

TOWN OF ARIETTA PLANNING BOARD
Piseco, NY 12139

Meeting Dated: Tuesday October 11, 2022 – 6:00 P.M.
Piseco School

Approved Meeting Minutes

Members present:

Sheila Crouse
Mary Kiewicz
Ken Kull
Bryan Rudes
Bob Thomson

Members absent:

Alternate/Secretary Marie Buanno Others present: Zoning Officer Mel LaScola, John Boyer, Penny Boyer

Mary Kiewicz noted that the September minutes needed one correction in that Jaime Parslow took the place of Nick Addison (not Abbott) at the DEC. Bob Thomson made a motion to accept the minutes as corrected. 2nd by Sheila Crouse. The vote in favor was 4 – 0. Bryan Rudes did not vote as he was absent from the September meeting.

Mary told everyone she got a call from Attorney Kevin Barone who is representing a client who is purchasing lots from the Ambrosinos at 844 Old Piseco Road. Previously, the Planning Board had been asked to write a letter stating a subdivision was not required on this property and the Chairperson had done so. Although it is one 3.3 acre parcel, it is divided into eight pieces. Atty. Barone said he didn't think he needed to get a subdivision as they are all on the deed. Mary asked him to send the deed but he did not. Instead, he sent a copy of the survey map which is attached to these minutes. Mary read a surveyor's note that appears on the map. It says "Based on evidence as researched and found in August of 2016, it is the surveyor's professional opinion that this area of land as conveyed to Elizabeth McKnight in 1949, never came out of McKnight. There is a possibility that when McKnight conveyed out Fry and Hanley less (1/2 of 41, 42, 43, 44, 45, 46, 47, 48) to Malinowski that the intention was to convey back to the southeast line of Hodge and Koszewski. This area of land is clearly excepted out of the Hodge and Koszewski deeds utilizing accurate metes and bounds descriptions for the exceptions." Mary asked the members if they had an opinion and does this language indicate that this is in that person's deed? Most felt Atty. Barone needs to submit the requested deed for interpretation by our Town Attorney. Mary will contact Atty. Barone. Once she gets the deed, she will talk to our Town Attorney about it. If our Attorney acknowledges it is a part of the deed, members were in agreement as Chairperson, Mary should write the letter. It was determined to be in Zone 53 SR1, 4 with a Density of 1.3 acres. They are pre existing substandard lots.

Mary received paperwork indicating Eric Greiner wants to subdivide property he has between Route 8 and East Shore Road. The map shows the parcel has 1.46 acres and 3.49 acres for a total of 5.2 acres. He is in RSM (Resource Management) which requires 42 acres. He is also in SR1 which requires 3 acres. Attached to these minutes is his 2 page subdivision application and survey map. He does not have enough land to subdivide. He cannot construct another Principle building which he has indicated on his application is his intent. (An apartment over a garage). Mary had thought he was going to attend this meeting but he did not. Mary had told him to talk to the Zoning Officer and get a JIF (required by the APA). Mary feels he knows what he has to do at this point.

Mary noted that the rezoning of the "Stump Dump" from Extraction to Special District was presented to the Town Board by Supervisor Chris Rhodes with an indication that the APA is the lead agency. Anytime a Town codes book gets changed, the APA must be the lead agency. Previously, Mary and Chris had a ZOOM meeting with several representatives of the APA about what the next steps would be to accomplish this change. A step had been missed in the process to get this done. The Town had already made a Resolution and had to revise it. It is now in the hands of the APA for review and approval. By making it a Special District, there would have to be a formal process including public hearings in order to do any kind of construction.

Sheila had an update on the emergency tower proposal for Wayne Smith Road. She said residents of Wayne Smith Road met with Hamilton County Board of Supervisors (BOS) Chairman Brian Wells, Town of Morehouse Supervisor Bill Farber, Town of Arietta Supervisor Chris Rhodes and Town of Arietta Town Board member Christy Wilt since our last Planning Board meeting. The residents were told that the tower was not intended to be a cell tower (yet) but an emergency tower. The residents had suggested the BOS consider the site on Route 8 where the new Piseco firehouse is

proposed to be built. They felt that would be beneficial for everyone including the Piseco Fire Dept. That stretch of highway is considered commercial with several businesses already established there as well as the Piseco Ambulance Corps. The BOS said it had to be in a line of site so it can communicate with other towers. The residents were also concerned about having to look at it as it is not very attractive especially in a residential neighborhood. They were concerned about the value of their properties going down because of it.

Sheila reminded the Planning Board members that she went to the cell tower hearing at the county building in August and found that it was not actually a hearing for the public to speak but more of a formality for the Board of Supervisors to proceed with the process of emergency tower sites in Arietta and Morehouse. It was tabled by the BOS at that meeting because there were people there wanting to be heard about other issues. Sheila has found that the subject of the tower was reopened once she and others concerned had left. She understands that they passed it and submitted it to the APA for approval.

She went on to say the residents' concerns include the health risks of living near a cell tower. Initially, it will be an emergency tower with the possibility of having cell capability added. Another meeting was scheduled for today (October 11th) with the residents but was cancelled. Sheila said they would just like them to attempt to find another site. They had thought the current Town highway garage should be considered. The BOS claims that the Wayne Smith Road site has an "Industrial feel" to it because of the metal barn that is there. The residents questioned how that site has an "Industrial feel" when it is primarily residential with the exception of that barn. It was thought that Mr. Inoue who owns a substantial amount of land on Route 10 offered but the BOS said it didn't have the "Industrial feel" that the Wayne Smith Road site apparently has. The residents want it understood that they see the need for emergency services but just don't feel it should be in a primarily residential area. The tower will be at the minimum, 90 feet in height and possibly up to 120 feet.

Mel told us there is a woman who owns property in a Special District who wants to do things she can't do in that particular district. He is doing research on it and will keep us informed.

There was no public comment.

Mary said the APA notified her of an upcoming ZOOM workshop titled "Regulating Private Speech: Sign Regulations and the First Amendment" on October 18, 2022 from 6 – 7 PM. That notification with registration information is attached to these minutes.

A motion to adjourn was made by Ken Kull. Seconded by Bryan Rudes. All were in favor 5 – 0.
Our next meeting will be November 8, 2022.

There are five attachments to these minutes:

1 survey map (Ambrosino), 2 page subdivision application and 1 survey map (Greiner), 1 APA notification for ZOOM workshop on sign regulations.

Respectfully submitted, Marie C. Buanno