TOWN OF PAVILION PLANNING BOARD

Regular Meeting Minutes
March 15, 2023

Board Members Present: Bill Fuest (Chairperson), Don Brooks, Liz Conway, Gary Kingsley, Scott Savidge, Lisa Sauer(clerk)

Board Members Absent: Lisa Schiske and Tim Welch

Guests: Jim Thater (Liaison to the Town Board), Troy Willams(Zoning), Rob Lapoint(Town Supervisor)

Visitors: 3

The meeting was called to order at 7:00 PM by Bill Fuest The Pledge of Allegiance opened the meeting.

Minutes from the 10/19/22 meeting were reviewed. Moved by Don Brooks, seconded by Gary Kingsley to approve minutes. Voice vote unanimous

Bill Fuest announced that Pat Boyd will no longer serve on the Planning Board and wanted to thank him for his service.
Bill then welcomed Scott Savidge who is joining the Planning Board. Scott comes with experience of serving on the Zoning Board in the past.

Update on Special Use Permit Activity: In December the Center Aggregate/Spallina Materials put in a special use permit application for modification to mining at the McDuffy Pit which is on Pavilion Center Road. This is under the jurisdiction of the DEC. Rob Lapoint updated the Board on the project. He received an update with the full modifications of the Mining Permit which he forwarded to the County and Attorney to be certain this is under full DEC jurisdiction and no local oversight is required. The size of operation is increasing and a berme will be all around the property. No Action required.

Request for Communications Tower on Black Street: The Pavilion Town Board placed a 6 month moratorium on the installation of any new communication towers at the February Town Board Meeting, as current zoning and setback regulations are under review. The Black Street Communication Tower special use permit came in after this moratorium was put in place, so no action has been taken on this application at this time. Rob Lapoint stated, however, that because an application has been submitted, the length of the moratorium has been shortened to 5 months, due to rulings. No action required at this time.

SEQR for Genesee County Water Supply Phase 3 Project: This will eliminate the needs for water towers in Batavia and replace them with pumping stations/transmission mains. The changes should add 7.6 million gallons of water into the system a day. Rob Lapoint provided an update. The water authority is going to construct a very large concrete ground storage tank behind the building on Walker Road. This is on Water Authority property. No action required

White Creek Solar Farm in Town of York: York is putting in a 135 MW facility. In comparison the one approved by the Planning Board on Shepard Rd is 4.275 MW, taking up about 20 acres. The Town of York's facility will take about 3000 acres. We are made aware, due to it coming within 5 miles of the border with the Town of Pavilion, at the intersection of routes 63 and 246, on top of a hill, near school. No action required.

Old Business: Status of the Zoning Code/Setback Update Proposal. The current set back rules specify required distance from property lines. The proposal being worked on specifies required distance from residences, schools, churches, etc. and suggests varying set back distances depending on the project size.

Currently being reviewed by the Attorney. Also under review by the Genesee County Planning Board. Will need final approval by the Attorney and then a public hearing.

No New Business

7:23 pm motion to adjourn by Don Brooks, seconded by Gary Kingsley.
Voice vote was unanimous.

Draft submitted by Lisa Sauer 3/21/23

TOWN OF PAVILION PLANNING BOARD

Regular Meeting Minutes
April 19, 2023

Present: Bill Fuest (Chairperson), Tim Welch (Vice Chairperson), Don Brooks, Gary Kingsley, Scott Savidge(7:07), Lisa Schiske, Lisa Sauer(clerk)

Absent: Liz Conway

Guests: Troy Willams(Zoning), Rob Lapoint(Town Supervisor),Jim Thater(Liaison to Town Board)

Visitors: 3

The meeting was called to order at 7:00pm by Bill Fuest
The Pledge of Allegiance opened the meeting

Minutes from the 3/15/23 meeting were reviewed. Moved by Don Brooks, seconded by Gary Kingsley to approve minutes. Voice vote unanimous.(5)

Old Business: Status of the Zoning Code/Setback Update Proposal-Review Final Draft- Copy of draft was distributed to board members. Rob Lapoint presented the draft to the Board Members, requesting any input.

Some areas highlighted and discussed:

*Clarification around the definition of a standard Gas Station or a Gas Station Convenience Store vs.a Truck Stop,Travel Plaza. The buildings and impermeable surfaces must be less than 100,000 sq ft to be considered a Gas Station/Gas Station Convenience Store. Over 100,000 sq ft is considered a Truck Stop/Travel Plaza.

*The Town of Pavilion did not opt out of the New York State law making cannabis sales legal. Cannabis sales and Cannabis Cafes for on site consumption will be permitted in the Industrial/Commercial Zone. Parameters for signage and exterior display are also defined.

*The newly created Industrial/Commercial Zone that is part of the Comprehensive Plan will now become part of the Zoning Code. This zone is located at the intersection of Rt 63 and Rt 20. Land parcels in this location will not automatically be rezoned, but owners of these parcels now will have the option to rezone

*Multiple Special Uses - In the Ag/Res1 Districts, Special Use Permits may be requested to cover multiple uses, as long as the additional uses are of lesser impact than the primary use

*Setback Changes - Setback changes are being updated for Commercial Communication Tower installations. Also, for all projects requiring a Special Use Permit in the Ag/Res1 & Ag/Res2 Zones, regulations are being put in place around the distance of these projects from dwellings, schools, churches, daycare facilities, and senior care facilities, depending on the size of the project.

After questions were answered by Rob from the Board. The Planning Board resolved to support the draft. Motion to support made by Tim Welch, seconded by Don Brooks. Voice vote unanimous(6).

On Feb 10th a moratorium was put in place by the Town Board in regards to communication towers. However an application came in on Feb 14th. Since an application came in, legally the moratorium has to be closed out in 5 months now, which will be July.

The County Planning Board Mtg is May 11th, The Town Board Mtg.Is May 10th. This would push the public hearing for the ZoningCode/Setback Update to June. Rob Lapoint proposed a joint meeting next month May 17th with The Town Board and have the public hearing at that time. The Planning Board agreed they would like to do a joint meeting/public hearing next month. Rob will confirm with the Town Board Members availability. After the law goes into effect, then the moratorium presumably will be lifted.

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New Business: Review"Excavation" Special Use Permit Application for a location on Perry Rd
At this point the application has been deemed incomplete. Still needs further review by The County Planning Board and County Highway Department. No action at this time.

7:31 PM motion to adjourn by Tim Welch, seconded by Don Brooks.
Voice vote was unanimous.(6)

Draft submitted by Lisa Sauer 4/26/23

4/21/23

New set back rules + regulations were approved at the last town board mtg and the moratorium on cell tower installation has been lifted.

- need to accept the cell tower appl. It shld needs to go to the county for approval.
- need to set a public hearing for cell tower at the July's mtg (7/19)
- Selection of new board chair

TOWN OF PAVILION PLANNING BOARD

Regular Meeting Minutes 6/21/23

Board Members Present: Tim Welch (Vice Chairperson), Don Brooks, Liz Conway, Gary Kingsley, Scott Savidge, Lisa Schiske, Lisa Sauer(Clerk)

Absent: None

Others Present: Jim Thater (Liaison to Town Board), Robert Lapoint (Town Supervisor)

Visitors: 1

The meeting was called to order at 7:00 pm by Tim Welch. The Pledge of Allegiance opened the meeting.

Minutes from the 4/19/23 meeting were reviewed. Moved by Don Brooks to approve minutes, seconded by Gary Kingsley. Voice vote unanimous (6 votes)

Old Business: Gravel pit permit request on Perry Rd has been withdrawn.

New Business: Special Use Permit Request -Verizon Cell Tower
Application for a special use permit and site plan approval for Verizon WIreless to construct and operate a 180' wireless telecommunication tower (plus 4' lightning rod). Verizon telecommunication cabinets and related equipment installed at the base of the tower. Plan construction is on land owned/ and to be leased by MB Farms Inc. Location: 8135 Black Street Rd (S.B.L # 4-1-8.1) in the Town of Pavilion. "Laplataville" site. The Site consists of leasing an area approximately .23 acre of land 100'x100'. A packet of project details was given to the Board Members from Nixon Peabody LLP.
Board Members started reviewing information. 2 issues that were brought up for discussion was the height of the fencing and to have a decommissioning bond in place. Rob Lapoint will bring up to our attorney for a recommended amount.
Size and location, appears to be in conformity with our new zoning law. Due to the moratorium that was put in place by the Town Board on February 10th for communication towers, the timeline is accelerated.
Project needs to go to the County Planning Board (July 13th) If approved, next Planning Board mtg on July 19, will plan a public hearing. Tim Welch suggested the Planning Board members continue to review the packet before the next meeting for any further comments.
The Planning Board accepted the application

Nomination of a New Planning Board Chair:-Bill Fuest has stepped down. Position was discussed. Scott Savidge volunteered. Motion to nominate Scott Savidge as new Planning Board Chair by Gary Kingsley and seconded by Tim Welch. Voice vote unanimous-so carried. Members thanked Scott for taking over the position.

Next Month: Public Hearing Verizon Wireless Telecommunication Tower

7:47 pm motion to adjourn by Tim Welch, seconded by Don Brooks. Voice vote unanimous (6 votes)
Draft submitted by Lisa Sauer 6/27/2023tion and a motion to declare Lead Agency made by Scott Savidge, seconded by Don Brooks. Voice vote unanimous (6 votes)

Scott Savidge read through SEQR Part 1 (Project and Setting) Questions arose about the 8 ft fence height and field storage generator. Tim Welch asked for a motion to accept EAF with contingencies on getting a variance for the fence height and clarification of field storage for the generator. Motion made by Don Brooks to accept EAF with the contingencies and seconded by Liz Conway. Voice vote unanimous (6 votes)

Motion on setting a public hearing for the Telecommunication Tower on July 19th by Gary Kingsley, seconded by Don Brooks. Voice vote unanimous (6 v

TOWN OF PAVILION PLANNING BOARD

Regular Meeting Minutes/ Public Hearing Communication Tower
July 19, 2023

Present: Scott Savidge(Chairperson) Tim Welch(Vice Chairperson), Liz Conway, Don Brooks, Lisa Schiske, Lisa Sauer (clerk)

Absent: Gary Kingsley

Guests: Jim Thater (Liaison to Town Board), Troy Williams (Zoning), Steve Fantuzzo and Jeff Szkolnik from Nixon Peabody LLP-for Verizon Wireless application

Visitors: Jesse Coots as per sign in log

The meeting was called to order at 7:00 PM by Scott Savidge

The Pledge of Allegiance opened the meeting.

Minutes from the June 23, 2023 meeting were reviewed. Motion to approve by Lisa Schiske and seconded by Tim Welch. Voice vote was unanimous.(5 votes)

Public Hearing open at 7:02 for the Communication Tower Special Permit:

Steve Fantuzzo from Nixon Peabody was asked to give an overview of the project.to be located at 8135 Black Street of an 180 ft tower. This included a waiver from the neighbor and engineering comments from MRB.

Scott Savidge began by giving guidelines for those who speak at the Public Hearing.Then asked for any comments on the proposed project..

Jesse Coots-addressed the board in regards to buffering of the project to make less of an eye sore..States area is presently surrounded by dead ash trees. Any type of way to camouflage the tower itself? Referenced a tower in Attica.

Jeff Szkolnick from Nixon Peabody commented stating -tower to be set in a big grove of forested land. Will not be able to see the base of the tower from access Rd. Stealth towers can inhibit reception.

Discussion on buffering. No light required by FAA if under 200ft.

No further comments or questions at 7:14-Public Hearing will remain open at this time.

The Genesee County planning board did not have a quorum to vote, thus no action was taken. Per our attorney this would not be a concern for the Town to move forward with a vote.

SEQR at the last mtg-the applicant did not have a copy of the comprehensive plan. Thus C.2 was not completed. The Project is not inconsistent with the Comprehensive Plan. The Project addresses one of the weaknesses identified in the plan(lack of consistent broadband internet).
Planning Board Members also needed clarification on the fence height and field storage. Code for fences is 8ft. A description is given of a 7ft fence with barb wire on top making 8ft. . Generator is 210 gallons storage capacity. No objection from the Board Members

Scott Savidge went through Part II and III the SEQR forms. Discussing the areas that were answered yes. These areas were determined to have a small to no impact on the environment.

Public Hearing closed at 7:33

Board members, Troy Williams and Representatives from Nixon Peabody continued discussion on the buffering.on the southside of the project.

Project has been reviewed by the Town's engineering group and attorney-reviewed recommendations.

Scott Savidge asked for a motion to approve the special use permit contingent upon the following items:

1- The applicant to have a licensed engineer prepare and stamp an itemized estimate that takes into account the decommissioning costs of the project site and would develop the rest of the recommendations outlined in MRB commitment letter dated 6/29/23

2- Provide an operation and maintenance bond prior to issuance of building permit

3- Geotechnical engineering analysis/investigation of the soil conditions and bearing capacities to identify the soil parameters necessary for design of the access road and the structural components of the site prior to issuance of a building permit

4- Structural analysis report to be provided and stamped by a licensed structural engineer regarding the proposed structural plan prior to issuance of a building permit

5- The applicant to provide a visual buffer on the south side of the driveway in the buffer area with conifer trees. Number and layout to be determined by the town engineer prior to issuance is a building permit

Motion to approve Special Use Permit with the aforementioned contingencies made by Don Brooks, seconded by Tim Welch

Roll call vote taken: Liz Conway:Yes; Don Brooks: Yes; Lisa Schiske:: Yes; Scott Savidge: Yes; Tim Welch: Yes

No New Business

Motion to adjourn at 8:15pm by Tim Welch and seconded by Don Brooks. Voice vote was unanimous. (5 votes)

Draft submitted by Lisa Sauer
7/22/23

TOWN OF PAVILION PLANNING BOARD

Regular Meeting Minutes
August 16, 2023

Present: Scott Savidge (Chairperson),Tim Welch (Vice Chairperson), Don Brooks(7:02), Liz Conway, Gary Kingsley, Lisa Schiske, Lisa Sauer(clerk)

Absent: None

Guest: Steve Fantuzzo-Nixon Peabody LLP

The Pledge of Allegiance opened the meeting at 7pm led by Scott Savidge.

Minutes from the 7/19/23 meeting were reviewed. Motion to approve the minutes with correction by Gary Kingsley, seconded by Tim Welch; carried unanimously (6 votes)

Discussion of Updated Communication Tower: On July 19th the Town Planning Board granted a Special Use Permit with contingencies for a communication tower to be located at 8135 Black Street. The County Planning Board has not had a quorum to vote. Scott Savidge reviewed the procedural steps leading up to the Town Planning Board, re-adopting the previous vote of the Special Use Permit. Scott Savidge proposed a new vote on the Special Use Permit with the following contingencies. Contingencies are the same as voted on at the July 19th meeting.

1- The applicant to have a licensed engineer prepare and stamp an itemized estimate that takes into account the decommissioning costs of the project site and would develop the rest of the recommendations outlined in MRB commitment letter dated 6/29/23.

2- Provide an operation and maintenance bond prior to issuance of building permit.

3- Geotechnical engineering analysis/investigation of the soil conditions and bearing capacities to identify the soil parameters necessary for design of the access road and the structural components of the site prior to issuance of a building permit.

4- Structural analysis report to be provided and stamped by a licensed structural engineer regarding the proposed structural plan prior to issuance of a building permit.

5- The applicant to provide a visual buffer on the south side of the driveway in the buffer area with conifer trees. Number and layout to be determined by the town engineer prior to issuance is a building permit.

The County Planning Board was unable to meet a quorum. The time has run out. The Town Planning Board is re-adopting the Special Permit with the aforementioned contingencies.

Roll Call Vote: Don Brooks-Yes; Liz Conway-Yes; Gary Kingsley-Yes; Scott Savidge-Yes; Lisa Schiske-Yes; Tim Welch-Yes. So carried.

Motion to adjourn at 7:24 by Tim Welch and seconded by Lisa Schiske; carried unanimously (6 votes).

Draft submitted by Lisa Sauer 8/22/23

9-20-23 Sent to Kara Petti
w/ hurricane
approval

TOWN OF PAVILION PLANNING BOARD

September 20, 2023

Present:: Scott Savidge (Chairperson), Tim Welch (Vice Chairperson) via phone from 7:20-7:25, Gary Kingsley, Lisa Schiske, Lisa Sauer (clerk)

Absent: Don Brooks, Liz Conway

Visitors: None

The Pledge of Allegiance opened the meeting at 7pm led by Scott Savidge

Held off on approving last month's minutes until more members arrive.

Review application for new sign at 8040 Telephone Rd: OL'Smokey Trucking & Excavation-site plan review to operate a landscaping material sales business.

Site is in a commercial district, previously the site of a restaurant

Application is consistent with the Comprehensive Plan.

Scott read and reviewed SEQR Part I with members present-no negative impact.

Requesting 30 square foot signage, Town code not more than 25 sq feet. Need a variance from Zoning.

Tim Welch joined the meeting by phone to vote on last month's minutes.

Motion to approve the minutes from 8/16/23 by Lisa Schiske, seconded by Gary Kingsley. Carried unanimously (4 votes)

Motion to approve by Lisa Schiske and seconded by Gary Kingsley: Recommendation for approval of the application for the new sign. Contingent on the modification set forth by the County and Zoning variance for the square footage of the sign if required.. Voice Vote unanimous (3 votes)

New Business: None

Moved by Lisa Schiske, seconded by Gary Kingsley to adjourn the meeting at 7:33; carried unanimously (3 votes).

Draft submitted by Lisa Sauer 9/27/23

Mtg Minutes approved
4/17/23
Sent to K