

FENNER PLANNING BOARD  
February 18, 2009 – 7:30 pm

MINUTES

Members present: Donna Griffin, Jim Clarke, Jim Burke, Dave Dain and Judy Carmon  
Donna called the meeting to order at 7:30 PM. The October 2008 minutes were reviewed. Jim B. made a motion to accept. Jim C. seconded. All approved.

Preliminary for Variance and Special Use Permit.

Nathan Weaver came to represent the proposed buyers of the Toole farm. John Troyer is trying to buy the 280 acres on the east side of Nelson Road, they are currently living in Ohio. They hope to move here in early April and close in May. They would like to start up a retail operation comprising of bulk foods, vegetables, meat, dairy and possibly baked goods. They will be selling as much product from the farm as they can but will have to bring some in from PA and Ohio to get started. The store would be on Nelson Road. They would like it to be about 2700 SF for retail and warehouse along with restrooms and a spare room that may be used for overnight guests sometimes. They will put in water, sewer and parking. Electricity would be produced on site either by a generator or wind mill. They would either have a sign on the road or on the front of the store. Tentatively they are thinking about opening the store Monday through Friday 8 AM to 5 PM with shorter hours on Saturday and closed on Sunday.

We feel it would require a variance for a business in an "A" zone and then a special use permit from the planning board. We would also need to send this proposal to the county for their recommendation.

Donna told Mr. Weaver that once the property is in Mr. Troyer's possession and we have a rough plan we will meet again to discuss and give our recommendation to the ZBA. If it gets approved we would solicit a public hearing and set the Special Use Permit. Mr. Troyer expects to take possession on May 1<sup>st</sup> and would like to break ground as soon as possible. We told him that we would speak with the town attorney to see if we could set up a meeting in March and try to get everything completed with the ZBA and the Planning Board on the condition that the sales transpires. He could then get going once he had clear title of the property.

Jim B. made a motion to adjourn. Donna seconded. Approved. The meeting adjourned at 8:25 PM.

Respectively submitted,

Judy Carmon

Planning Board Secretary

FENNER PLANNING BOARD  
March 18, 2009 – 7:30 pm

MINUTES

Members present: Donna Griffin, Jim Clarke, Russell Stone, Pete Snyder, Jim Burke, Dave Dain and Judy Carmon

Donna called the meeting to order at 7:35 PM. Donna reviewed the February minutes. Pete made a motion to accept. Dave seconded. All approved.

Preliminary for store for John Troyer.

Nathan Weaver came to represent John Troyer. There is nothing in our current regulations that permits putting a retail business in an “A” zone. The county has suggested a new amendment to section 301.3 of our current regulations to address this issue. The proposed addition from the county reads as:

Section 301.3 – Uses requiring a Special Use Permit

J. On farms only, small retail stores (maximum of 2500 sf) as an accessory use for the purpose of adding agricultural value to the property but not restricted to farm products only. Employees shall be limited to residents and primarily family only. Signage shall not exceed 8 ft.

We need to make a recommendation to the Town Board about this. Pete commented that he could go 500’ back and build a larger warehouse to store goods to keep the retail operation small. There was discussion on what constituted a “farm”. In the Town of Fenner a “farm” is 5 acres or more of land that is used for mostly agricultural gains via stock, crops, etc. There was a lot of discussion about this. Jim B asked that maybe the town attorney should write it and then we could look at it again. Donna said that the town attorney wants us to review and make our suggestions or leave it as is whatever we see fit. We need to make a recommendation. We proposed the following labeled Motion # 03180901 to read as follows:

To allow small owner operated retail stores, with the retail side less than 2500 sf and total building less than 5000 sf as an accessory use for the purpose of adding agricultural value to the property, retail not limited to farm products only.

Pete made a motion to recommend motion # 03180901 as written. Dave seconded.

Approved. The public hearing will be scheduled for 04/15/09 at 8 PM for the Special Use Permit.

Minor Sub-division. Dr. Toole is deeding a one acre piece to his brother, David Toole. The piece of property also included the house that David has been living in. The tax parcel # is 69.-1-40.11 and is located on Peterboro Road. A survey has been done. We will set up a public hearing on 04/15/09 at 7:45 PM for this minor sub-division. Dr. Toole will need to fill out a sub-division application to bring with him to the meeting. Pete made a motion to adjourn. Judy seconded. Approved. The meeting adjourned at 8:55 PM.

Respectively submitted,  
Judy Carmon



FENNER PLANNING BOARD  
April 15, 2009 – 7:30 pm

MINUTES

Members present: Donna Griffin, Russell Stone, Dave Dain and Judy Carmon  
Donna called the meeting to order at 7:38 PM. Donna reviewed the March minutes.  
Russell made a motion to accept. Dave seconded. All approved.

Steve Weisbrod. Steve would like to make a line change because he is moving his house to another location on his property which puts him to close to his own property line. If we agree to the line change he will have his deed adjusted. Russell made a motion to except a line change instead of a sub-division. Dave seconded. Approved.

Lloyd Lovely. Lloyd's daughter put up a house on their land, he needs to deed off a 325' x 200' piece of property to her so that she can get a mortgage in her name. Section 340 of our town regulations allows for an agricultural sub-division waiver for circumstances like this. Dave made a motion to accept as an agricultural waiver. Russell seconded. Approved.

Bob Toole – Minor sub-division on property 69.-1-40.11. The public hearing opened at 7:47 pm. His application is to sub-divide out an acre parcel for an existing house on Peterboro Road where his brother lives. There was one question to clarify where the location was but no opposition. The public hearing was closed at 7:55 pm. Russell made a motion to accept the minor sub-division. Dave seconded. Approved. Bob needs to provide a mylar copy of the sub-division map to Donna for her signature and once his application fee is paid he can file it at the county.

Daniel Mihaich – Variance application. He is looking for a variance to put up a garage on Francis Road. We received the application to review and make a recommendation however Rudy Braun was in the audience and he said that it did not need a recommendation from us. He said he already knew about it so we ended our discussion.

John Troyer – Special Use Permit. The public hearing opened at 8:05 pm. Rudy Braun asked about the new law that was added to the town regulations and was told that the Town Board modified the Fenner Land Use Regulation 301-3 at their last meeting. They added a subsection J to read as follows:

Retail stores operated by a resident of the premises and selling at least in part, but not necessarily exclusively, products grown, processed and/or manufactured upon the same premises in a building separate from the residence but containing not more than 2500 square feet of sales floor area accessible to the public, and not more than 5000 square feet of total floor area.

Donna invited up the crowd to review the maps of where Mr. Troyer intends on putting the store. Many spoke with Mr. Troyer about the road being a fast road and there was much concern about accidents where the driveway was located on the map. Donna

advised everyone that the public hearing will remain open until it goes to the county planning board for their recommendation and they will study the application and advise where the driveway will be placed for the business along with any other concerns or recommendations that they may have. One person asked how to get a study completed from the county to observe and recommend some speed limits and better signage. A question was asked if the store would be open all year around and Mr. Troyer told them yes. Another person asked what else was going on with the property besides the store and was told that there are no other immediate plans. Donna advised that we should have something back from the county along with some more concrete plans for the store for review at the next meeting. The public hearing will continue on 05/20/09 at 7:30 pm.

David Dain – Line change. Dave would like to put up a pole barn but the location that he wants it is too close to his own property line. He owns all of the land in question. Russell recommended a simple line change to allow this, Donna seconded. Approved. We will have to review this again as we realized after the fact that because we only had four at this meeting and Dave could not vote on his own project that we did not have a quorum so the vote was not legal.

Dave made a motion to close the meeting at 9:00 pm, Russell seconded. Approved.

Our next meeting will be on 05/20/09 at 7: pm.

Respectively submitted,  
Judy Carmon

FENNER PLANNING BOARD  
June 17, 2009 – 7:30 pm

MINUTES

Members present: Donna Griffin, Russell Stone, Pete Snyder, Jim Burke and Judy Carmon

Donna called the meeting to order at 7:30 PM. Donna reviewed the May minutes. Russell made a motion to accept. Jim seconded. All approved.

Mr. & Mrs. Huber – Minor sub-division application. They own a .988 acre lot on the corner of Emhoff Road and Falls Road. There is currently two homes on this parcel that they use as rental properties. They would like to sub-divide this lot into two parcels so that they could sell the houses separately. They would put 2/3 of an acre with one and leave 1/3 of an acre with the other. They would like to clean up the corner and they are finding that difficult while using this property as rental units. Donna told them that this request will have to be presented to the ZBA. Our regulations require 1 acre per house and if this property is sub-divided there will not be enough road frontage to meet the 200' road frontage requirement either. Donna did take the application to the county for their review but it has not been returned yet. She explained that we will make a recommendation to the ZBA but that is all we can do for this matter. As a board we would like to see the corner cleaned up and we would like the ZBA to review the variance request for this sub-division.

Allen Stearns – Preliminary minor sub-division. They own a 6.42 acre parcel on Fenner Road. They would like to sub-divide off 2 ½ acres for there son to build a house. He will add the remainder to his existing land. We let him know that he will need to get a survey done and fill out the sub-division paperwork. He will need to have a public hearing. Donna told him that if he can get the survey done quickly and notify her by 07/03 we could have enough time to publish for a public hearing.

ATT Mobility LLC – Preliminary for a Special Use Permit. ATT has submitted a special use application to add a cement building, a pad for a generator and some additional hardware that will be added onto the existing tower. All of the improvements will be in the same existing footprint that the tower takes up now. Jim Stokes recommended that we publish for a public hearing for our 07/15 meeting and Donna will take the application to the county for their recommendation.

Judy made a motion to adjourn, Russell seconded. Approved

Our next meeting will be on 07/15/09 at 7: 30 pm.

Respectively submitted,  
Judy Carmon

## FENNER PLANNING BOARD

July 15, 2009 – 7:30 pm

### MINUTES

Members present: Donna Griffin, Russell Stone, Pete Snyder and Judy Carmon

Donna called the meeting to order at 7:37 PM. Donna reviewed the June minutes.

Russell made a motion to accept. Pete seconded. All approved.

The public hearing for the Special Use Permit for the AT& T Tower on Cody Road was opened at 7:45 PM. Steven Woodward representing AT& T Mobility, LLC did a presentation explaining that they need to update for better cell phone coverage in this area. They will add antennas to the existing tower at the 177 foot level. The building is a pre-constructed concrete building that will house all of the equipment needed. They will put a concrete pad down for a 50 KW generator. The generator will be on an automatic switch that will activate when the power goes off.

James McInturf from American Tower explained what they will be doing at the Cody Road tower site as well. He is working with ITT Corp. who is working with the FAA to replace the existing radar air navigation system. They will be installing five antennas on the tower along with a vertex antenna. Cable will feed down the tower and into the existing building. A 10 KW propane fired generator will be installed along with a propane tank. The tank will be situated on the front corner of the existing building. They would like to get it permitted as soon as possible so that they can start at the end of the month. He figures that it will take about 7-10 days to complete.

There were no comments from the floor.

Donna closed the public hearing at 8:10 PM.

The County Planning Agency has returned the application for local determination.

Pete made a motion to adopt a resolution with respect to the application presented by AT&T Mobility, LLC that the Town of Fenner Planning Board is the only involved agency, that the application constitutes an unlisted action, and that there will be no significant adverse environmental impacts as a result of this action. Russell seconded the motion and all approved.

Pete made a motion to adopt a resolution to approve the Special Use Permit as submitted by AT&T Mobility, LLC based upon the application and drawings submitted, specifically the drawings prepared by Black & Vetch, site S-109-08, referred to as the Peterboro site, dated 05/08/2009. Drawings C1, C2 and C3 dated 04/28/09 for overall site plan, detailed site plan and antenna and cable configuration detail. Russell seconded. All approved.

Pete made a motion to adopt a resolution with respect to the application presented by American Tower on behalf of ITT Corp., that the Town of Fenner Planning Board is the only involved agency, that the application constitutes an unlisted action, and that there will be no significant adverse environmental impacts as a result of this action. Russell seconded the motion and all approved.

Jim Stokes suggested that since the County Planning Agency recommendation does not specifically address the ITT Corp. application, that we re-advertise the public hearing and ask the County for a further recommendation that specifically refers to the ITT Corp.

application as well as the AT& T application at the existing American Tower site on Cody Road.

Pete made a motion to adopt a resolution to approve, subject to receipt of the County Planning Agency's recommendation, the Special Use Permit as submitted by American Tower on behalf of ITT Corp., to install air traffic control guidance equipment based upon the drawings submitted, prepared by American Tower, Jaime Reyes, licensed professional engineer, and labeled as drawings ATC job # 88148 sheets 1-16 dated 05/28/09. The documents are entitled installation control drawings, with site location reference Peterboro Tower ITT SV157-07. Russell seconded. All approved.

Russell made a motion to adjourn, Pete seconded. Meeting adjourned at 8:30 PM  
Approved.

Our next meeting will be on 08/19/09 at 7: 30 pm.

Respectively submitted,  
Judy Carmon

FENNER PLANNING BOARD  
August 19, 2009 – 7:30 pm

MINUTES

Members present: Donna Griffin, Russell Stone, Pete Snyder and Jim Burke.  
Donna called the meeting to order at 7:30 PM. Donna reviewed the July minutes.  
Russell made a motion to accept. Jim seconded. All approved.

The public hearing was opened for the Stearn's minor sub division. There was no comment on the sub-division. Pete Snyder made a motion to grant the sub-division on Fenner Road, Jim Burke seconded. Approved.

A preliminary for a minor sub-division on Roberts Rd for Charles Stearns was presented by Dave Vredenburg. The public hearing will be scheduled for 09/16/09 at 7:45 PM.

There was a preliminary for a sub-division for Nancy Brown for a sub-division on the east side of Falls Rd to create 3 acre lots all in compliance with the Town regulations. She will be retaining the west side of the road. The public hearing will be set for 09/16/09 at 8:05 PM.

The public hearing for the Town of Fenner Comprehensive Plan was opened, Norm commented that he would like to see more specifics and a time frame in the plan. A motion was made by Jim Burke and seconded by Russell Stone to pass the comprehensive plan as is to the Town Board. Motion passed.

The public hearing was opened for the American Tower project on Cody Rd. There was no comments. There was a motion presented to confirm findings and determinations of last meeting which approved said permit. Russell Stone made a motion to accept and Pete Snyder seconded. Approved.

Russell made a motion to adjourn, Jim seconded. Approved

Our next meeting will be on 09/16/09 at 7: 30 pm.

Respectively submitted,  
Judy Carmon

FENNER PLANNING BOARD  
September 15, 2009 – 7:30 pm

MINUTES

Members present: Donna Griffin, Russell Stone, Pete Snyder, Jim Burke and Judy Carmon.

Donna called the meeting to order at 7:37 PM. Donna reviewed the August minutes. Pete made a motion to accept. Russell seconded. All approved.

The public hearing was opened for the Charles Stearn's minor sub division at 7:45 PM. There was no comment on the sub-division. The public hearing will be left open until next month. Dave Vredenburg showed us a revised survey map showing the parcel does not go to Fenner Road but the line goes vertical back to Roberts Road to make the 15.86 acre parcel. Pete Snyder made a motion to grant the sub-division on Fenner Road, Russell seconded. 4 approved, 1 abstained. Passed.

The public hearing for the minor sub-division for Nancy Brown was opened at 8:05 PM. The sub-division is on Falls Road and will create 3 lots, Lot 1 – 5.7 acres, Lot 2 – 22+ acres and Lot 3 – 7.5 acres. Fred Whipple came up to see what was being done, otherwise there was no comment from the floor. The public hearing will be left open until the next meeting. Pete made a motion to approve the sub-division, Russell seconded. Approved. Donna told Allen Olmstead (realtor) that he needs a mylar copy of the survey signed and registered at the county after the sub-division fees are paid.

Russell made a motion to adjourn, Judy seconded. Approved

Our next meeting will be on 10/21/09 at 7: 30 pm.

Respectively submitted,  
Judy Carmon