

**LIVONIA JOINT PLANNING BOARD
APRIL 24, 2017**

Present: Chair R. Bennett, R. Haak, J. Palmer, D. Richards, D. Simpson, J. Sparling, CEO A. Backus, Attorney J. Campbell and Secretary, A. Houk.

Agenda:

- 1) Approve the meeting minutes from March 27th, 2017**
- 2) Vicki Flora/VIRA Realty – 3100 Rochester Road, Lakeville, N.Y.**
Approval of Conditional Use Permit.
- 3) Crown Castle/Verizon Cell Tower – Frank West property, Livonia, N.Y.**
Preliminary concept.

Chair R. Bennett opened the meeting at 7:00 p.m.

1. Meeting minutes for March 27th, 2017. Chair R. Bennett asked for a motion to approve. M/2/C (J. Palmer/D. Richards) approved as submitted. Carried 6-0

2) Vicki Flora/VIRA Realty – 3100 Rochester Road, Lakeville, N.Y.

Attorney J. Campbell stated that the record should reflect that his office has done work with Vicki Flora in the past.

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday April 24th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Vicki Flora/VIRA Realty for approval of a Conditional Use Permit per Section 150-12 of the Zoning Code of Livonia. The proposal is for the conversion from a Church to a Wedding/Banquet Hall venue located at 3100 Rochester Road, Lakeville, New York. The property is zoned Commercial Limited Industrial (C/LI). The application is on file in the Building & 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 invited Vicki Flora to come forward. This meeting is for approval of the Conditional Use Permit for use involving alcoholic beverage consumption. A Public Hearing was required and formal letter of notification to the Municipality of Geneseo, as the property is within 500 feet of the Geneseo boundary. The Municipality was given a ten day grace period for their comment, no comments were received. The Site Plan modification and SEQR were approved at the previous meeting.

Chair R. Bennett opened the Public Hearing. With no responses from the public, Chair R. Bennett closed the Public Hearing.

LIVONIA JOINT PLANNING BOARD
APRIL 24, 2017

Chair R. Bennett asked the Board to go through the Conditional Use Permit criteria.

1. Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety, comfort, morals or general welfare? No
2. Will the conditional use be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the zoning district of concern? Will the conditional use diminish or impair property values in the immediate vicinity? No
3. Will the establishment of the conditional use impede normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the district of concern? No
4. Will adequate measures be taken to provide ingress and egress in manner which minimizes pedestrian and vehicular traffic congestion in the public ways? Yes
5. Do adequate utilities, access roads, drainage and other facilities necessary to the operation of the conditional use exist, or are they to be provided? No
6. Does the conditional use permit in all other respects conform to the applicable regulations of this chapter and other town/village laws, ordinances and regulations? Yes

Chair R. Bennett asked the Board for a Motion to approve the Conditional Use Permit for the sale of alcohol: M/2/C (R. Haak/J. Sparling) Carried 6-0

3) *Crown Castle – Verizon Cell Tower – Frank West property, Livonia, N.Y.*

Attorney J. Campbell stated that Professor William Johnson was present. He is the Town's consultant who has been reviewing this application and is here to help answer any questions.

Chair R. Bennett invited Jeffrey Davis of Barclay Damon, attorney for the applicant, Crown Castle and co-applicant Verizon Wireless to come forward. Mr. Davis stated that their proposal has changed slightly since they were before the Planning Board in January of 2016. The application is for a Cell Tower on the property owned by Frank West. It is located behind Shur-Fine and Dollar General on Main Street and would provide wireless service to the Village of Livonia. Since they were here, the application was tabled and they went through a review process with Professor W. Johnson to look at the Radio Frequency need for a Cell Tower facility. There were alternative locations that the Town had asked be examined for possible alternate locations. In the previous application there was a need for area variances, they have since eliminated the need for the setback variances by moving the tower's location on the property and working with Verizon to reduce the actual height of the Tower. Mr. Davis reviewed the site plan issues and provided updates where they stand. They have a 100 X 100 area of land that they will

LIVONIA JOINT PLANNING BOARD
APRIL 24, 2017

lease from property owner F. West. There will be a 60 X 60 fenced Tower compound area with an access from existing road off Big Tree Street and Wildbriar Drive. The Verizon equipment will be on a steel platform within the leased area. There will be outdoor equipment cabinets, a Generator and the Monopole Cell Tower in the middle. Mr. Davis indicated potential locations for other co-locators of additional wireless carriers as required by the Town's Code. There would be a propane tank with a 10' radius no spark zone used to fuel backup Generators if necessary. Mr. Davis reviewed the fall down zone radius required by the Town's Code. By sliding the Tower slightly north - west, and reducing the Tower height, they are able to achieve full Tower height setback or fall down zones, having an extra five feet to the nearest property line. There would be a limited clearing in the wooded area as shown in the Site Plan. The Tower is 155' to the top of the Tower, with Verizon's antenna at a center line of a 150' with a 5' lighting rod at the top, which is excluded from the Code for height purposes. Cabling will run inside the tower to the bottom of the equipment. The Tower will not have a light or will be maned. There are two other Cell Towers in the area, one is located on Triphammer Road near interstate 390, and Cleary Road. Between these two coverage areas is where they are proposing to install the new Cell Tower. This is an area that is lacking wireless coverage. This coverage area would focus on the Village of Livonia and the Livonia High School. In the previous application, they presented a balloon test to provide visual impact of the Tower. Mr. Davis discussed with the Board the different locations and their results.

D. Simpson asked for clarification on the distance from the Tower to the property line. J. Davis confirmed the distance is the entire Tower height. In the previous application, there were discussions regarding the break point and the Tower was much closer to the property line. They have since eliminated the break point and moved the Tower back and lowered the height to obtain full Tower height setback. They are 160' from Suburban Propane, 348' to the propane tanks. Attorney J. Campbell asked if there is co-location on this property, is it likely it will occur above 150'. J. Davis stated that it would depend on each carriers need and would require a ten foot separation between antennas. There have been changes in Federal Law that state how co-locations are supposed to be done, it should be an administrative process which is done in sixty days to act. If someone needed to be taller, they would need to go through the Town's process. Attorney J. Campbell asked if someone were able to justify the need for co-locating at 165', where the Tower is sited now, there would be variances required. Would it make sense to consider moving the Tower 15' to accommodate for future requests. J. Davis stated that they can't move the tower any further due to wet areas on the property. If someone wanted to co-locate higher, they would need to come before the ZBA Board for approval to justify why they couldn't take the lower location. CEO A. Backus stated that the point is, if it's reasonable to expect that a co-locator will have to go up, is there any way to get a handle on probability of them being able to fit down below. If they do have to go up, we are only kicking the can down the road and the variances are going to be much more difficult, and the alternative is another Tower which we don't want. J. Davis stated that it is difficult to predict what and when someone else will want to co-locate. The current proposed location is as far back as they could make it, due to the wet areas. If they could have moved the Tower back, Verizon would have wanted their Tower height to be 170'. They lowered their request to meet the fall zones and avoid the

LIVONIA JOINT PLANNING BOARD
APRIL 24, 2017

variances. The only other option would be to request they keep the Tower in the exact location as previously presented and put in a break point. It is more expensive to build a tower this way and it would have to meet the full setbacks, but it would accommodate for something taller in the future. CEO A. Backus asked if they were planning to build this tower to add onto in height in the future. J. Davis stated that all towers with the monopole design can be extended, but usually the next carrier is not asking to increase in height, they are very happy to come on at 140'. Originally, towers were built at 350', now everyone is well below the lighting requirement. Most Towers these days are 150' – 170', with most being at 150'. There are forty tower sites in zoning across New York State and only three towers are above 150'. W. Johnson stated that he wasn't aware that the break point would be a show stopper for the Board. It is important to keep your options open for future for co-locators. Sometimes towers are installed incorrectly and do break off at the base when they have a break point. That is a failure in engineering or construction, not a failure of the concept. The Town of Rush currently has a tower directly behind their Town Hall & Library. A break point was put in so it would hinge at that point and not fall into the building. It would have cables inside the pole that would also provide support so not to fall into the building. Keeping options open so future applicants could come in and ask to put the tower higher to get better coverage so another tower would not be requested in a different location, this would be a good time to approve 155' with an engineered break line so the tower could be extended up to 175'. If you don't want it higher, this would be the time not to approve, as you would be dealing with the variance requests. There was discussion regarding moving the tower to the north. W. Johnson stated that the Village is where the capacity demands are. CEO A. Backus stated that we are comfortable that they have satisfied the show for need, discussed optional locations. The amount of the Security Bond was discussed and determined that Crown Castle would send a proposal for the Town Engineer to review. CEO A. Backus stated that he would like Crown Castle to provide alternatives for access way location in light of the proposed extension of Wildbriar Drive. The goal moving forward is to have Crown Castle & Verizon attend the May 8th Planning Board meeting to tie up some loose ends and we will hold the Public Hearing on May 22nd.

With no further comments Chair R. Bennett asked for a motion to adjourn the meeting at 8:40 p.m... M/2/C (R. Haak/J. Palmer) Carried 6-0

Respectfully Submitted,
Alison Houk, Recording Secretary