterize this proposal. If you want to err, on the side of caution and pass a resolution, identifying this as an Unlisted action that is going to be subject to the full environmental assessment review, you can do that. It's certainly a belt and suspenders approach, but not a bad one. I would go ahead and make that motion for the board, or I would suggest that the board make that motion.

Mr. Brewster: Okay. So, if, if we're in agreement on an Unlisted and then we'll start diving into the whole packet I'll seek a motion to establish this as an Unlisted action according to SEQR with the condition, pardon me with the condition that we proceed fully through the full environmental assessment form.

Mr. Aston: I'd make the motion for this Unlisted action.

Mr. Brewster: Can I have a second

Mr. Smith: I seconded that.

Mr. Brewster: Thank you, Scott. Roll call please.

Motion to establish Application 2020-V02 as an Unlisted action under SEQRA and proceed through the Full Environmental Assessment Form – Motion made by Joe Aston, seconded by Scott Smith and carried by the following roll call:

| | |
|-----------------------------|---------------|
| James Brewster, Chairperson | Voted ___Y___ |
| Aleta Kinne | Voted ___Y___ |
| Melanie Pandich | Voted ___Y___ |
| Scott Smith | Voted ___Y___ |
| Joseph Aston | Voted ___Y___ |
| Thomas Eldridge, Alternate | Voted _____ |

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: Ms. Pandich and Ms. Kinne, I hear the part of the motion that said it will be a full assessment.

Ms. Kinne: Yes, I did say that. I did say that Jen did sorry that they weren't going to go through the full packet and as well, I thought that Jim had made that clear.

Mr. Brewster: Alright. Okay. If you cleared this and Unlisted action, now, now we move forward into the going through part two with reference to the stuff, the sections that have been provided to us in the application and any other supporting material that applies only to environmental set up as defined by SEQR. So, first thing I'm going to do though, before we get into that, I would like to read some, some things I'll try to paraphrase as much as I can out of the SEQR handbook or the workbook, actually, just to, just to clarify some definitions. So, this is from the, the secret workbook put together by the DEC in Albany.

So, we've done this before on a smaller, on a smaller, you know, paperwork exercise that when you determined that a potential impact may occur, you'll need to decide if that impact will be small, moderate, or low, no small, moderate, or large. And the decision should be based on the magnitude of the potential impact. And the magnitude is not just the physical size of the project and feet were acres. The magnitude also considers the scale and the context of the project. So, scale refers to both the size and the intensity of the project. The scale of a project can be measured in several ways. It includes overall size, such as number of buildings, structures, proposed parking, lot size, a lot of things that don't apply here or height and other dimensions of buildings, et cetera, powers. It also refers to features that measure the intensity of the project, such as the amount of traffic amount of land to be cleared or graded which will be over here in relation to the entire parcel size. And then the contacts states referring to the conditions of the project site and its relation to adjacent parcels, the neighborhood and the community as a whole similar project in different settings may have very different environmental impacts and they provide a decent example here such as the construction of a commercial building say is that it's 10,000 square feet in a community that's developed has public water sewer storm drain. Since it's a developed community, would have diff very different impacts then on exactly the same size project and scaled project in a rural undeveloped community with no public infrastructure, et cetera, et cetera, they don't, they don't say which is which, but I think we can tell what the impacts would be and, you know, as far as size and context and magnitude depending, you know, so we have to look at those conditions under the secret rules and regulations. And so just to recap for us, and I don't mean to belabor a lot of this, but I think it's important to go over these, these definitions as well. We are, we are subject to them. So, and part of the department, you're not looking at the camera, but my other computer is over here. No impact will occur. If the proposed action is consistent with the community's adopted planning, zoning does not cause a change in the intensity of land use in the area does not change the quality of the existing community. Hurt's character does not change or impact any environmental resource or infrastructure or create a hazard to human health, a small impact. These are impacts that are minor in magnitude, and that have small or limited effects on environmental resources. Small impacts may also occur when an impact is limited to a small area. Small impacts are usually isolated, minimal size, intermittent, or short in duration, such as days to weeks and do not affect rare or unusual species habitats or other resources. Small impacts include those that would generally be considered negligible and minor feeds are often impacts from activities or resources that are not regulated or protected by local state or national agency and moderate. This is the last one I'll read large is very large, but moderate. These are impacts that are moderate in magnitude, and that have more impact on environmental resource. Moderate impacts can also occur when the impact affects a larger part of the parcel, or even extending to a small area beyond the parcel, moderate environmental impacts meeting either isolated at one location or regional concern in a larger area. They generally are longer lasting duration measured in weeks to several months are often reversible and can be more readily addressed through mitigation measures or project changes. The resources affected often have broader local or regional concern and often are activities or resources that are regulated or protected by some local state or national agency. And on second thought, I am going to read the large impact for completion. These are impacts that are severe in magnitude or covered larger areas in neighborhood or community environmental impact anticipated

could be irreversible challenging to mitigate of wide regional scale or of long duration. A large impact may also be unlikely to occur, but if it does, it would be very damaging to the environment. The resources affected often have broader local or regional concern and often are activities or resources that are regulated or protected by some local state or national agency. Okay. So those will be topics and considerations to keep in mind that we can go through these 18 sections and they're in their various subsections without further ado. Are there any, are there any questions? Yes.

Ms. Bell: Mr. Chairman, just if there's anything in part one that the board has any questions on, if you wanted to take this opportunity to ask the applicant for any clarification, or if there's concerns with any of their answers, you could do that before you start into your part.

Mr. Brewster: Right. Okay. And I was a bit of miss. I wanted to say that in addition to the applications we received from, you know, from the app or the information we've received from the applicant, including Part, I of SEQR we, we did receive correspondence from a representing attorney of the residence in the area why, well, one in particular, but I think the theme encompasses the neighborhood and at large and there will be several points in here that we will bring up to the record as we reached these certain sections that are addressed in this letter, this letter will be entered into the record physically entered into the record as, as hard copy. And again, I'll use some sections out of this that pertain to any of the sections that we cover. So yeah, the three minor all through the applicant as required for our health.

Mr. Urda: Town Engineer. Just a reminder also, the applicant, as required per Town Code, gave us the Appendix B Visual to look at as well.

Mr. Brewster: Does it look at as well? Yes. Thank you. I just assumed that with the whole full EAF, but you're right. It is, it is distinctly separate, so thanks. Okay. And all board members should have copies of all the, this information by this point in time, including the visually gay AF, which was a result of the balloon survey as required by town code. So, okay. Getting back to any questions or clarification about part one from the board members and I will check this doc while you consider that I will check this document. Anyone know? Yes. Ma'am last thing I have some questions on, so some

Ms. Kinne: Mr. Brewster, I have some questions on omissions or some questions in Part 1, but it would take me a while to go through that. I don't know if you want me to do it now or as we come to each question.

Mr. Brewster: Well, are you finding it in part one, which is the part of the applicant filled out? Well, part one. Okay. Then then go right ahead. We can clear that up now because that will be what we use to analyze part two.

Ms. Kinne: Okay. This might take a while.

Mr. Brewster: This is going to take a while, Ms. Kinne, no matter what.

MS. Kinne: Okay. Page two C .2a, on page 12, he told us that this was affiliated with the Agricultural District Broome 005. So, where he marked, Well, he did a good B. Does the Comprehensive Plan include specific recommendations for the site where the proposed action would be located in. No. it should be, yes, it is in our Comprehensive Plan. That's originally, that it can be applied for, with the special use permit.

Mr. Brewster: Oh, I see. I see what you're saying. Okay. yeah. Ms. Bell, can you help me out with that one? Aleta is right, obviously he's applying for the special use permit, which is allowed in the Comprehensive Plan. So, would we want him to acknowledge that yes?

Ms. Bell: You can do that.

Mr. Brewster: Mr. Santorie, what do you think about that point? Well, if the lead is right there is, you know, obviously he's applying for the special use permit, which is allowed in the comprehensive land. So, would we want him to just acknowledge that? That's a, yes. You can do that. Mr. Santorie, what did he think about that?

Mr. Santorie: That point page two, C.2 a second check box, correct? That's correct. Yep. Okay. I think, that's kind of up to you guys. IF you think yes, we can switch it.

Mr. Brewster: Well, I'll take that as an acknowledgment and we'll make that a "yes" on your approval. That's fine.

Ms. Kinne: Well, kind of now the same page, go down to c. The question is, is it farmland protection plan? Again, that should be yes. He himself listed in a different question the Agricultural District Broome 005.

Mr. Brewster: For consistency. That sounds reasonable to me. Are we interpreting that correctly? Ms. Bell?

Ms. Bell: I'd say yes.

Mr. Urda: The Town specific municipal adopted protection plan or the General State one. Maybe Nadine?

MS. Bell: Only this just says municipal.

Mr. Urda: Well, we don't have a municipal farmland protection plan.

Ms. Bell: So, the town does not, but the County does I think what you can do is to clarify. If you look down below. It says if yes, identify the plan(s), just specify because it always says municipal and arguably a County government is not a town, but I think to make sure that there's no question and to address Ms. Kinne's concerns. I would just acknowledge if it's already been acknowledged later in the document. I would acknowledge the County Plan.

Ms. Kinne: It does.

Ms. Bell: I think what you can do is to clarify, if you walk down below, it says if yes, identify the flat lands, just specify. Cause it always has municipal and arguably a County government is a level of,

Mr. Brewster: Okay, Mr. Santorie, Do you agree with that? Those changes are fairly minor, but again for completeness. Okay.

Mr. Santorie: I guess I'd have to take a look at that again. Sure. Yeah, I think I would have to look at the specific municipal specific County farmland protection plan.

Mr. Brewster: That's okay. That's fine. We can you can note that and then if we ask, well, we'll obviously be asking you to come back with a an amended at least partially amended part one for the record. So please note that and look into that. Thank you.

MS. Kinne: Next one is page three. This is a simple one under C.4 c the fire company. There is no Castle Creek Fire Department any longer. It is Chenango Fire.

Mr. Brewster: Yeah, we'll go ahead and make that clarification there, George, if you will. Thanks.

Mr. Santorie: I'll look, I can look at that.

Mr. Brewster: Yeah, we'll pencil it in, but just add that to your list. Please add anything. How are we doing anything else? Next page?

Ms. Kinne: Next page D.2.a. the question is about the excavation marked no. I question with the roadways being excavated plus the area for the tower and the platform is all about staying site. Did I ask the any excavation? Does it include any excavation, but not materials that will remain on site seems like a lot of excavating there for it all to remain in onsite.

Mr. Brewster: Yeah. Interesting point. Can you clarify your no statement for that George or, or agree to take a look further at that I'm trying to call up the part one, D 2. as we speak to see the definition, but I would say, I think it is.

Mr. Santorie: I still think, I would say it would be no because it says, the proposed action include excavation, mining or dredging during construction, operations or both. There's definitely no mining or dredging or anything like that. Excavation, perhaps you could say: but it does not say not including general site preparation, grading or installation of utilities or foundations. Excavations, perhaps you could say, but just say nine, including general, cypress bracing, raiding reinstallation until these foundations rapidly, significantly dating up the earth here. So, I, I think it's I would say it's still no, but I can take it back, see if we can see what our engineers' things I believe in the past for similar situations it's usually a "no".

Mr. Aston: Yeah. Unless you want to. What do you mean? I guess by excavation? Because if you're adding the driveway, you're adding the pad. I mean, that, to me, looking at what the land is now I'm looking for what it is going to be. That's a lot of excavation in my

opinion, I guess it'd be a question for George. And then also to know that part one, what do they, what do you mean exactly by excavation there?

Mr. Urda: Jim, this is Alex, that's what it really comes down to George. If you're going to haul material offsite, work you out a mass balance onsite, you can bring material on, but are you taking excess away from the site? I didn't see where he worked, but I didn't, I didn't look for a calculation of it anymore.

Mr. Santorie: I guess, I will take that back and review it as well.

Mr. Brewster: Okay. So, I'm just going to have to be pending review.

Mr. Santorie: Jim, do you, have a specific definition. If you have a more specific definition there?

Mr. Brewster: Unfortunately, I'm struggling a bit with part one here.

Mr. Aston: Well, I mean, I didn't mean to raise a big deal. It's just, you know, we just seen him yet. You know, it should be changed in all the times of perspective. Like what do you, what do you look at those terms is, is meaning it's not that big of a deal, but not here. Like you said, removing all this material from the property then. Okay. Yes, it would be activation would be a big deal, if not.

Mr. Brewster: I found it, so I can give a definition on this and we can decide as a board of the importance of this perhaps this potential change and part, one question excavation, mining, dredging activities will take place. Does the project include excavation mining or dredging activities? This does not include grading and site preparation work. So, I think that's the key phrase in here that needs to be hashed out by us. And we, we pretty much have, I think George's take on that just simply from the application and his comment there. So now we need to discuss that. I think in this case I would lean with for, for the preparation of part one and we can address it again. There will be sections where we address it in part two. I think, I think in this case we, we leave that alone. I think the grading and site preparation work, I don't think I think that, I think what they're going to do there fits into that. I agree,

Board: Agreed.

Mr. Aston: I agree with that. I just wanted to make sure we were all clear across the board that it was staying what it was.

Mr. Brewster: And, and again, I, I think we'll be addressing that cause all of these questions are usually tied into part, you know, the, the impacts in part, two. So, we can, we can certainly look at it again as it comes up and remember the discussion, but I don't, I don't think we need to really force a change to a yes on that. I think I think right now it's, it's fairly small and it sounds like I do have consensus on that. So, we'll, we'll leave it at that. And when it comes up again in the part two we'll, we can address this, the level of impact. So Aleta, what the what else do you have any other artists,

Ms. Kinne: Different ones that we will get into later? I'm sure like on page six, the, about the acreage, I'm willing to skip over that and I'll go to page eight. Will, the proposed action include any bulk storage of petroleum. On page six, he tells us there will be propane or diesel fuel delivery during construction. Question one says diesel fuel delivery, emergency maintenance vehicles the (his answer, he wrote in). Cause the answer he wrote in. So how is he storing that? Now the question is asked and he says there will be no storage.

Mr. Eldridge: I believe, I believe that would be for like the equipment that they have. They're digging

Ms. Kinne: For the construction.,

Mr. Eldridge: For the construction equipment. They're storing it in the equipment.

MS. Kinne: Every day.

Mr. Aston: Well, sometimes they have people come and fill the equipment up daily.

Ms. Kinne: Okay. Alright. No storage, but we also don't have a spill plan? For me. It's necessary that we have a spill plan for diesel fuel.

Mr. Eldridge: Right. but do we require every farm to have a spill plan? Every homeowner? Okay.

Ms. Kinne: No, but this is,

Mr. Brewster: Well, I think we could, but I think we've got to, well in the County, he didn't chime in I'm not on, on something like that. I think to do with the aquifers.

Ms. Kinne: Yes, for an aquifer.

Mr. Brewster: I think, again, it goes back to the definitions there in the beginning was magnitude and, and intensity and scope. So as far as part one goes and, and, and again, he's, he's made some comments here. He acknowledged on page six that it was a yes. And then discussed, you know, moving in and out diesel fuel. So there, there must be to, to power the system. I didn't see any solar. So, you must be like, there must be some sort of a generator going on.

Ms. Kinne: Yes. There is a place where he mentions the generators.

Mr. Brewster: Okay. So, we'll need to identify for impact. And again, it goes back to size and scope. If, if we come to the, and again, there'll be guidelines when we get to part two questions just to how much, you know hazardous materials can be stored on a, on a site. What's the, what's the threshold for the different sizes or the different categories of impact.

Mr. Urda: Getting the threshold is on the sheet. It's 1100 gallons. And if it's not going to be more than 1100 gallons in any single container typically the petroleum question goes away.

Ms. Kinne: Let's say 185 gallons in a above ground storage.

Mr. Urda: That's other chemical products.

MS. Kinne: Alright.

Mr. Brewster: Right.

Mr. Urda: It shouldn't, have said single, it's a combined capacity of 1100 gallons.

MR. Brewster: It's combined. So, by checking now, I guess we'll go, we'll go to here and listen by checking. No, you're, you're claiming that the generator that will be onsite that will have fuel in it. You do not expect it to have more than 1100 gallons, correct?

Mr. Santorie: Yeah, it definitely will not. I believe the current one they're using to track by editorially, but I believe it's like 92 gallons is the most that contains so far. We'll walk over 1100 and then you below the one 95. Which is for backup, can't go wrong. That's the only thing that's there is for the generator to use as backup. That's an emergency generator problem site. So that's basically, okay. So, there's main power to the site is actual utility power, correct? Right.

Ms. Kinne: Okay. The next one down Q, I read somewhere and I don't know where it was now, somewhere George I've read that you would be using pesticides or insecticides or herbicides to spray the roadway area may have even said before it's probation. I'm not sure. I don't know now where I read that so marked no, but I know somewhere I read that you would be spraying, you can check on that for us.

Mr. Brewster: Well, and, and I'm in the table still. So, the guidance for answering that is for commercial recreational industrial projects answer, if there will be any use of pesticides. So, or I guess it means answer. Yes.

Ms. Kinne: And he marked no. And I can't tell you right now where it says that they will, I don't have that in my notes right now.

Mr. Santorie: I can look back and see if that's, that is typically going to be used. But it's definitely, wouldn't be used once it's available, if anything.

Mr. Brewster: Okay. yes, I will need some further clarification on that. Especially since I can confirm it with the, the DEC requirements. So yeah, if you can take another, another look at that.

Ms. Kinne: Well, that's one I had is E one existing land uses, I believe, with all this talk about acre, the acreage with agriculture, that agriculture should be marked

Mr. Brewster: Oh, for completeness. I would tend to agree with that. Yeah, that's pretty. Yeah, it shouldn't. We've got you going back, looking at some things anyway. So just put that on the list.

Mr. Urda: This is Alex again. Yeah. Usually I'd pick rural. Non-Farm also for some of the houses whenever.

Mr. Brewster: Okay. I would tend to agree with that too. Okay. So, he wanted to, Hey there, George a look at that Alita. So, you still have the floor, man. Yeah.

Ms. Kinne: If I give someone else an opportunity, my only questions are the others are, there are some errors. The last page, which I believe are mentioned in that attorney's letter that we received yesterday email, and he asked that be, I put in the records, but number two, number two, disability visibility. Seasonal. Absolutely not.

Mr. Brewster: Although I need a page number there,

Mr. Urda: The sheet. Okay. B

Mr. Brewster: Oh, the will is ending. Okay. Thank you. Very good. Two. Yes.

Ms. Kinne: It's going to be above the tree tops. So, it is not screened by summer pooling

Mr. Brewster: That's yeah, we were near summer. And in a lot of cases when those pictures were taken.

Mr. Urda: Yeah. Again, we asked that the applicant submit this form for us to the best that they can to be completed by the lead agency. We'll go through this one as a group and the Dean will lead us through it. Because there will be check boxes as we wish and make changes accordingly. Once we get through proofing. George took a stab at it, but we modify it as repeat it.

Mr. Brewster: Oh, very good. I didn't know that either. Thanks. Thanks Alex. I didn't realize that was actually our, our thing to do. It is, for some reason we put it in there that they have to do it and submit it put it's our forum and finalize. Okay. Uniform we can do that.

Ms. Kinne: Will give someone else a chance to talk. No. Okay.

Mr. Brewster: Okay. Anybody else have any concerns? Questions with part one before we, we open the book once, twice. Okay.

Ms. Bell: Mr. Chairman, I'll just ask a couple of quick questions just so that the board has a complete and accurate part one on the back on the second page, under B, where it says government approvals they've indicated under a that it would be the town board that's issuing the special use permit. So, I believe that should be corrected to reflect the ZBA. That was one item I wanted to bring up and I'm just kidding. Address started to address this, but said that she'd wait, but I do think there's an issue with the, with the consistency of representing the acreage. The applicant's cover letter that was submitted, indicated that the property consists of 82.07 acres. But when you get into project details, they indicate there's 33.4 under [inaudible]. But then if you go in further, hold on. They've also indicated elsewhere that there's 72.4 acres for the entire property.

So, it should be a consistent what the total acreage of the property is. Perhaps that's something the applicant can clarify.

Mr. Brewster: Yes. I'm sure. George, could you clarify that.

Ms. Bell: Actually? Sorry, just so that it's everyone knows where I'm pulling us. It would be D 1 B as in boy where it's 34 33.4 acres, but then later in D 1eE actually hold on, let me make sure I'm on the right for D 2 D to E is where it says 72.4 acres is the parcel size. You see that in the middle of the page, Correct? Later on, in E 1.b it says 33.4, but like I said, that I've covered letters is 82.07. So, I think there needs to be some consistency.

Mr. Santorie: Sure. I can look into that part of that. So, sorry, go ahead. Sure. Yeah, I can definitely look into it.33, eight years at the same time also being 77. So, I think you're right there. This has been a while. It's definitely dos. That's the simple thing. Look on the property deed attached. Great. Thank you.

Ms. Bell: And the only other thing that I noticed in going through in preparation for this evening, well, two other things on page eight N- It indicates that the pro the proposed action will have outdoor lighting. And then it says, if yes, describe the sources, location, height of fixtures, direct aim, and a proximity to the nearest occupied structures. And it simply says, timed emergency maintenance lightening. Now it may just be triggered by motion. I don't know, but I think, I think the way the questions were in, it's asking for more than, than the answer that's provided. And the last item that I had I believe Is if you take a look at page 11 For surface waters I J and K aren't marked they're all. So, they should either "yes" or "no" or something, but right now it's, it's just not,

Mr. Santorie: I can't say that it's definitely not in any flood plain, but I can see what you are saying.

Ms. Bell: So that would be a no for IJ and K,?

Mr. Santorie: Correct? Yeah, definitely. No. Okay.

Mr. Urda: This is Alex. I looked up the GIS website also.

Mr. Santorie: And just to confirm George's right. And just that time to emergency maintenance lighting what you said there, it is a motion sensor lighting. It's all triggered is actually inside.

Ms. Bell: I think for the purposes of the question, because it's as such a specifics, like the height of the fixtures and locations, I, I, if you can submit something to the board that would indicate where the emergency lighting would be you know, indicate that an honor, remote sensing how far it is from any occupied structures, whether it's aimed out, whether it's aimed towards the tower, just the items that are actually identified in the

Mr. Brewster: I didn't see it in the site plans, but it's possible you put it in somewhere in the back end. So even if it's a reference to, to that, if it's there or just, you know, do fill in the blanks there first starting fresh. I agree with that.

Ms. Bell: And actually offer one more question. I'm sorry, board right under that matter for and there were numerous double lines where it says, will the proposed action remove existing natural barriers that could act as a light barrier or screen? It says yes. And it says to describe it indicates removal of existing vegetation to install proposed access diamond compound. Because one of the things that has been expressed as a concern to this board is the visual impact and the aesthetic impact of the tower. It would be my recommendation that the board received some information on the scope of the removal of the vegetation, unless there's more information that I didn't see, but at least because that does have a direct impact on the disability and the stomachs, you may have lost a little bit more that's everything I had.

Mr. Brewster: Okay. yes, right now I'm satisfied with part one after those amendments, which were excellent. Anyone else? Melanie, Joe Scott, Thomas, I'm on good. I think. Okay. Okay. Well, we're just to look into some things, but I think I think it will, we have plenty to go through that we can we can knock out and then ask for more information as we get into part two. And then we'll have a pretty tight, pretty tight shift to finalize it next time. So, let's let me do a little shuffle here of the computer stuff. So, once you get back to the specific, Oh, pardon me here, department. Cause I can, my apologies. I had to let the cat out. Okay. The first question we're going to attack you is the question of the impact on the land. And I'm calling up the workforce now to help us get through that. So, any thoughts on that? I don't want to do all the speaking of myself either. But I will start us off on this one. And so, I do think that I'm answering the first bullet question of the impact on land. I do. I do think that there will be an impact on land, which requires us to go. So, if we check the yes box basically on form one folks, if we check the yes box and then we do have to go down through all of the sub questions, if we find as we go along that something is just really not going to have an impact we can check no, and then we would skip to the next section and, and continue. So, there are some things in there that I think we should take a look at on the, on the land, if anybody wants to disagree with me and we should just go no speak now. Okay. Check that one off as a yes. And so, part, part a, the proposed action may involve construction on land, where depth to water table was less than three feet a bless you. So that sends us to eat to D and what is the average depth of the water table? And the applicant has provided us with two to three feet. So, we'll have to go with that, but so what does that mean? Let's see. If the impacts will occurred, we should look at if the average depth of water is less than three feet. What if any portion of the land disturbance will be located in those locations? Is the land disturbance to be located with the project sites are so poorly drained from surface water flows, be altered. In other words, will it affect the wetlands Lake stream, et cetera. And how about affecting them the water table itself, the groundwater that's the analysis part and the impact a small impact would be such as disturbances of land stormwater mitigation practices, limited to areas without a high-water table disturbance to land, including stormwater mitigation practices will remain close to the surface, but above the water table, minor excavation that avoids the high-water table and commercial application of pesticides. So, the moderate to large impact discusses larger excavation as in residential development, which would certainly affect the water table or potentially mining, which we're not doing here. Groundwater withdrawals solid or hazardous waste production storage, or disposal takes place in a project where storage of bulk petroleum or chemical products takes place. So, we do have something to discuss there. So, we have the fact is that yes, it is determined to be two to three feet.

So, it's within less than three feet. The biggest thing that stands out to me of course, is we need to discuss the, the S the magnitude of the commercial application of pesticides. Unfortunately, in this case, that is one of the things we flagged that we do need more information on. So perhaps at this point we can't, we cannot specifically answer no a small or moderate impact on that on the first one, a gel that's correct.

Mr. Urda: If I, there's no way that the water table was within three feet at the top of the ground there,

Mr. Brewster: I would tend to agree with you for what I know about groundwater and surface water hydrology, and being on a mountain. I would tend to agree with that. Unfortunately, I have to go with what the applicant stated. So

Mr. Urda: Yeah, telling you the mistake in that answer is when they look at a serial report, it indicates a water level at that, but it's seasonal where there might be a way of life clay layer, a still layer at a couple of feet down. And if it gets modeled over time, whereas the actual groundwater or the water table might be, and be a hundred feet, 300 feet, who knows, right. George might have to look up because when it becomes a problem, you might have to modify the answer a little more research.

Mr. Brewster: Right. knowing what I know and then pretty much what Thomas said. I personally think it says a no or small impact anyway, for that particular one. Even with the application of pesticides and assuming that it's correct. I still don't think it's going to affect the groundwater in a large capacity there. So that's my take. Others can, please, please, by all means chime in. So, we can we decide on that? Should we, should we wait for further clarification on the, on the water table?

Ms. Bell: I think under the circumstances, given the representation by the applicant, and maybe it could very well be wrong, but I think that should be confirmed.

Mr. Brewster: Yes. I, I do tend to agree with that by the applicant. It should be confirmed. You're right. Okay. So, let's, I'll put a check, I'll put a T next to that for, we actually have to table that information for more well, table that question for more information.

Ms. Kinne: It also includes the question on the pesticides on that, which is going to work

Mr. Brewster: Correct. Correct. But again, again, keeping it in mind and obviously they have to wait for the further information, but keeping that in mind as we go forward size scope and impact and context of the project itself we'll, we'll move on. We've got to keep, keep slogging through this. So being the proposed action may involve construction and slopes of 15% or greater that is was answered. Yes. And I can confirm that is absolutely true. Looking at slope maps so that one is, is likely accurate. So that one has the potential to be a moderate or large impact we need to, so we'll need to, maybe, maybe George can just answer this right now. There are, there are quite a, quite a large percentage of 15% or greater slopes on that property, especially down towards the latitude longitude of where you're, you're putting in

Ms. Bell: On page 11, he says 100%

Mr. Brewster: Correct. I see that. So that would be a yes then. Well, it's absolutely. Yes, but the question I think we need to discuss now is it's, you know, severity or its impact small or moderate or whatnot.

Mr. Kinne: I say moderate,

Mr. Brewster: Well, it's moderate, but there's, there's also mitigation that can be done. And I believe that's, that's represented in the, the total package application of the bill. And I'd like to have George's clarify that. I mean, they probably can do it right now with the information we have. To me it did not look like pad, was being built on 15% slope. So, something, something is amiss. The land is not completely covered by a hundred percent, 15 percent greater, which would be pretty difficult land to live on in its entirety or, you know, it's, it's a smaller percentage of the site, but if we have a hundred years, so we have to deal with that discussion. George, can you, can you paint that picture for us and you're muted, George sorry.

Mr. Santorie: I always say I would have to look into it more, but I do know that the access road is slightly sloped to the entire way through two properties and off totally flat on, I would say more expertise, I would say that's correct. But you are right that the tower itself is its they live on the land to provide this patient even tower itself, which is that when we see that and the and the plans that it's that is the actual compound where the tower is designed to these homes.

Mr. Brewster: So, there was a well, I am looking at the, the contours on the, on the sheet or in one, one-foot increments. And in some cases, it's not, no, that's just the point there once in increments and they're packed pretty tightly. So that is an indicator of pretty good soil, excuse me, slope.

Mr. Santorie: And [inaudible] 15% of slope is a two-inch rise for every 12 inches. It's like, it's like nothing.

Mr. Brewster: I look at it differently in hydrology, but anyway, we'll, we'll, we'll, we'll agree to disagree on that one.

Mr. Santorie: It's like, it's flatter than any house rule if you've ever seen it. That's, that's true. Okay. Well, it's still identified as an environmental issue for erosion, which I, I can confirm on that.

Mr. Smith: Personally yes, this is Scott. That kind of a slope when created that is so close to neighboring properties could be a problem with a road shouldn't and so forth so that I would put

Mr. Brewster: It in the moderate category, I think. Okay. So, we're floating moderates here. We've got a couple of,

- Ms. Pandich: Especially if there's concerns about already existing drainage and runoff areas by the neighbors. So
- Mr. Smith: Should the access road goes right by all the neighbors of the borders. It's very close. Okay.
- Mr. Urda: This is Alex. Yes. So, if you look at the workbook, some of the tests are, if the, during construction, if the slopes are maintained, stabilized, seated, most unit temporarily controlled with some fences, et cetera, then how this stabilized afterwards. And then also proximity, you know, is it, is it likely to erode after the fact and actually traveled to extreme stream or wetland in this case from an engineering standpoint? And it looks like they've got it all controlled
- Mr. Brewster: [Inaudible] yes. I, did notice that I'm on the workbook, I guess I missed that part. Okay. So, we've had some, so we've got discussion on that we're floating around moderate. I would, I tend to lean in the whole context of the project and, and looking at everything, especially since they do have, they did provide a, a runoff plan and Adrienne's coordinator has submitted information that is signed off on, on a drainage plans are these approved is form says approved. So, we do have to take that into consideration as to assessing this as, as, as an impact, I moderate maybe a little extreme in this case, guys. It's certainly, I mean, I know they're fitted together and certainly not, no, but I would advocate for a small I know we've got some other we've, we're kind of split here. I guess we could take a straw poll 18 to come to a consensus on this, or, yes. Okay. Let's do that. So, I'll say if you we'll, we'll, we'll have it a vote, I'll make it a vote for a, a moderate assessment of this. And we'll start
- Mr. Bell: I'm sorry, Mr. Brewster, but just to be clear. So, if you're, if you're going to take a, you know, an informal straw poll here to be clear on the positions on the one side, there's those on the board who feel like it can be moderate because of its proximity to neighboring property owners and potential rental. The other side is whether or not there is not a no, but whether it's small because of mitigation that has been employed as the engineer has pointed out the erosion sedimentation and erosion control measures, and also based upon the drainage report of the town's representative is if I characterize that pretty well and with the two (inaudible)
- Mr. Brewster: Okay. So, I think so,
- Ms. Bell: I don't know if the engineer has Mr. Irvin dissected, right. I don't know if you have anything else to add to that that are, but I just want to make sure that the board kind of understands what the two, what would be supporting either a delineation,
- Mr. Urda: Right. For me, typically what I've seen in the past. Yes, there is an impact, but it is mitigated out by, by what they've got in the road instead of the control and their stabilization after the fact.
- Ms. Bell: And I guess the question to the board would be if you feel that the mitigation that's proposed is not sufficient, what mitigation would be required of the applicant, or what

money, what further mitigation can the applicant proposed, if they feel like there's still some kind of an impact there that's not being addressed. If there isn't anything further that can be mitigated and, and there's, and the impact has been essentially addressed the moderate to large, maybe a difficult box to check.

Mr. Santorie: So, if they haven't addressed that issue, then it's a small impact is what you're saying.

Ms. Bell: So, with any seeker review, which you're looking at are the environmental impacts, and whether there's mitigation, because if you're looking at a number of land uses that are ultimately allowed, initially there may be significant impacts to be realized from the environmental standpoint. But if an applicant can demonstrate that they've mitigated those impacts and reduce them until there is a small impact, then the that's where this form is contemplating. And it's not simply a know your it's acknowledging that there is an impact, but that it's small and often by virtue of any kind of mitigation that's going to pull you.

Mr. Brewster: So again, I'd advocate for this being a small to none.

Ms. Kinne: Mr. Chairman I think that knowing that some of the families on the downhill side of Brotzman road had had flooding issues in the past I believe to say it's to what, and I feel that it's moderate.

Mr. Brewster: Yes, I'm aware of they have. But again, the, so with the mitigation, that's, that's been proposed and shown to us in the documentation. Do you, do you have any evidence to say that there'd be anything that they could do more to help us step back from, from modern, factually speaking and scientifically speaking? That's the way we have to look at it. I'm not being mean,

Ms. Kinne: Well, I know they're planning to put in some swales and like the engineer said so protection and so forth. So that indicates to me that they are expecting some runoff.

Mr. Brewster: Correct. But it's good business practice too. Make sure its mitigated.

Ms. Kinne: I'll give someone else a chance to talk. I'm sorry.

Mr. Brewster: No, that's fine. Melanie Scott you've already actually said, but there, do you have any other thoughts given new information?

Mr. Smith: So, Jim, what you're saying is a vote of moderate would need to be supported by evidence of a lack of effort to. Well we would probably have to, we would have to require the applicant to, to address that because that, that would really start flagging our decision and the, in the end are negative versus positive. And go ahead,

Ms. Bell: Mr. Chairman. to address Mr. Smith, I believe his name was his concerns. So, it's not that they have a lack of effort, but I think that the question presented is what is the storm water runoff to be produced and are the mitigation methods that have been suggested, or that are being proposed? Are they adequate to reduce that runoff to have

us no, too small impact on, o, on the circumstances, if, if there is, for example, if, if your engineer came back and said, you know what, they've done X, Y but if they did Z, it would be, it would be instrumental and really impacting the amount of runoff that came off the property. Then you go back to the applicant and you can say, well, wait a minute, your mitigation, isn't cutting it. You know, if, if, if you are going to have if you're going to produce them in a certain amount of runoff is going to still, even with your mitigation, have a significant impact, then you haven't adequately mitigated that. And you can ask for additional information from the applicant as to what mitigation what additional mitigation that may be proposing to address any of these concerns. So, it's not necessarily whether they've just not made an effort, but whether what they're proposing is adequate.

Mr. Smith: Alright. So back to Mr. Urda. So, Alex, you've looked at the site and you feel confident that they have significant sorry, significantly taken care of what needed to be taken care of in that, in that slope, as far as run up and so forth.

Mr. Urda: Yes. A couple of things I look at first look to see if they're going in fact, more than an acre, which they're not that acre threshold triggers and things within our Mr. Santorie for the town, as well as what the EPA and DEC require. When it's under an acre, we have the ability to still regulate it similar to a stormwater permit with the BC. If we want to, in this case, I didn't feel a need anything, her, an acre of disturbance, usually the state deems that are nonconsequential to the site. And then, then we got to the town to look at and looking at the confined areas. Aleta mentioned, there are a couple of ditches on the one side of the access road. They do get into an area where that's indigenous, but George can correct me if I'm wrong. They've got check Dan's in a ditch that are standard practice that the state likes to see. It's my understanding those touchdowns are going stay there. They help slow down the water. They help filter it. It is a small area that gets into those from the road. But what they do is they discharge that back out on property, where it can spread back out and you don't actually change the drainage paths, onsite, everything still flows and what appears to be mostly a Southwest fashion still when they're done. So, one of the things that concerns me is when a road goes through it, but actually changes, drainage flow a totally different direction. In this instance, everything checks out.

Ms. Kinne: That was later on in a later question. It does say there is a stream involved that this is the other side of the Hill. Now we'll get into that later. I know, but

Mr. Brewster: Anybody else really quick at this time, I'm, especially with the engineer and the drainage coordinator, and I forgot to mention our planning board have all given favorable recommendations in general and, and especially Alex with no engineering concerns that I think this is, this situation is pretty, pretty minor, especially with mitigation factors. So, I defer, we, we went with a small on this and, and continue on there's. I think there's many, many other points we've got to get to

Ms. Kinne: What you had to up there besides me say moderate.

Mr. Brewster: Well I, again, I can go with it.

Ms. Kinne: I would like to hear what their opinion is now.

Mr. Smith: Okay. So, who having been on the environmental review board in the past listened to a lot of Mr. Urda's explanation sent out. I'm satisfied. I, I can I can go with small okay. For this point. And so, we had, Joe was small and we have Melanie was a was a moderate, I believe if I heard that correctly. Yes.

MS. Pandich: With the engineer's explanation and the proposed mitigation, I can go with small.

Mr. Brewster: Okay. That's a consensus. So, we'll, we'll do that for resection B their number C the proposed action may involve construction on land, or a bedrock is exposed generally within five feet of the existing ground surface. I'm not seeing that in the diagrams or anything. So, we can, we can probably go with a no, or small on that. Anybody have anything different? They're not, they're not tearing out the hillside. Okay. Let me give that one a small the next one calls through the proposed action excavation removal of more than a thousand tons of natural material. That's D to a, do we see any right here? No, there, Joe, are you on top of that? I think you mentioned that earlier when we were talking about it. Right. I doubt it's a thousand times. Yeah.

Mr. Brewster: Here. Okay. Looks like we've got consensus on that for a no. We'll go with that construction that continues for more than one year or in multiple phases. The project he did less than the plan here as six months. I mean, it did say multiple phases, but it's not, it's not going to meet that year threshold. No, the multiple phases. Okay. Right. It didn't, it didn't seem to be the case there. All right, we'll go with no the proposed action increased erosion, whether from physical disturbance or vegetation removal, including from treatment by herbicides. So, we, we are still waiting. We've got some herbicide information to look into. I can, I could accept the table on that until we get more information. However again, the erosion would be covered by the drainage mitigation plan and the engineering concerns are not for lack of there is some concern of removal of trees and everything. So, I don't think that rises to the level of moderate. I absolutely think it would be a small project. Wait so small stormwater discharges will take place, but will not flow into adjacent properties and the project minimizes storm stormwater runoff. So, they do have a run off and, and drainage and siltation plan. It says it to the project does not require a SWPPP, which we have determined. It does not require SWPPP. Perfect. Alex did. And the project includes some paving or construct some paving or construction of impervious surfaces, but runoff is controlled where they sweat work. It's covered a small percentage of the car. So again, I, I, this falls into that other question as a co Corolla, each of the other questions. So, I think we're, we're implored to, to choose small on that, given the evidence from our experts feel free to throw out a question about that, or, or we can go with small. Does anybody have any real, real, real tall heartburn that could push that to moderate? Without interrupting with evidence, actually I need, I need evidence. Okay. We'll move that too small. And the coast this, this property is not located in a coastal erosion hazard area. If it is, we'd all be in trouble. So, we'll put that as a no. And does anybody have any impacts to consider other impacts? I don't, I think this is fairly comprehensive, the impact on the land, but if you thought of something now is the time to, but it didn't the other okay. With that, we'll put question one to bed. It is a, yes, it is mostly a, no, we need clarification on the water table. So that part is left as a, tabled,

Mr. Urda: Yeah. While we were discussing, I did pull up the soils map and the sound bite for that question matches up with what George has input earlier in the paperwork. It's a Martin type of soil for some reason. NRCS has it listed at 24 inches to 36 inches, but we called it well-drained, I don't know how you well-drained and have water at 44 inches. You know, it's one of those odd way now the soil report that doesn't make sense to me. Okay.

Mr. Brewster: I don't know either. Well, again, we will get further clarification in a deeper understanding of that. Maybe they can go beyond the NLCS or NRCS and provide some something on that I would lean with small because I don't think it's really going to have an in fact, but, but it's, I'm satisfied to move forward impact on geological features. You know, trying to keep up in the workbook here, this one I can't see under the guidelines really any reason to, to call this one, even a yes. The first one. So, does it have any proposed action results, modification, destruction, and give it access to a unique or unusual land forms on the site? Cliffs, dunes, minerals, fossil caves each of G shuffling his papers? The, answer's no, the answer's no. So, in its entirety, I would recommend that would be a, no for question two, if we can just kind of like Nick, if we can have a little chime in by everybody on that. Sure, kind of the fact of a voice vote of agreed or does not agree. No, no, no. We're number two. Yep. Okay. So, moving on to number three, the impacts on surface water.

Mr. Santorie: I read that question to say surface water. That's already existing for Alex. Yeah. Alex, do you agree with that existing surface water?

Mr. Urda: Correct. It's looking to see if we're impacting wetlands or other surface waters being streams, rivers, pond, or Lake. There are none of those,

Mr. Brewster: Correct. I would say.

Ms. Kinne: I disagree the applicant himself. The stream, my number later on which happened Number stream happens to be okay.

Mr. Urda: I believe that's just an answer as to where it flows to both imminently completing offsite locations. I'd have to find that Elida on site go onsite specific to the project. We don't have a stream on site, But I mean, we can look at it as if it's, what is the impact offsite, Right. Well, I guess what bodies of water are near there, castle Creek is down not necessarily downstream, but it's in the, it's in the basin where runoff will eventually get to

Mr. Santorie: All run off for the whole mountain. Right. I don't science,

Mr. Brewster: Overland flow, it's called and, and channelized flow.

Mr. Urda: Okay. So that one is it's on the other side of the highway and about a half a mile. [inaudible]

Mr. Santorie: That's coming up. That's on the year after that stream is as well. Amanda owner owns two different properties split part of it on one side of the street and the other side is on the other on the other side. So, there's a stream on the other side and I believe it's considered a well now, which is, this is very far away from the actual site. So, when you, when you make the here, you ask, you choose them specific property click on the parcel. It would come on because of that, then it's, then it's far the actual site as far from where you button answer. It's on the side of the street. So, if you look at the shape of the points, you can see that

Ms. Kinne: Defend my please, George, I called you in that way back then also I talked with Alex that water comes down to 81, but then it comes under 81 across our land to the Creek. The state has the right-of-way across that property for that water off that Hill to get to the Creek. So, what do you need when you name the street hassle Creek? It is coming downhill under 81 to the street. So somewhere in your poor and one, your name that stream by number, which is the number for castle Creek.

Mr. Santorie: Well, that stream isn't on the property, that it doesn't run it through it.

Ms. Kinne: But it's in the 5,000 miles or 150-hundred-foot rate it's on the list, the land. So, our land is on the West side of 81. And we're on that list of property owners put in 1500 feet.

Mr. Brewster: Correct. But I don't think that applies to the section in the app is asking of any portion of the project site contain as well and hazard their water bodies project site, the entire parcel almonds. So that any sunscreen that's in your property, the different properties, it's all questionable to what, to a point. I see it, you are valid with that, but there are some suggestions here that do involve water quality is setting and, you know, it addresses water quality within or downstream of the site. So, it's something that's to be concerned, but again, we go back to the, the magnitude and the scope and the extent of, of influence. So, which I think, which I think is when you're speaking to her or alluding to it's certainly what I'm thinking about, but yeah, I'm pretty much, I think that's, I know at least

Ms. Bell: And there's a member's stream. So that's, that's all the same part, two ways to some extreme that's outside of property that doesn't go home. If I may chairman to just for the comfort of the board as a whole, you can check yes. And then just go through a, through A1 and address those items each and every one, if they're all like a check. Yes. But they end up being noticed small, at least you've addressed everything. And if he goes through and there's something that's moderate to large, it'll cover that. But if the board has a whole that they have some concerns with just checking, no for the attorney you could go through.

Mr. Brewster: Yes. I would, I would absolutely agree with that. So, so let's give it a yes and rundown a, through L a L being other, but we'll run down sections a through K and that way I can use the helper here. Okay. So, part eight of the proposed action may create a new water bite. Absolutely not. Great. They're not planning upon with a cell tower. Proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. I would say, no, they're not really. They're not going to adjust the water body. The proposed action may involve

dredging more than a hundred cubic yards. No, we've already discussed the, that they're not dredging. No, the proposed action may involve construction within or joining a freshwater tidal wetland. No, you're not title or wetlands. Parking, the proposed action may create turbidity in a water body, either from Upland erosion runoff or by disturbing bottom sediments and saw some shaking heads. I would say it's highly unlikely, no remotely possible in this case, but highly unlikely and therefore a no or small F the proposed action may include construction of a one or more intakes withdrawal of water from surface water, no pumping, no water body, no pumping, no. Listening for the agreements or nays. Okay.

G the proposed action may include construction of one or more outfalls for discharge of wastewater to surface waters. Wastewater is different from stormwater, correct? Yeah. There's no, again, there's no surface water. So, there's no district correct. The proposed action may cause soil erosion or other otherwise create a source of stormwater discharge that may lead to siltation or other degregation of receiving water bodies. No, no. To potentially small, but certainly nothing else. Okay. Those actually may affect the water quality of any water bodies within or downstream of the site of proposed action. And I will, I will lead off with a smaller and no, and let that be up for discussion while I come up to the clarification, if we need it, does the board need clarification on this or are they comfortable with the small to no small? Yeah, I'm good. With a small impact, if any small, okay. Small. It is J the proposed action may involve the application of pesticides or herbicides in or around any water body.

There's no water body on property. Correct. Very good. Okay. No, and the proposed action may require the construction of new or expansion of existing wastewater treatment facilities. No gym, no toilets up there. George, just kidding. Don't answer that. Oh, sorry. We move on to, I'm going to, I'm going to assume by all the knows, we really don't have any other to add. So, we'll move on to part four which is the impact on groundwater. I would offer in the location of the property being on mountain and knowing the, wells and the depths, roughly everything that this will, will not have an effect or would have a small effect because there's actually going to be storage of petroleum chemical products, that it would have a small effect we can check guests and go through with, or this would, we can agree on a bulk know for impact on groundwater. It's up to you.

Ms. Kinne: Mr. Chairman, I would like to check because of the questions app in G we're waiting the answer for the pesticides or herbicides.

Mr. Brewster: Okay. we let's discuss that. Get a definition of what a bulk storage is. There is a number 1100, 1100, correct. In part one, they qualify that for petroleum as 1100 gallons or more chemical products. So, got 1.5, one 85 and 85.

Ms. Kinne: Mr. Santorie mentioned the aquifer, which he has admitted his over in that group.

Mr. Brewster: Right. That again comes up with in the, in the, the automated mapper. Yeah. Yes, we, we're pretty much all, over an aquifer and more of an issue if we're dealing with a property down on the flood, plain, and even then but certainly, you know, on the mountain any, any kind of mild application of pesticides of the, the, the amount that I think that they would use or which I think would be pretty much any, any commercial or farm operation would mitigate far before reaching the aquifer, which are.

Mr. Urda: This is Alex as a reminder there that in G they qualify that with application within 100 feet of portable drinking water or irrigation, correct. Yep. As long as George stays outside of that, a hundred-foot threshold from neighboring, well, for irrigation source, you can get him to confirm that now potentially,

Ms. Kinne: Do we have a distance of how far it is to the well. This could be the pesticide that could be from the roadway. So, we would have to figure the distance from the roadway for those holes, even to the, Parameters.

Mr. Urda: What section are you referencing there? Part two itself, you finished out G it says within a hundred feet just for quick reference. Well, I don't know where the neighboring well is. I don't have an answer to that.

Ms. Bell: So perhaps that's information the applicant can get, or the other items are a through E all no too small for the board with leaving a G a question mark, as far as where the neighboring family wells are. Yes, yes. And I'm sorry.

Ms. Kinne: Yeah. This wasn't F questionable, totally finds out about,

Mr. Smith: They answered that. No. Okay. Right.

Ms. Kinne: How much chemical was going to be stored?

Mr. Brewster: Well, I think we've established, it's going to be under the predefined seeker requirements of 1100 gallons that raises flags and it's over an aquifer, but again, these aquifers are, are, are deep. There's, there's two, usually there's a shallow and a deep aquifer and don't ask me to name them, but either one we're way under the required gallonage of environmental. So, under 12%, so yeah. Yeah. It just can't, it just can't achieve moderate.

Ms. Bell: So, the question would be for the applicant to address gee, what the proximity is of the neighboring landowners, or even the property themselves, what their, where their wells are.

Mr. Santorie: Yes. Yeah. I don't think pesticides would be an issue. We get someone in here now. Yeah. So, I would lean towards trying to influence students in here by, I definitely think it's no small impacts, you know, if they're wrong. As the science turning, as far as Alex, I don't recall from before where he said they actually used the, is it the roadway edges, or just at the power and fence it, if they were going to use it. I mean, the actual, the actual disturbance doesn't start until we branch off from a landowner is tribal languages pretty well on the phone anyway. So, I'm going to use Airbnb to somebody building it, so that would start rolling. Okay. So, they want it left open for the potential to be able to do roadway.

Mr. Urda: So, say that again. Sorry. It sounds like, sounds like the feature editing for the power wants to be able to potentially use some sort of pesticide for the roadway onward onto the power site. I guess it is very specific size we can find.

- Mr. Santorie: I think it's, it's a major challenge. We're not pesticides, you know, a big form of something like that. So right. The roadway, it goes along the tree line. If you don't have to get that side.
- Mr. Urda: Pardon, just to clarify for George that if he doesn't have a detailed answer, that's become a major issue. I think it's probably best to just come back and around and get pesticides in it. If you want it. If the board wants to leave it open, you can sit in, but we'll get more. Won't get more. I'm working more with verification. Exactly. What's more,
- Mr. Brewster: Yeah. I would recommend we leave it open, especially with that fairly stringent 100-foot distance from potable drinking water or, well, like, like Alex pointed out. And I think we kind of need to see the, see the points on the, on the land for the, before we can say, ok fair enough.
- Mr. Brewster: Yes. On groundwater with everything. No, except for gene, which is a table for more information. Thank you. Okay. Moving on to number five flooding, I would be prepared to mark that all as no, and I come under good authority to say that I would agree, sir. Yup. And we've already shown Alex prove that they're definitely not in the 100 or 500-year flood plain. Again, we'd be in trouble. Well, okay. Well, we've talked about that. Okay. That's fair enough.
- Mr. Santorie: You said it doesn't modify does not modify current drainage. Water is still going to flow the same way out. Alex said that earlier.
- Mr. Brewster: It's not new pathways. I mean, to be complete, we can just mark it. Yes. And I can go through and mark, all of those. No are small. Just, and that will show that we've just we, and in fact, we have discussed the a hundred, 500 and drainage, so it may make more sense to, to check. Yes. And I'll just rip through those because we do agree on them.
- Ms. Bell: So, it certainly makes the record more complete.
- Mr. Brewster: We'll mark it yes. And then continue down with a no, I'll put, I'll put an S in the box just to note that, you know, it could be a small, existing drainage pattern issue for attention. I think we're good on flooding. Number six impacts on air. I see no combustible issues here. I don't see any emissions. I'm thinking this one we could actually give a no. Okay. Very good. Number seven impacts on plants and animals. Any, any thoughts on that? I'm actually kind of open to that.
- Mr. Eldridge: The only thing that I'm, thinking here is I do know that the Smith's pretty close to where the construction site is. Do you have a lot of horses know, and there's been a lot of studies out there with horses and radio frequencies? Just that they're pretty close to that area. So, I mean, that could affect their animals.
- Ms. Bell: Correct. The only thing I would caution here under the telecommunications of 1996, the impact of any radio frequency is not centered because the federal government has already said,

Mr. Brewster: Right. I was, I wasn't missing the very beginning to not, to not bring that. I had thought about that. Thank you for that clarification, we can't tell them.

Mr. Eldridge: I wanted to bring that up because like, you know, as a, I'm just thinking as a homeowner there, if I had horses like that, especially the ones in the houses, there that'd be a concern for me,

Mr. Brewster: Absolutely valid point to get on the record and we've clarified it for you. So, thank you. Anybody else have anything with animals in pertaining to the actual physical disturbance of the site? I can, if there is, I can get that section up here for, or we'll just categorize it as all no.

Mr. Eldridge: Yeah. Apart from that, I say, no, but,

Mr. Brewster: Well, again, I, you know, I can go, With all yes. and then we can identify each one. There's only six of those more than I was like. That's okay. So, part a do we expect any reduction in the population or loss of individuals of endangered species on or near the site? No agreement. Great, great. Proposed action reduction or degradation of any habitat used by any rare threatened or endangered species? Not easy to, Oh, I believe there was none that identified. And usually there isn't except occasionally a frog around here. So, so habitat, even though they're taking out trees, there's nothing for rare or endangered. So, I'm, I'm afraid we'll have to go with no or small. I mean, it's, going to affect some habitats, but nothing in danger agreement for B just yell out.

Board: Yes.

Mr. Brewster: Yeah. That's good. Proposed action may reduce the population or loss of individuals of any species of special concern or conservation need as listed by New York state or the federal government that use the property or near the property. And that was each MP, which was designated as no out of the software. And again, as my experience, it is somewhat rare in, in this area and qualify it that way. So, no agreement discussion, or is that a no? Okay reduction of degradation of any habitat use by any species of special concern or conservation need, did I just do that? Yes. I did know how old the habitat so protected habitats disturbed, protected habitats of New York state or federal government is the best paraphrase for that. And I think that goes along with the rest of it with no proposed action diminishes the capacity of a registered national natural landmark in supporting the biological community. No agreed, agreed. Bose action and result in removal of, or Brown disturbance in any portion of a designated significant natural community?
I would say no, but I'm definitely, we're open for interpretation on, on that. If anybody needs it, otherwise just say agree. No, no, I agree. And no. Okay. None that we know of, correct. Nothing substantial. Okay.

Mr. Smith: Not that we know of.

Ms. Pandich: I agree with that.

Mr. Brewster: The proposed action may substantially interfere with nesting breeding foraging or overwintering habitat for the predominant species that occupied or use the project site? I believe none have been identified. I certainly think that it would be small, just disturbing and habitat. Well I think the predominant species on the site is human. Yeah, actually they George birds and Woodland animals. Okay. Alright. Yeah, there, and we've yet to the other questions would have pointed out the special birds or wild animals or infant amphibians, et cetera. So therefore, I, I think that's a no, a small agreed.

Board: Agree.

Mr. Brewster: Post actually requires conversion of more than 10 acres of forest or grassland. There's tree removal expected, but certainly not 10 acres worth and other factors going to that, but not 10 acres worth. Go with a, no again, another herbicide question. We can, we can leave that open for further information for specifically proposed action commercial industrial or recreational projects involves the use of herbicides or pesticides. Well, small at best, however, we've, we've opened it for free for other questions for future information from George soon as we'll leave it that way for now as well. On that one. Okay. Okay. And impact on agricultural resources. Yes, sir.

Mr. Urda: Maybe, should we put Joe's comment about the horses and your input on the RF on her other notice?

Ms. Bell: I would, although I can't be considered it's something that has been raised in the health concerns I believe by the public. So, there's an acknowledgement of it, but that support can't consider it.

Mr. Urda: Or maybe we can you help with brief for other impacts.

Ms. Bell: I think what can generally be acknowledged is a public health concern has been raised by members of the board as well as the public, but under the guidance of the telecommunications act of 1996, it is recognized that this board is precluded from considering the health impacts from the radio frequency of the tower. Does that work for everyone?

Board: Agree.

Ms. Bell: Well we're acknowledging it. And we just, unfortunately don't have any, the, our ability to consider that has been taken from our hands.

Mr. Brewster: Thank you. Okay. Moving on to the halfway point. No, not point, but impact on agricultural resources, pretty much sure. We're going to have to check this when he asks and go through it. Unless somebody disagrees, then we just go with a no, I think that'd be, but there are definitely agricultural concerns that have propped up. So, I think we should go, should go through as best we can. So, the first one, the proposed action may impact soil classified within social groups. One through four of the New York state land classification. Need to see three B, I believe this is a five. Oh, that's the January so long, but there was...

Ms. Kinne: George had a note there somewhere that notice not available somewhere. I'm an answer he has not available. It was (inaudible). That's something wasn't available. I'm not sure what.

Mr. Brewster: I'm not saying I'm not seeing that you can make your comments and seeing where you're seeing not available.

Ms. Kinne: Somewhere in your number one report. I don't have the page number.

Mr. Brewster: Well, the way it's going to be, it's going to be nowhere small. Right. So more than likely. Okay. So, the, each is Beth January silt loam and the ECB section, which this is referenced to is the is a no, I'm not in class one through four. Okay. So, we'll go with the note on that, whereas no small proposed action made separate cross or otherwise limit access to agricultural land, including croplands hay fields, pastures, your vineyard order orchard, et cetera. No. Okay. I was, I was going for the explanation, but I hear a lot of no's as long as unless they're going to have a lot up there. Right. So, the VARs field, anyway, it's not like it's crossing a valid point. We'll go with no proposed action may result in the excavation or compaction of the soil price profile of active agricultural land. We've gone over excavation of active agricultural land. Don't think that's an active agricultural land. Perhaps technically because I, I believe the farmers even have horses. So, I think technically it would be, but I don't think the really, they're going to be the scope is not impactful enough to, to reach moderate and in my opinion, okay, we'll Mark that as, no, yeah. I'd say moderate there, but I'll go with no. Well, again, it's a moderate, it's pretty high bar for the, the scope of the project. I can, I can briefly read here. What so moderate to large impact on this is compaction of the soil profile is long term and done in a way that the land becomes unusable for active farmland and a large amount of excavation is planned. So that there, there is little or no active farmland remaining, you know? Yeah. We, we, we just can't achieve that, that level of impact. I give it a small not that it matters, but for the record, it's a small for sure. The proposed action on part D may irreversibly convert agricultural land to non-agricultural land uses either more than two and a half acres. If located in the ag district are more than 10 acres, if not with an Agricultural District. And I believe we already covered that earlier in the discussion of part one, Oh, actually no, to just make the declaration of, of unlisted. So that was very early on. So that really cannot be anything but a no great confirm. Okay.

Ms. Kinne: Is there any way that we can correctly determine the amount of acreage?

Mr. Brewster: We're just sort of guessing right now, we're not actually they've provide for providing us with an impact that they estimate of 0.9 acres, but they also included a little project. I believe project size was up to no more than 1.5. I saw those two numbers in there. Yes. So again, looking, looking back to the beginning, there's a formula for being in an ag area. If you're not in an ag area and you, you, you, you need to, you need to disturb more than 10 acres. So, so we're, we're under that two, two and a half. And I, I know, I know where you're coming from Aleta and

Ms. Kinne: 1.5 that he mentioned does that include the roadways?

Mr. Urda: We've got some long roadways there, but wouldn't the roadways wouldn't be considered irreversible to agricultural record. They could easily be converted back to agricultural. After a car was abandoned. Just to clarify, this is Alex in that questioning for the 1.5 acres. The question in part one is how much acreage is controlled by the applicant or project concerts. So, the power entity itself is going to essentially have a lease hold of a presume, 1.5 acres. They're not disturbing that or utilizing all of it necessarily, but they're going to control it. Legally 0.9 acres is the district.

Mr. Brewster: Okay. So even if we use a 1.5 is an upper bound, Alex, we're still, we're still under the under the, the agricultural district threshold is I think my point,

Mr. Urda: True. They didn't even control enough the, to meet that threshold. Exactly. We don't include the roadways. Roadways are included in the 0.9 acres.

Mr. Brewster: Okay. So, we're on a no, or a small to that actually pretty much a no for that. Number eight, the proposed action may disrupt or prevent installation of an agricultural land management system. No and just for clarity, moderate would be development brings large numbers of non-farm uses and dwellings to an area which can prevent installation of land management systems. So, we can't even come close to that with this project. The proposed action may result directly or indirectly in increased development, potential or pressure on the farmland, no agreement on that suggestion. Okay. Proposed project is not consistent with the adopted municipal farmland protection plan.

Ms. Bell: So, this one that you needed some clarification on, as far as the County. What is required with the County, that the town does not have one but the County does.

Mr. Brewster: Okay. That was fine. Okay. So, what can we suggest for that an opening leave it open and, or does, do we have an answer for that through the County?

Ms. Pandich: I have a note that they're going to go back and look into the County plan. I would say leave it open.

Mr. Brewster: Okay. Thank you.

Mr. Santorie: From yourself or anything like in the morning be able to provide the protection plan for, or anything just to direct us in the right direction for the way to see exactly what that is.

Mr. Brewster: Is John still here that would, I don't necessarily see them on my screen areas. Any way ordinance can look into whether there's a County farmland protection plan or how to get ahold of a John, I will look into that.

Mr. Santorie: I couldn't give you an answer.

Mr. Brewster: All right, thanks. We'll try George. We'll try.

Mr. Urda: Hello. This is Alex. Just, you looked through the workbook. Some of the questioning for small impact is if the proposed project occurs on lands that are not currently farmed and

are not part of the critical math department identified in municipality. I wrote that helped you know, and others have changed to the site impact community goals to attract agricultural related businesses, such as a food processing plant, got some odd, hard, small impact questions there that you can look at.

Okay. Thanks. We're on to number nine now. Here we have the impact on aesthetic resources. I just did roll out under eight? Did we have another, this can be thorough.

Thanks. no, you're fine. Thanks for catching that. Do we, do we have any other to address? Was there anything that cropped up in our earlier discussion of part one? I don't, I don't think so on this particular section, fill it in with them. No. Okay. Now we're to impact on the static resources. And here's the, here's a, a bit of bad news. I just got information. This assumed meeting is timed apparently, and we have approximately 30, not even 30, we have 20, 25 minutes left. So, we're going to have to make some decisions coming up here. Cause obviously we're at halfway through what they are. I don't know. I'd like to get a discussion going on number nine before the shock clock runs out. But

Mr. Urda: Nadine, this is Alex, just a quick question with the lingering pieces. We've got four that we say need more input. Within that 20 something minutes left. I mean, we, even if we had two hours or ten hours that those linger and items, they can only decide tonight with those. No, that's correct.

Ms. Bell: They're given the questions that still need to be addressed by the applicant. There is no question that tonight a declaration is going to be issue positive, negative, or what have you. Please continue until the clock shuts. They can continue to see what information, if any, they will need from the applicant to be able to be in a better position to make a declaration, whether it's at the next meeting or another special meeting or what happened. Thanks Jim. I thought I would interrupt them,

Mr. Urda: Throw that in to help with your time consideration.

Mr. Brewster: No, thank you. Any help is greatly appreciated in this endeavor especially since you've been around the block on that. Yes, God. Just wanted to ask the rest of the board. Are there any questions that you already have on the remaining parts of the section that, you know, for sure are going to be a question so they can be added to the other information that needs to be gathered rather than have it come up in the next meeting,

Ms. Bell: Just offer looking very briefly at the items that remain. It would seem to me that in the time that remains the focus on aesthetic resources, that's been something raised by the public as well as board members and impacts on the was trying to find a very quickly, but on the neighboring property owners, as far as any consistency with community character or community plans, those would seem to be some of the larger issues before the board, versus for example, impact on transportation or impact on energy.

Mr. Brewster: Correct. So, the course of action we could take would be to, I actually, you know what, I was going to flip it around, but let's do, let's do this. Let's attack those sections before the clock runs out. And so, we can establish that, just what she said. But, and, but nine has happens to just be one of them that we need to, we need to attack so impact on the static resources right off the bat. We're going to check that one as a yes, and go through

the, the particular points. First section is the proposed action may be visible from any officially designated federal state or local scenic or a static resource. I'm sorry, what was that? I heard a no, and I heard something else.

Ms. Kinne: Does that include the parks that he mentioned? Wolf Park and Chenango Valley State Park.

Mr. Brewster: Oh, okay. I'm sorry. You can't see him from there. Right? I believe there was a the visual isn't readily available to me, but I, I looked at it before and I believe there's a very, small chance bordering on that park. Quincy could see that, but as far as I know.

Ms. Kinne: Jim, my mistake,

Mr. Brewster: Oh no, that's fine. The moderate that's going to rule out both of them

Mr. Urda: Verbally. Yes.

Mr. Brewster: Okay. So, so the, the number small box can be checked for, for that one in particular, especially based on the conditions of the officially designated B the proposed action may result of the obstruction elimination or significant screening of one or more officially designated views, scenic views. And we, in my knowledge do not have official scenic views. So, what's the what Scott,

Mr. Smith: We have any officially designated scenic views?

Mr. Urda: Syracuse locally, to my knowledge. No, I'm not aware of any

Ms. Bell: Based upon the information in the part one. It appears no information, the applicant.

Mr. Brewster: I agree. Okay. Do we agree on that? I, I need to hear just to cut a few voices. The proposed action. See the proposed action may be visible from publicly accessible vantage points, one seasonally or two year-round. So, there's two check two check boxes. Well, there's two, actually it's both or B to be addressed. So, there's no accessible vantage points around there will publicly accessible, maybe see it viewing spots identified, identified road, pull off center, overlooks parks and greens road sections with a scenic byway or other locally designated spots. These are ones where these are locations where one can view a scenic or aesthetic resource, right? So, it's not just a drive by it's a designated spot with a view. That is what it appears to me to say. Yes. So, a

Ms. Kinne: It's definitely visible from Route 81, but that might not be considered a

Mr. Brewster: True, true. I have never seen a scenic byway designation in that particular corridor nor have I on route 11 for that matter.

Ms. Kinne: You have to live here you could see it in the fall.

Mr. Brewster: Well, that's fine. And, but unfortunately this particular question, yes. Okay.

Ms. Bell: I was just going to ask that, is the board thinking notice small on that? Yeah.

Mr. Brewster: Yes, I think we have to, yes. Okay. Section D in the situation or activity in which viewers are engaged while viewing the proposed action is one routine travel by residents, including travel to and from work and to recreational or tourism-based activities.

Ms. Kinne: Yeah. That's why I mentioned 81.

Mr. Brewster: Well, that's fine. For this particular section and there are no clarifications on small or moderate for that. That's purely subjective.

Ms. Kinne: For me. It's moderate.

Mr. Brewster: From the, from the views, the view sheds pictures, especially the closer you get. No, it's right there. Yeah.

Ms. Kinne: They are going to and from work on Brotzman Road also Route 11 and 81.

Mr. Brewster: Yes. And, and we would I would probably argue a similar thing for recreational or tourism-based activities. I, I kind of, let us up number one first. So, so that what is floating to, to moderate I think is a pretty solid on that. And then recreational or tourism-based activities with the exclusion of people going on vacation and driving it, Heidi one, which I think is, you know, it's small, you see towers everywhere when you're driving. I don't think anybody's hiking or there's no hiking or state parks or anything like that there. So, for that one, it would be small. Yes.
It might be small there, small parts, but there aren't any big parks for lots of people in terms of recreation correctly. Yes. Okay. I'm sorry. I want to make sure I'm okay. This one. So, time is 9:30. Okay. He, the proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. When a proposed project is part of, or visible from a scenic or aesthetic resource, it will be viewed by many different people in different circumstances. This question explores whether the project site is in a location that will be viewed on a daily and constant basis by members of the community and or if it is within a location that also has an important role in the recreation or tourism economy of economy of the area, both are important and changes to the aesthetic resources may have adverse impacts, et cetera. Do we need examples for the small versus moderate?

Ms. Pandich: Yes, we do. So, for moderate, the project site is visible from major roads and highly traveled routes used by many residents and visitors. The project site is visible from, is in or obstructs a scenic resource that plays a key role as part of a recreational or tourist asset of the community and is invisible. And in sharp contrast to the scenic resource and surrounding land uses will significantly reduce enjoyment and appreciation of the scenic resource.

Mr. Smith: That's moderate to large. I would agree with ladder it by the fact that is seen by anyone and also by significantly the neighbors in the area on a regular basis. I hear from anybody else on that, I'm going to add a moderate.

Mr. Brewster: Yes. I would tend to agree, go with the consensus on moderate there. The next one, there are similar projects visible within the, within the following distance of the proposed project. And it gives a range of projects or other, other entities at varying ranges.

Ms. Kinne: It's a North end to the South three miles.

Mr. Brewster: Then within the three to five miles.

Mr. Smith: Existing towers. Yes.

Ms. Kinne: Then Smith Hill Road and Hyde Street.

Mr. Brewster: Okay. Let's see what let's see what the classifications can be.

Ms. Kinne: We have maps in our packet. There's more that show that one of them was less than three miles from the other one is about three miles.

Mr. Brewster: Okay. So, a small impact, the project is fully or partially visible, but there are other land uses of similar scale design density, dimension, or location, both nearby and far away. So that the context of the scenic resource does not change moderate. The project is visible, but there are none or very few other land uses of similar scale design density, dimension, or location nearby. So that the context of the scenic resource changes and the proposed activity will be in sharp contrast to existing resources. So, these small, I would say small there's nowhere. They can be minor, got some smalls.

Ms. Pandich: I agree with small.

Mr. Brewster: Yes, it's borderline, but I think it's I think it favors small in my opinion. Agreed. Do we have anything else for other impacts I did want to point out and I think this as far as seasonality goes the input from the public through, through the attorney talked about visible and year-round. Any, you stated that in one of the cases the homes are only 788 feet away at 816. And there was an issue with checking a certain box for suburban residential. And I ran a check on the zoning of residential versus agricultural and the land tool and the nearest, and I'm just literally just going by the official zoning. The nearest, suburban residential area is about a mile away. So, I think this goes back a little bit, but I think for completion there, we even though there are homes on the agricultural, I'm sorry, what,

Ms. Kinne: What was the mile away? I missed that, you said residential.

Mr. Brewster: Yes. There were, yes, there was, yes. Suburban residential was claimed by the applicant to be approximately a Y a while, a mile away. But there are residences within just

several hundred feet. Yes. Well, that's, that's true, but they're agriculturally zone. So officially what was recorded back in actually part one, I didn't mean to jump like that. I thought it was related, but is correct. The nearest residential area is a mile away

Ms. Kinne: Mr. Chairman, good. That letter or that email be read as it was requested to be officially part of the record. Right.

Mr. Brewster: It will be officially part of the record, but I'm thinking I can't read it today and get guess what we need to get through. So, I think, okay, I'm just going to paraphrase now because it goes into visual representations of, of the so we'll get to that at our next meeting. As we're going to have to, I will, I will actually bring that up in its entirety, cause we're probably going to have to review some gaps here when we get information back from, from George.

Mr. Carl: Jim, it's Frank, if I could just make sure that you close the meeting and don't let zoom. Just run out, I will see you have actual closure for your record.

Mr. Brewster: Right. I'm going to have to do that. Actually. Now we're at 9:36. So, we need to recap where real stop at the end of nine here. We'll need to the recap for George on some of the issues that we'd like to see. So particularly for, I think he's covered the, I think we've covered everything and he's probably taking good notes before, but nine needs to really be recapped. So, we've been, and I'm needing please feel free to help me out here, but we need to so we have some moderates here at George, which are going to go up, you know. They're going to be raised up when we eventually get to our decision. So, when they need some mitigation in order to help get help yourself, get back down to a no to small impact.
So please look into those particular aesthetic comments that we've flagged as moderate which I, I don't really know exactly what you would do, but that's something that's going to be additionally important for you to look into. Can you tell me all right? Sure, sure. Look into 9 D.1, which is I won't read it just 19.1. We've flagged to a moderate and you've met them. You've read the criteria and also 9. E when you flagged as moderate pertaining to the criteria within SEQR.

Ms. Bell: So, Mr. Chairman given that the board is all present, is it the pleasure of the board to have another special meeting between now and the 28th? Is it a pleasure of the board? Cause you've already published that for a public hearing. Do they want to try to address this remainder of this before the public hearing? However, if that that is going to be in person, I believe. So, you're not going to have your time limitation of three hours by zoom, right. How does the board want to handle the remaining environmental review?

Ms. Pandich: Are we still able to do our public hearing in person with the exception from the governor?

Ms. Bell: Yes, you can. You can meet it just has to be pursuant to your, the CDC requirements with socially distancing. And as I understand it, the public hearing is going to be held at the, the garage. Is that correct? That's correct. So that the ability to have an increased number of people present won't be it as initially they clarified, they could do it.

Mr. Urda: Be before the public hearing or ...

Ms. Bell: Yes, no, absolutely. I think I would submit that they most definitely need to complete seeker before the public hearing, wrap that up and then go into your public hearing. So that's why, if it's the board wants to schedule a public, the meeting you've already scheduled the meeting for the 28th with a public hearing then I don't know if the board can try to meet earlier on that same evening so that you still have your hearing at seven o'clock, but that the board can meet. And obviously it's still like public meeting. It just, isn't a public hearing. You could meet earlier and try to address the remainder of this, or you can have another night or you can just do it at seven o'clock. And is that your regular meeting, like though it is. Do you have other items on the agenda?

Mr. Brewster: We do now? I mean, not now, but I mean, we, we did, we did have some,

Mr. Urda: I understand that from a SEQR standpoint, we have so many days from today except instead of leaf, correct. It's like a whole other three months or am I wrong there?

Ms. Bell: Well, they haven't made it SEQR determination yet. There hasn't been any kind of a declaration. They're just going through the form and trying to figure that out. And I would suggest though, because you already had your public hearing and you should complete this beforehand. We're well within any kind of a deadline procedure. And, and of course the applicant category that any of the deadlines that would be applicable under the statute can be waived so that this can be addressed as, as, as required with that requisite hard look.

Mr. Urda: But I was going to ask if there's a motion to move to the next meeting, if yours agreed.

Mr. Brewster: Yeah. Okay. I was a little unclear. He, he has to agree to what now can, can you recap that? I'm sorry.

Ms. Bell: Well, I think where Mr. Urda's going with this is, is erring on the side of caution, but because there are timelines with SEQR as to when things need to be completed due to the circumstances presented by the pandemic that'll be on our control. The board is trying to address that this evening, but you can ask that he waive any of the timeframes that would apply under SEQR to make sure that there isn't a problem with that. So, any motion that you have would be to you just to address that, and I have the applicant in the he's here tonight, you can agree to it, but simply to be an acknowledgement that those timeframes are waived.

Mr. Brewster: Okay. well, we have to do this very, very quickly because we're really going to die here into like three minutes. So, I need to, we'll need a motion to schedule another meeting to, to complete this and, and, you know, have more information as we need it. It's got to be next week. Nope. Yeah. Well, that's the other thing.

Ms. Kinne: When is Ms. Bell available?

Ms. Bell: For another meeting. Yeah. Yeah. Hold on. I'm pulling up my calendar for next week. I've got Wednesday and that's pretty much it. Unfortunately, I have a meeting Monday, Tuesday, Thursday.

Mr. Brewster: Okay. is everybody reasonably good with Wednesday right now?

Mr. Urda: I am unavailable. on Wednesdays.

Mr. Brewster: The other ones, your last two,

Ms. Kinne: Frank, is there a work session?

Mr. Urda: Oh, right. Well, Wednesday we can't do because of the town board. Hey, John's got work session that night.

Ms. Bell: Can you do it during the day? Is there any opportunity for that?

Mr. Urda: I would think it would be before the public hearing. We're all there.

Mr. Santorie: We can do that. I'm going to have to schedule early, you know, five, I mean, hopefully another two hours. We should be good enough. Jim could make a, I noticed you can kind of like make another meeting and by expecting it could continue. I would like a technically different fall from here and like the same tonight, if that's possible, if you set a new zoom meeting now, right. I don't know if that's you want to do that, but I know they turned me down environmentally. We'll close you out now. Via illustrator is not here any longer.

Ms. Bell: The concern would also be publishing the password, getting the information up so that everyone can write,

Mr. Brewster: Right? Yes. we're going to have to the hard shell. Yeah. We'll have to adjourn. I don't know how we're going to handle scheduling a meeting, but with a formal motion. But it, it's probably going to have to be before, before the public hearing and with postpone the public hearing, we'd have to get a waiver from George on another shot clock. That's ticking.

Ms. Bell: The public hearing is that already noticed. But you can open it and then continue it to another date. The shot clock is not off at the end of July. I understand it. So, what you could do is at the next meeting, you could address your secret issues and then open the public hearing and continue it to another date.

Mr. Brewster: Okay.

Ms. Bell: Is that generally agreeable to the board?

Mr. Brewster: To schedule early on 20th,

Ms. Bell: Either scheduled early on the 28th or schedule, just keep it as is, but have it where you start with the SEQR, pick it off and then you open up the public hearing once you complete it and then say, okay, we're going to have to continue this because of timeframe.

Mr. Brewster: Yes, yes. The schedule early on the 2th. Okay. We'll do that. If motion, so motion to continue the SEQR here on during the meeting of the 28th, first on the agenda. And then finish that up and then open the public hearing to continue on. Okay. Moving second and quick roll. Okay.

Mr. Brewster: Okay. So, can I have a motion to continue the SEQR here during the meeting of the 28th (first on the agenda), finish that up and then open the public hearing to continue on.

Motion to continue the SEQR during the meeting of July 28, 2020, finish the SEQR review and then open the public hearing and continue with the public hearing – motion made by Scott Smith, seconded by Melanie Pandich and carried by the following roll call vote:

| | |
|----------------------------|---------------|
| James Brewster, Chair | Voted __Aye__ |
| Aleta Kinne, Vice Chair | Voted __Aye__ |
| Melanie Pandich | Voted __Aye__ |
| Scott Smith | Voted __Aye__ |
| Joseph Aston | Voted __Aye__ |
| Thomas Eldridge, Alternate | Voted _____ |

The motion was thereupon declared adopted by a roll-call vote of:

Ayes – 5 Nays – 0 Absent - 0

Ms. Webster: Mr. Aston- aye, Mr. Smith- aye, Ms. Pandich- aye, Ms. Kinne- aye, Mr. Brewster-aye

Mr. Brewster: All right. And a motion to adjourn this segment,

Ms. Kinne: So, moved.

Mr. Smith: Seconded.

Mr. Brewster: All in favor.

Board Unanimously carried.

Meeting adjourned at 9:47 p.m.

Mr. Brewster: Thank you everybody for your patience and time.

Ms. Bell: Have a good night guys. Thank you.

Mr. Santorie: You too. Thank you.

Here is each impact and after discussion with the Board the results are as follows:

1. Impact on Land

Proposed action may involve construction on, or physical alteration of the land surface of the proposed site (see Part 1. D.1) - **Yes**

- a. Table for more information
- b. No, or small impact may occur
- c. No, or small impact
- d. No, or small impact
- e. No, or small impact
- f. No, or small impact
- g. No, or small impact
- h. No, or small impact

2. Impact on Geological Features

Proposed action may result in the modification of destruction of, or inhibit access to any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, Caves (See Part 1. E.2.g) - **No** - move to section 3.

3. Impact on Surface Water

The Proposed action may affect one or more wetlands or other surface water bodies. e.g., streams, rivers, ponds, or lakes). (See Part 1.D.2, E.2.h) – **Yes**

- a. No, or small impact
- b. No, or small impact
- c. No, or small impact
- d. No, or small impact
- e. No, or small impact
- f. No, or small impact
- g. No, or small impact
- h. No, or small impact
- i. No, or small impact
- j. No, or small impact
- k. No, or small impact
- l. No, or small impact

4. Impact on Groundwater

The proposed action may result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer. – **Yes**

- a. No, or small impact
- b. No, or small impact
- c. No, or small impact
- d. No, or small impact
- e. No, or small impact
- f. No, or small impact
- g. Table for more information

h. No, or small impact

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. – **Yes**

- a. No, or small impact
- b. No, or small impact
- c. No, or small impact
- d. No, or small impact
- e. No, or small impact
- f. No, or small impact
- g. No, or small impact

6. Impact on Air

The proposed action may include a state regulated air emission source. – **No** – move to section 7

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. – **Yes**

- a. No, or small impact
- b. No, or small impact
- c. No, or small impact
- d. No, or small impact
- e. No, or small impact
- f. No, or small impact
- g. No, or small impact
- h. No, or small impact
- i. Table for more information
- j. A public health concern has been raised by members of the Board, as well as the public, but under the guidance of the Telecommunications Act of 1996, it is recognized that this Board is precluded from considering the health impacts from the radio frequency of the tower.

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. **Yes**

- a. No, or small impact
- b. No, or small impact
- c. No, or small impact
- d. No, or small impact
- e. No, or small impact
- f. No, or small impact
- g. Table for more information * – Ordinance to look into County Farmland Protection Plan.
- h. No, or small impact

9. Impact on Aesthetic Resources

The land use of the proposed action is obviously different from or are in sharp contrast to current land use patterns between the proposed project and a scenic or aesthetic resource – **Yes**

- a. No, or small impact
- b. No, or small impact
- c. i. No, or small impact
 - ii. No, or small impact
- d. i. Moderate to large impact
 - ii. No, or small impact
- e. Moderate to large impact
- f. No, or small impact
- g. Closer proximity to residential area:

Respectfully submitted,

Diane Aurelio
Ordinance Secretary