

*Livonia Joint Planning Board
January 25, 2016*

PRESENT:: Chair R. Bennett, R. Haak, D. Richards, C. Casaceli, J. Palmer, D. Simpson, J. Sparling, Attorney J. Campbell, Code Enforcement Officer-A. Backus, Recording Secretary-B. Miles

AGENDA: **(1) Accept and approve the meeting minutes of January 11, 2016**

(2) Crown Castle/Verizon Cell Tower Application – Frank West’s Property Big Tree Road, Livonia

Site Plan Review for the installation of a cell tower near Wildbriar above and behind Dollar General.

Chair R. Bennett brought the meeting to order at 7PM.

Chair R. Bennett asked the Board if everyone had a chance to review the meeting minutes. The Board agreed they had. R. Haak made a motion to approve meeting minutes for January 11, 2016 as submitted.

M/2/C (R. Haak/J. Palmer)

Motion Carried: 7 to 0

Secretary B. Miles read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday January 25, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Crown Castle/ Verizon Wireless for site plan application pursuant to Article XII & XIV of the Village of Livonia Zoning Code. The site plan application is for the construction of a 175’ Cellular Tower to be located off Wildbriar Drive (but above and behind Dollar General), in the Village of Livonia, NY and is zoned Gateway Commercial District. This application is on file in the Livonia Building and Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

Chair R. Bennett stated that this meeting is not for site plan approval. He explained that this Board cannot make that decision until this project has been reviewed the Joint Zoning Board of Appeals for an area variances and a conditional use permit. He stated that the format of this meeting will be so that Crown Castle can present their plans. The Board will then ask questions of Crown Castle and then the public will allowed to ask questions of Crown Castle. Chair R. Bennett stated that if you wish to ask a question please state your name and your address.

Jeffrey Davis introduced himself as an Attorney with Barclay Damon, who is representing Crown Castle in conjunction with Verizon Wireless. He will be presenting their plan for the construction of a 175 foot cell tower. Mr. Davis stated that they have submitted a fairly extensive package of information to the Livonia Joint Building and Zoning Department. He stated that according to Livonia Building and Zoning Code this application will require a SECR determination, Conditional Use Permit and variance for the front setback of the 175 foot cell tower. Chair R. Bennett stated that a letter had been written earlier on in this process to address many issues with the construction of this cell tower. Chair R. Bennett stated that he wanted to make the Board aware of this letter and asked that Mr. Davis address those issues noted in this letter. Mr. Davis agreed and stated that there has been another letter this afternoon from Livonia’s Engineering Firm and there has been several forms of communications back and forth.

Mr. Davis explained that the cell tower facility is a simple site plan. He stated that there is a driveway/access road with a 12’ x 30’ building. There will also be a backup generator, propane tank, 12 antennas, and 175’ monopole. There will be no lighting and the building and tower will be surrounded by a 60’ fence and trees. He explained that Crown Castle will be leasing a 100 square foot area which will

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encompass the building, the tower, and fence. He stated that this will all sit on crushed stone and the traffic on this access road will be utilized maybe once a month. The monopole construction only means that all the wires from the antennas run down the inside of the pole to the equipment in the building. Mr. Davis stated that they have not suggested landscaping because this tower will be surrounded by mature trees.

Mr. Davis explained why Verizon needs to construct this new tower. He stated that all cell phone companies are switching from 3G to 4G service and because all areas are being flooded with data usage by cell phones, tablets, and people switching from LAN lines to cell phones, this is causing many dropped calls. Both the existing cell towers in the area are trying to dominate because they are trying to handle the coverage, but they are too far apart to adequately serve the whole area. They have also spoke with Village residents regarding putting this tower in certain village areas, there has been no interest. This new cell tower will address the coverage issue and also address the capacity issue by establishing a dominate tower for this area leaving the existing cell towers to operate more efficiently. This site was chosen because it was the best fit and it is zoned Gateway Commercial. There has been suggestions made to use the water tower on Shelly Road, but the water tower is too short and it is also a mile away from the area Verizon is trying to cover. Mr. Davis explained that Verizon is a public utility and he also expressed that they do not have the power of emanate domain, but they are obligated to see that service is available. He noted that the cell tower will be visible in some locations and not in others. He explained that he has additional information available that he can review if anyone is interested. He explained that this tower is 175' tall. This tower is designed for a breaking point at 87.5' and it is designed not to fail. If this tower was to fall it is designed to fall at half its height. He stated that there have been towers built that have gone through hurricanes and 100 mile an hour force winds. Mr. Davis stated that the setback issue/variance is to the south which is to the front toward the Suburban Propane Tanks toward Main Street. Mr. Davis noted that there has been communication regarding the possibility of Crown Castle having total control of the fall down area whether it be through the lease, easement or owning the area. This issue was discussed prior to this meeting and if this is an issue we can discuss with the land owner obtaining an easement outside of our existing lease area. Mr. Davis indicated that they have a 100' lease area and that would provide Crown Castle with control of the 87.5' fall down area around the tower. Crown Castle has full responsibility for this tower. Mr. Davis asked if there are any questions from the Board or the public. CEO Adam Backus stated that the variance is related to the 87.5' fall down zone and part of the information requested from the Village's Engineer is the documentation to verify this tower's construction. Adam indicated that a decision will be contingent on reviewing this data. Mr. Davis stated that he spoke with the engineer, Wes Webber regarding this issue prior to this meeting and he stated that he will have this information ready tomorrow, Tuesday, January 26 2016. Mr. Davis stated that as soon as he receives this information he will forward on the CEO A. Backus.

Attorney Campbell asked Mr. Davis if Verizon is a joint owner with Crown Castle on this cell tower. Mr. Davis responded by saying that he does not represent Verizon, that his client is Crown Castle, but he has handled a series of joint ventures between Verizon and Crown. He also stated that Crown has a lease to construct the tower and also a lease with Verizon to place their antennas on this tower. Attorney Campbell asked if there will be any other providers on this tower initially. Mr. Davis stated not initially, Verizon will be the only provider on this tower, but there is space for three other providers. Any other providers would be below the Verizon antennas. Attorney Campbell also asked if at time will there be any increased height in this tower. Mr. Davis stated that anything is possible, but because of the underlining zoning issue this would probably not be allowed due to 87.5' down zone in this case. Attorney Campbell asked if Verizon or Crown reviewed the possibility of any small cell sites to handle this coverage issue. Mr. Davis stated that small cell sites are used primarily in areas where there are greater populations, such as the City of Rochester. The Livonia area is considered more of a rural area so the small cell design would not be the right fix for this area. Mr. Davis explained about the design required for the 4G

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coverage and with the existing equipment/cell towers the additional cell tower is required to meet 4G coverage. Mr. Davis referred to his map showing white in an area which indicated low coverage. He noted that there is not enough capacity in the two existing towers to give adequate coverage (4G) to the area in white. The two existing cell towers are too far apart. Attorney Campbell asked if it would be feasible to build small cells to build the capacity required for this area. Mr. Davis answer not really. He explained that by building two smaller cells at 35' you are doubling your sites and costs and the two smaller cells will not work technically. D. Simpson asked so technically it could work. Mr. Davis answered no, technically it would not work due to the macro level required to provide the 4G coverage. Mr. Davis pointed to his map and stated that a coverage pattern is required similar to the area he was pointing to provide the necessary coverage for 4G in the area in white. The several small cell towers would create additional problems and does not make sense in a business prospective. J. Sparling asked if the existing towers on both sides of this new proposed tower at the same height, 175'. Mr. Davis stated roughly about the same height, maybe 180'. The towers in this area they tried to stay under the 200' height. J. Sparling asked if and when Verizon goes to 5G, you will be adding more. Mr. Davis stated that he could not speculate what will happen in the future and he added that no one has been able to predict how the wireless industry is going to grow. D. Simpson asked what the distance is from the tower to the Suburban Propane Tanks. Mr. Davis stated 280' to the structure.

Mr. Davis stated that Engineer Wes Webber and he were discussing the possibility of moving the cell tower a little further to the north, about 5' or 10', if this is more agreeable with the Village but we really need to avoid the wetlands. C. Casaceli questioned the fall zone in conjunction to the propane tanks. Mr. Davis stated that the fall zone is 87.5' and the tower's breaking point is at 87.5'. The tower will not come anywhere near the tanks. Attorney Campbell asked if Crown Castle could provide any under taking or surety as to that breaking point. Mr. Davis stated that the plans will come stamped approved just like any other project. Attorney Campbell asked if it would be possible to get a fall zone easement in case this Board may feel this is necessary to prohibit expansion and the possibility to give a buffer to this particular situation. Mr. Davis indicated he did not know and referred to the Village Code and stated that this code does not really specify the fall down area. D. Simpson questioned the fall zone and any damage or explosion caused due to this cell tower. Mr. Davis stated that more and more cell towers are being built in rural areas because all the open spaces have been already taken. So cell towers are being engineered and constructed with more exact fall down zones. Mr. Davis explained that the location or the positioning of a cell tower is very important.

Attorney Campbell asked if the 175' is the minimum height required by Verizon to achieve Verizon's data requirements and what is the normal heights of towers being built in villages. Mr. Davis stated that 175' is the minimum height, Verizon's antennas are attached at 170'. Mr. Davis explained that the closer to the ground the more impedance there is and the higher on the tower the clearer the data and less impedance. The normal height in villages are from 150' to 175'. He also explained that each carrier operates in different operating BANS/frequencies. D. Simpson questioned other white areas on the map, white areas that were not referred to earlier. Mr. Davis explained that these areas are in a plan for future build, not to be built in 2015/2016. D. Simpson asked if Verizon looked at the 911 tower on Jakman Hill Road. It is about a mile away. Engineer Wes Webber stated that if it is a mile away, it is too far away. Mr. Davis explained that Verizon researched all of the local possibilities and this site we are addressing is the best possible site. Verizon will use existing towers, but this is not the case here and when Verizon cannot use existing towers they call on Crown Castle.

Chris Guenther with the Village Board asked the CEO A. Backus and the Planning Board how low or what the maximum height that Verizon can place their antennas and still have quality data transmission and does the zoning code specify these limits and can Verizon eventually go higher. Mr. Davis explained that there is no limit on the height of a tower. In this case the height of the antenna will be at 170' and

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there is generally a 10' separation requirement between the antennas. On this tower there is a limit of 4 antennas so the lowest height of the fourth antenna will be at 140'. Mr. Davis explained that other carriers could attach lower on this tower but it would not be a data carrier. Chris Guenther asked if Verizon wants 175' tower because that is what they need or is Verizon planning to rent or lease space to other carriers. Mr. Davis stated that Verizon will not own this tower so Verizon will not get any money out of this tower. Crown Castle will own this tower and they will get a leasing fee from Verizon. Chris asked how answer questions from people regarding health concerns from radio waves. Mr. Davis stated that Tab 12 of the Site Plan for the tower addresses this question and carriers have to comply with FCC standards.

What would be the procedure if another carrier wants to piggyback on this tower? CEO A. Backus stated that the other carrier would also have to go through site plan approval. The equipment inside the facility is strictly owned by Verizon. The concern was raised about the noise and traffic coming and going at this tower. Mr. Davis stated that a technical person may be there 20 minutes a week.

Chair R. Bennett asked if the construction is kind of similar to the tube type construction of the tower near Arcade or is it triangular. Mr. Davis explained that it is a tube type construction where they slide over the top of the other tube and they are bolted together. Chair R. Bennett stated the reason he is asking that he has lived next to a cell tower and has lived there 30 years and he has never heard anything from that cell tower.

Questions from the public:

- Elton Ray, 19 Washington St., asked if there was an event where the tower collapses and if so this tower would still be electrified. Could the tower fall in a way to cause a fire and spread to the tanks and if there is a lightning storm what keeps the tower from causing a fire and the fire traveling to the propane tanks. Mr. Davis stated that this equipment does not have the extensive power that causes fires and this facility has breakers. As far as lightening storms the tower is full grounded.
- Margaret Linsner, 49 Linden St., asked who will actually benefit from constructing this tower. Mr. Davis stated this will benefit Nationalgrid, 911, local Verizon cell phone owners, emergency services and many others. Margaret wanted to know about the noise factor and asked if there has been studies. Mr. Davis explained that there is a generator inside the building, but that cannot be heard outside the building and there is no noise from the tower. Margaret stated she does not want to see a cell tower in the village.
- Ralph Parker, 17 Commercial St., stated that he wants the technology but the cell towers are ugly, awkward and he does not want the community to look like crap. He voiced his concern that this cell tower will devalue the property near it. He also wanted to know why they cannot use the water tower. Mr. Davis stated that the water tower is not high enough and the zoning code states no structures (the water tower) can be located in the fall down zone. Mr. Davis explained how they determined the possible site location for this cell tower. D. Simpson stated that there is the cell tower at the Cambridge Heights site and asked why they cannot use that tower. Mr. Davis stated they would study that site, this location was the best solution, but they will look into it. Attorney Campbell asked if Verizon could build two cell towers that might have a less impact on the village. Mr. Davis stated that if two cell towers were to be considered each tower will have to be 120' and Verizon will have to look for two properties to put these towers on. The engineering of the 120' towers will create a bigger problem and will have a greater impact on the village than the one tower.

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- Gus Schroeder, 21 Washington Street – Gus expressed that he was not happy and he really did not want to look out his bedroom door and see a cell tower almost in his backyard. CEO A. Backus stated that initially Verizon was looking at the area across the street here on Commercial Street. Gus wanted to know if the Village has made a decision on this tower. CEO A. Backus explained that there are some major power lines at the site across the street.
- Maryellen West, Grove St., stated that she has done some internet research and she found that there has been some negative impact. She wanted to know how far away from Dollar General the cell tower will be. Mr. Davis stated that the tower will be 516’ north of the nearest corner of West’s Shurfine. Maryellen asked about how the cell tower will look to them from their backyards and windows.
- Joe Aguglia, 19 Grove Street – Joe asked why the tower cannot be moved further north toward Stone Hill Road. Joe stated that if the tower can be moved back a couple hundred feet to the north it would be less of a visual impact on the village. Mr. Davis stated that there is wetlands in that area. He stated that wetlands are not considered State or Federal wetlands, but we still need to go through 401 qualifications to build there. Joe asked what about going from the back of the property and not get into the wetlands. Attorney Campbell asked about building on the wetlands. Mr. Davis stated that when you get north of the wetlands the landowner has future plans for developing.
- Chris Coniglio, 45 Washington Street stated that her main concern is the Suburban Propane Tanks, possible radiation, and kids play on the railroad tracks and we walk our dogs there. Attorney Campbell asked if there is barbed wire at the top of the fence. Mr. Davis stated there is a six foot chain link fence and there is two feet of barbed wire fence on top, but that could be addressed.

Attorney Campbell asked if the property owner would consider a lease of property more to the north of the area being considered. Engineer Wes Webber stated that they had considered that and proposed it to Verizon, but it was not acceptable. C. Casaceli stated that on the Engineering Report, page 5 it stated that this area is Archaeologically sensitive and asked Mr. Davis how did you address this situation. Engineer Wes Webber stated that they looked into it and there was no significant impact and no further action required. CEO A. Backus asked that he get that document so the Board can address the issue on SECR. They will make sure CEO A. Backus gets a copy. There was additional discussion regarding the wetlands.

Chair R. Bennett stated that it is time to close this meeting. Mr. Davis stated that they will be attending the Zoning Board of Appeals Meeting scheduled for February 1, 2016. This will be for a variance for the fall down zone and a Conditional Use Permit.

Attorney Campbell asked the Board if they want to leave the Public Hearing open for either oral and/or written comments to the Board. The Board agreed that the public hearing will be held open for oral or written comments until the next Planning Board Meeting. Attorney Campbell suggested making a written referral to the ZBA for the consideration of the variances which will include the variance of 40’ height and for the fall down zone for the tower.

M/2/C (J. Palmer / D. Simpson) to make a referral to the ZBA for a variance of 40’ in the height of the cell tower and a variance for the fall down zone.

Motion Carried: 7 - 0

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Chair P. Bennett asked for a motion to adjourn the Livonia Joint Planning Board Meeting at 9:00 pm.
M/2/C (C. Casaceli / R. Haak)
Motion carried: 7 to 0

Respectfully submitted,

Betty Miles
Recording Secretary