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**CALL TO ORDER**

This meeting is open to the public in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

**FLAG SALUTE**

**ROLL CALL**      **Members Present:**    Cutler, Luthman, Corcoran, Leuthe, Didyk,  
Taylor, Van Sickle, Aikens, Allison, O’Leary.

**Members Excused:**    Hughes.

**Members Absent:**     None.

**Also Present:**        Ursula Leo, Esq.  
Nevitt Duveneck, PE  
David Banisch, PP

**MINUTES:** January 19, 2017, January 26, 2017.

A motion to approve the minutes of the January 19, 2017 meeting with the noted changes was made by Mrs. Aikens. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Luthman, Corcoran, Leuthe, Van Sickle, Aikens, Allison, O’Leary.

A motion to approve the minutes of the January 26, 2017 meeting with the noted corrections was made by Mrs. Aikens. It was seconded Mr. Allison and passed with a roll call vote. Ayes: Luthman, Leuthe, Didyk, Taylor, Van Sickle, Aikens, Allison, O’Leary.

**COMPLETENESS / HEARINGS / CONCEPT:**

1.) Gutu, Alexandra B:6, L:10.01 MNR16-2 (Deemed Incomplete 8/25/16)

Mr. Duveneck went over his completeness report with the Board. He recommended the application be deemed complete with the requested waivers.

A motion to deem the application complete with the requested waivers was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Aikens, O’Leary.

Mr. Emanuel Vasilescu, PE with Capricorn Engineering was sworn in by Ms. Leo. He gave his background and qualifications which were accepted by the Board. Mr. Vasilescu said he did the site plan portion of the minor subdivision. He said they have addressed the issues in Mr. Duveneck’s report. He said the subdivision will create two lots one with the existing house and the other will be sold as farmland.

Mr. Duveneck explained that the subdivision does need to support a septic system and driveway and building lot on the newly created lot. He felt a home could be built on the property as there was plenty of room to do so. He went over his technical review report. Mr. Duveneck said the applicant did submit an ecological review report and he felt it adequately satisfied the questions he had.

Mr. O’Leary noted that the reserve septic was noted on the proposed plans.

Mr. Luthman asked about the fill activity on the proposed lot.

Ms. Alexandra Gutu was sworn in by Ms. Leo. She said they took down some trees down and leveled the property about a year ago. Mr. Luthman expressed a concern about flooding on Route 94. Mr. Vasilescu said the property is graded towards the back.

Mr. O’Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

A motion to approve the minor subdivision with the comments in Mr. Duveneck’s report was made by Mr. Allison. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Aikens, O’Leary.

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2.) T1D Warriors B:14 L:62 SP17-1, VAR17-2

Mr. O’Leary advised the Board that the property owner and applicant is T1D Warriors however the application is for a State Farm Insurance agency. He said he does have State Farm insurance however Mr. Jones was not his agent.

Mrs. Aikens said her firm represented Mr. Jones in a real estate transaction however she was not involved in the transaction. She said she did not have a conflict in hearing the application.

Mr. Duvneck went over his completeness review report. He said the application is for a full site plan because they are creating parking. Mr. Duvneck recommended the application be deemed complete.

A motion to deem the application complete was made by Mr. Leuthe. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Aikens, O’Leary.

Mr. Richard Valente, Esq. was the attorney for the applicant.

Mr. Glen Jones, State Farm Agent and property owner and Mr. Paul Anderson, PE were sworn in by Ms. Leo. Mr. Anderson gave his qualifications which were accepted by the Board.

Mr. Jones advised the Board of his plans for the property. He said he is planning on using the building for an insurance office. He described the current condition of the building. He said there will be no deliveries as it will be an office.

Mr. Anderson described the property to the Board. He said it is .6 acres in a commercial zone. Currently there is a residence on the property. He said the applicant is planning on converting the house into an office. There is an existing driveway to Route 15. The lot is non-conforming at .6 acres in a 3 acre zone. There are no plans to enlarge the existing structure. The applicant will be adding 6 new parking spaces; but not a loading zone, as it is not needed. They will modify the existing handicap ramp, remove the carport and add one light for the parking lot and walkway. Mr. Anderson noted that the D.O.T. did supply a Letter of No Interest in regards to the traffic from the site. The letter was part of the application.

Mr. Anderson went over Mr. Duvneck’s’ report and addressed his concerns. He said they agreed to the waiver items and will add the signature block to the plans. There was a discussion on the landscaping. The applicant was agreeable to the landscaping that was discussed.

Mr. Jones said he did make repairs to the septic system and will supply those to the Board Engineer.

Mr. O’Leary noted the lighting must comply with the Gateway Overlay for the zone. Mr. O’Leary noted that the Master Plan seeks to convert the residences along Route 15 to offices such as what is being presented.

Mr. Luthman asked how many employees will be working at the site to which Mr. Jones said a total of four.

Mr. Duvneck asked if the applicant would add parking stops to the parking lot so that cars don’t roll out onto Route 15. Mr. Taylor did not feel they would be necessary.

Mr. O’Leary asked about the hours of operation. Mr. Jones said 9 to 5 Monday through Friday with some Saturday hours.

Mr. Luthman asked what the current garage space will be used for. Mr. Jones said it will be his office.

Mr. O’Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

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Ms. Leo went over the conditions with the Board.

Mr. Anderson presented a rendering of the landscaping which for identification purposes was marked and entered as exhibit A-1. This was part of the application that was submitted to the Board.

A motion to approve the preliminary and final site plan with the noted conditions and variances was made by Ms. Van Sickle. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Cutler, Luthman, Corcoran, Leuthe, Didyk, Taylor, Van Sickle, Aikens, O'Leary.

3.) Cellco Partnership Cell Tower B:15 L: 2, 6.01, 6.03, 7.01 & 7.02  
(Deemed Complete 9/22/16)

Ms. Van Sickle and Mr. Corcoran stepped down for this hearing.

Mr. David Soloway, Esq. said they wanted to discuss some tree pole types.

Mr. Ferrante passed out a handout of various types of tree poles which was marked and entered as exhibit A-17.

Mr. Ferrante presented a larger scale of exhibit A-17 which was marked and entered as exhibit A-18. He explained the pictures on the exhibit. He said that only about 25 feet of the top of the pole will be visible. He explained how staggering the branches will give it a more realistic appearance. He explained the various types of tree poles to choose from. Mr. Soloway asked the Board to choose a type of tree and they will put it out to bid from the various manufacturers. Mr. Leuthe noted that some of the poles were made to look like tree bark and some were just painted brown. Mr. Ferrante noted that the more branches that are added to the pole, the bigger the foundation will need to be. There was a discussion on the extension of the tree pole. Mr. Soloway said the resolution needs to address the addition of another carrier and how they will re-branch the tree. Mr. Soloway advised the Board that another two carriers could go under Verizon and the fourth carrier would have to go above.

Mr. Taylor felt the denser tree looks more natural.

There was a discussion on the antennas for emergency services and if they will be seen from the roadways. Mr. Soloway said they would not be seen from the roadways.

Mr. O'Leary opened the meeting to the public.

Mr. David Muscalo of 19 Voight Lane, Lafayette was sworn in by Ms. Leo and said he has lived in Lafayette for 20 years and there is no cell service by his house. He said Lafayette needs a cell tower. He runs his business out of his house and he needs the service. He also expressed a concern about contacting his doctor for his medical condition. He felt it would be difficult to sell a house without cell service. Mr. Muscalo said Lafayette needs to come into the 21<sup>st</sup> century and allow the tower.

Ms. Kristen Schiedlo of 45 Beaver Run Road, Lafayette was sworn in by Ms. Leo and said she will see the tower from her house. She read a letter to the Board in opposition to the tower being approved. She feels home values will fall because of the tower. She said the risk of cancer will increase. She said there is a risk of fire if the tower were to fall. Ms. Schiedlo presented pictures of her house which were marked and entered as exhibit CS-1 and CS-2.

Mr. John Strowe was sworn in by Ms. Leo and said he is currently the captain of the EMS squad and the next Chief of the Fire Department. He has been with the EMS since its inception and has 25 years with the fire department and in all of that time they have not had good coverage with their radio equipment. He felt this was an opportunity to get the tower in the middle of town. He said the members have a difficult time communicating with each other. He said it would be an increase in the safety of the members and those who they serve.

Ms. Dana Gall of 21 Cedar Ridge Road, Lafayette was sworn in by Ms. Leo and asked if any other options have been looked at for the emergency services radio coverage. Mr. O'Leary said the town has tried different dispatch areas however emergency services is not part of the

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application. Mr. Strowe asked if he can address the question. Mr. Strowe was sworn in by Ms. Leo. Mr. Strowe said the radio coverage is bad as well as the cell service.

Ms. Gall asked if there were photo simulations of tree poles to which Mr. O'Leary said there were and which had been marked and entered as exhibits. Ms. Gall asked when the planning of the tower site had started to which Mr. Soloway said he did not know. Ms. Gall said she asked about a possible cell tower when she bought her home 2 years ago and was told no. She said it is unfair to her if the tower is approved. She has reliable cell service. She said she and her family will feel trapped in their home.

Mr. Ron Anello of 25 Cedar Ridge Road, Lafayette was sworn in by Ms. Leo. Mr. Anello said he works at a school system that has 2 cell towers. He said the towers generate over 350,000.00 that go directly to the town. He asked what the revenue is from this tower. Mr. Soloway said it is not relevant. Mr. Anello asked what the benefit is to Lafayette. He said the tower should be moved to a public site. Mr. O'Leary said this matter has been addressed by the applicant.

Miss Victoria Schiedlo of 45 Beaver Run Road, Lafayette was sworn in by Ms. Leo. She read a letter opposing the cell tower.

Mr. John Lucey of 41 Beaver Run Road, Lafayette was sworn in by Ms. Leo. Mr. Lucey said he does not get cell reception at his house. He noted that everyone in the audience had a cell phone and said that the tower needs to be in someone's backyard.

Jonathan Schiedlo of 45 Beaver Run Road, Lafayette was sworn in by Ms. Leo. He read a letter opposing the tower.

Miss Abigail Schiedlo of 45 Beaver Run Road, Lafayette was sworn in by Ms. Leo. She read a letter opposing the cell tower.

Mr. Johnathan Schiedlo of 45 Beaver Run Road, Lafayette was sworn in by Ms. Leo. He said if someone can't get reception in their home, they can install a Wi-Fi system. He felt the pole will not look like a tree and said there are no other evergreens in the area. He said the application violates 5 of Lafayette ordinances. He felt Verizon was the only one to profit from the tower. The town does not get anything from it. He said he moved to Lafayette to be in a rural, farming community.

Mr. William Macko of 20 Dennis Road, Lafayette was sworn in by Ms. Leo. He said that while he can sympathize with the residents who will see the tower, he is more concerned with the safety of the residents. He described an accident he attended where emergency services could not get cell or radio service.

With nobody else coming forward, the meeting was closed to the public.  
The Board took a 5 minute break.

Mr. Soloway gave his closing statement. He said the testimony is that there is a gap in coverage. Mr. Pierson gave testimony at three separate meetings and addressed the Board's Radio Frequency Experts concerns. Mr. Soloway said it is a necessary use and serves the general welfare of the public. He said the property is suitable for the use and Verizon's gap is fulfilled with this site as it covers both valleys. He said the support equipment will not be visible. The tower will be 900 feet from any residence with room for co-locators and they have a willing property owner.

Mr. Soloway said there is no evidence of a decline in property value when a cell tower is installed. He said it is a low intensity use with no noise, sewer or water use. He said the detriment is the aesthetic value.

Ms. Leo went over the variances being requested and the conditions. The Board agreed to a black chain-link fence. There was a lengthy discussion on the removal of trees, how to record what is allowed to be removed and possible enforcement issues. There was a discussion on the buffer for the site. The Board agreed to a fifty foot buffer around the tower and equipment area.

The Board agreed they wanted a tree pole with a brown pole. There was a lengthy discussion on the type and height of the branches. The antennas will be painted brown as well.

A motion to approve the preliminary site plan, final site plan and variance application with the noted waiver and the conditions discussed was made by Mr. Cutler. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Cutler, Luthman, Leuthe, Didyk, Aikens, O'Leary. Mr. Luthman said he voted in favor because the Board's expert had concurred with the applicant's witnesses. Mr. O'Leary believed that Mr. Masters gave credible testimony and Mr. Pierson's testimony on the need for this location was consistent at the three meetings he attended.

Ms. Van Sickle returned to the Board.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

**OLD BUSINESS:**

1.) Possible Amendment to Renewable Energy Ordinance

The Board agreed to carry this to the following meeting.

**NEW BUSINESS:**

Mr. O'Leary suggested that the Board consider having a provision in the ordinance to pay someone to cover as the secretary when the Board secretary is unable to attend.

**RESOLUTIONS:** None

**ORDINANCES:** None.

**ZONING REPORT:** See Attached

Mr. Cutler went over his reports dated 1/26/17 and 2/23/17. He noted that the sign has been removed from the Suburban Propane site as well as the building has been boarded up.

**BILLS:** List #2

Mr. Leuthe went over the bills with the Board.

A motion to pay the bills as presented was made by Mr. Leuthe. It was seconded by Mr. Cutler and passed with a roll call vote. Ayes: Cutler, Luthman, Leuthe, Didyk, Taylor, Van Sickle, Aikens, Allison, O'Leary.

**CORRESPONDENCE:** None.

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Ms. Van Sickle. It was seconded by Mr. Leuthe and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Secretary