

Town of Murray
Planning Board
3840 Fancher Road, Holley, NY 14470

MEETING DATE: August 3, 2021

BOARD MEMBERS PRESENT: Chad Fabry, Chair
David Knapp
Lynn Vendetti
Dorothy Morgan

BOARD MEMBERS EXCUSED: None

TOWN SUPERVISOR: Joe Sidonio

TOWN ENGINEER: John Paul Schepp, P.E. - MRB Group

RE: Vertical Bridge REIT, LLC and Verizon Wireless
Big Guys Campground, LLC

Others in attendance: Maureen Werner, Esq., Laurie Vahey, Esq., Laura Perri, Marie Loewke, Jim Loewke, Klein Lowell, Anthony Tintera, David Strabel, Amy Machamer, Evan Dalton, Wendy Meagher, P.E., Hugh Mickel, for Infiltration Water, Matt Kerwin, Esq. for Vertical Bridge Telecommunication Tower, Emily McPherson, Michael Jones, Patrick Makubire

Pledge of Allegiance

Mr. Fabry called the meeting to order at 7:05 p.m.

1. Vertical Bridge REIT, LLC and Verizon Wireless- SEQR Determination

Matt Kerwin spoke on behalf of Vertical Bridge and Verizon Wireless. We have submitted a modification to our site plan. The tower location has been shifted 150' to the South East, which is farther away from the road. Also, we have shifted it to hug the property line to the South as to avoid multiple easements. We are in discussions right now seeking a fall easement from that property owner. There are no changes needed to our State Environmental Assessment Form since the tower is the same height, same rate of frequency needs in terms of capacity related to coverage in the area. The removal of trees will not be as significant as previously noted with the new location. Setbacks for the tower are 235' from overhead lines and 335' from the road, 502' from the structure to the North and 605' to the structure to the South East. I believe we have addressed all comments from the board.

Questions asked of the applicant: *answers in italics*

The property to the South are you in negotiations with them? *Yes, the owner just had some questions.*

What is the lifespan of the Tower? *40, 50, 60 years*

Has there ever been an abandoned tower? *No, I've never heard of one and we do provide a removal bond to the Town.*

Mr. Fabry then read the SEQR and asked Planning Board members to answer Part 2 as a group - see attached

Motion made by Mr. Knapp to determine this as an Unlisted SEQR Action and Declare a Negative Declaration for Vertical Bridge REIT, LLC. Seconded by Ms. Morgan; All "Ayes" motion approved.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: Vertical Bridge REIT, LLC - Proposed unmanned wireless communications facility - Site ID "NY-5135_Murraydale"							
Project Location (describe, and attach a location map): CARTON ROAD, HOLLEY, NY 14470							
Brief Description of Proposed Action: Vertical Bridge REIT, LLC proposes the installation of an unmanned wireless communications facility located on the existing property. Said property being located approximately 1.2 miles north of the intersection of Ridge Road and Carton Road. Access to the proposed facility will originate from Carton Road via an existing dirt road that will be improved to a new gravel driveway. In general, the installation will consist of the following: a 180' tall self support tower (184' including 4' lightning rod), six (6) antenna and related equipment to be mounted to the self support tower at a center-line height of 175', equipment cabinets and utility infrastructure installed at grade, and all related coaxial cabling and utility services (power and fiber). All equipment is to be located inside a proposed 50'x50' fenced area.							
Name of Applicant or Sponsor: Vertical Bridge REIT, LLC		Telephone: 770-316-3837 E-Mail: DParks@verticalbridge.com					
Address: 750 Park of Commerce Drive, Suite 200							
City/PO: Boca Raton		State: FL	Zip Code: 33487				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Murray: Planning Board - special use permit and site plan approval; Zoning Board of Appeals - area variance; Building Department - building permit			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		14.60 acres					
b. Total acreage to be physically disturbed?		0.20 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.06 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ There will be no water supply required since the proposed facility is an unmanned facility.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ There will be no wastewater generated since the proposed facility is an unmanned facility.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Steven Matthews, Engineer on behalf of applicant		Date: 4/13/2021
Signature: <u>Steven Matthews</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div style="display: flex; justify-content: space-between;"> <div> <p><u>Planning Bureau</u> Name of Lead Agency</p> <p><u>Chad Fabray</u> Print or Type Name of Responsible Officer in Lead Agency</p> <p>_____ Signature of Responsible Officer in Lead Agency</p> </div> <div> <p><u>8/3/21</u> Date</p> <p><u>PB Chair</u> Title of Responsible Officer</p> <p>_____ Signature of Preparer (if different from Responsible Officer)</p> </div> </div>	

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2. Big Guys Campground – 3739 Monroe-Orleans County Line Road

Ms. Meagher told the board that they are present tonight requesting Final Site Plan approval conditional on the NYS DEC permitting for the Waste water treatment plant and Area Variances.

Ms. Meagher - At the last meeting of the Planning Board there were 2 questions of concern and about 3 weeks ago I sent a letter to the Town addressing your concerns. As you know Part II, the answers are either Yes or No, with little impact. We have addressed the mitigation and the environmental impact of those two questions with a 4 page letter addressing all the redundancies and mitigation to lessen the impact of the waste water treatment affluent going into the East Branch of Sandy Creek. I have also brought with me again the experts for Infiltrator the manufacturers' distributor for the Waste Water Plant components for your benefit and be able to ask them questions. I know a couple to you were not able to meet with the presentation a few months ago and I brought them to answer specific questions you may have.

Mr. Fabry – we have 2 questions unanswered in the SEQR rather than make a bad decision we opted to push this out 1 month. To put the discharge into perspective in the same stream the Town and Village of Albion have a permit for 2 million gallons a day, in the same stream the Village of Holley has 450 thousand gallons a day and your permit will be for 30 thousand gallons a day.

Ms. Meagher – full build out will be 32 thousand gallons a day.

Mr. Fabry – after speaking with some engineers, the discharge will be less than the daily variation than the other discharges upstream. 30 thousand gallons of discharge probably won't have a measureable effect with any certainty on any given day. 30 thousand gallons sounds like a big number when you first hear it but compared to 2 million all of a sudden it seems like a very small number. As an example The Village of Holley has no UV stabilization, decontaminates or chlorination, but I've been told that will change in the future. How can we answer these questions Yes and arrive at a Negative Declaration?

Mr. Schepp – it's certainly your decision but I believe the primary question is purposed action may include construction of one or more outfalls for discharge of waste water and clearly yes it will. So the question is? Is there no impact, small impact or moderate impact? They are subject to a State SPDES Permit that will establish limits, testing requirements, monitored monthly and whatever the SPDES permit says possibly monthly sampling. Yes, there will be a discharge but it's mitigated by the treatment system, monitoring and testing. If they are compliant there should be no or a very small impact. DEC sets the limits of what is allowed in the stream. In pristine trout streams they are very stringent limits and in lesser quality streams used by agriculture and things of that nature they have more moderate limits. In any event these are mitigated by permitting requirements. If they fail to meet those limits then there is a serious set of fines, and it is very expensive or to the point where the DEC says your permit is shut off. If there is a concern of the discharges there is a body larger than this Planning Board that's would be in control.

Mr. Fabry – any discussions?

Mr. Knapp tried to recall who operates the system. Ms. Meagher answered that they have to have a certified operator in NYS. Again, in my letter we have redundant fail safe systems. We have telemetry to monitor the wastewater and pump stations anything malfunctioning, it will be caught, monitored and corrected. All four owners will be taking the class so there is always one person on site at all times.

Mr. Fabry asked that we answer these two questions again in Section 3- after careful consideration and research.

g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water (s). *No, Small Impact given the scale of the other things that exist.*

k. The proposed action may require construction of new, or expansion of wastewater treatment facilities. *No, Small Impact.*

Motion by Mr. Fabry to finish the SEQR process with a Negative Declaration. Seconded by Ms. Morgan; All "Ayes" motion approved.

Mr. Fabry – a couple of things to discuss about the site plan.

- Vegetative barrier – the board would like to request that you have a vegetative barrier around here to separate your property from the Machamer property. We would like it to be an impenetrable barrier, something like Rosa Ragusa, Hawthorne, Berry Bushes a 20' swath of it so people will not want to go through it. In order to achieve that I think we need to lose 2 campsites. Because your road comes within 25' of that west property line and if you get rid of those two you will have about 75' of clearance there and change the nature of that road.
- One of the biggest concerns in trespassing, this area is environmentally important to the owners and we want to respect them as much as possible.

Ms. Meagher- can we just put those 2 campsites somewhere else?

Mr. Fabry – you can bring back another site plan with those 2 campsites but it's in section 3 so by then you may be back visiting it again for some changes, deciding something not going to work and we can look at it then.

Ms Meagher and the applicants decided to get rid of the two campsites.

Ms. Vahey – question in regards to barrier. The mature plants are we buying them for the 20' swath? they will be very expensive or do we have time to let them grow and mature.

Mr. Fabry – some of these plants will be established in one year, we can leave the selection to you but it must be impenetrable.

Vegetative barrier – should be maintained condition of your Special Use Permit.

Signage – 50' foot intervals on the lines adjoining Sidonio and 75' intervals everywhere else so that we can make sure your campers understand that they are leaving the property and trespassing subject to criminal prosecution.

Clause – in rental agreement or lease that says you are strongly encouraged to keep on your grounds and strongly discourage them with some sort of penalty in the future if they leave your grounds such as loss of membership of the season or something to that effect.

Before you get too far you are going to want to get your SPDES, DEC, Health Dept. and SWPPP have to be prepared before you start moving dirt.

Ms. Meagher – all these are well in the works.

Clarifications: *answers in italics by the owner*

- Future Plan - what does "By other" means on the site plan – *It is a contractor since Ms. Meagher is not designing the pool.*
- Restaurant – is this for the general public also? *Not sure yet.* Mr. Fabry said that the code is written that you can only advertise to the campers.

Ms. Meagher – the Special Use Permit approval is pending the Site Plan Approval.

Motion by Mr. Fabry to provide overall Site Plan approval for Big Guys Campground, LLC. with the following conditions:

1. That the road be re- located at the western end and the two most western end campsites be eliminated from the site plan to provide room for the vegetative barrier.
2. Have the applicant provide a vegetative barrier that at least 20 feet wide comprised of a thorny species of plants. Species of plants to be determined and is subject to building department approval as being impenetrable. Barrier to be indicated on the final Mylar.
3. Signage on the western border at 50' intervals stating "No trespassing, subject to prosecution" using DOT quality signs.

Seconded by Ms. Morgan; All "ayes" motion approved.

Mr. Fabry made a motion to adjourn the meeting. Seconded by Ms. Morgan; All "Ayes" motion approved.

Respectfully submitted,
 Diane Herzog
 Planning Board Clerk
 August 5, 2021