PLANNING BOARD MEETING MINUTES

August 11, 2016
The Planning Board held a meeting at 6:30 PM local time Thursday, August 11, 2016 in the Town Hall Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it. The board then held a public hearing meeting at 7:00 PM to hear new applications.

I. CALL TO ORDER:

PRESENT: Allyn Hetzke, Jr.
Bill Bastian
Jim Burton
Bob Kanauer

ABSENT: Terry Tydings

ALSO PRESENT: Zachary Nersinger, Town Planner
Mark Valentine, Town Engineer
Douglas Sangster, Planning/Environmental Technician

II. APPROVAL OF MINUTES:

The board voted and APPROVED the draft meeting minutes for July 14, 2016.

Vote: Moved by: Burton Seconded by: Kanauer
Chairperson: Hetzke - Aye Bastian - Abstain Burton - Aye Kanauer - Aye
Tydings - Absent

Motion was carried.

III. PUBLIC HEARING APPLICATIONS:

1. Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604, on behalf of Verizon Wireless, requests an informal discussion before the board with plans for a wireless telecommunications facility with a 134’ monopole and equipment shelter on an 11.13 +/- acre parcel located at 1192 Shoecraft Road. The property is now or formerly owned by Thomas and Diane Gibson and zoned RR-1. Application #16P-0009, SBL #094.02-1-1.6.

Thomas Greiner Jr. of Nixon Peabody presented the proposed project to the board. Also present was Brian Tempio of Tectonic Engineering.

- Mr. Greiner presented to the board a map depicting existing Verizon service coverage and propagation of the subject area and location of the proposed tower along with location of existing towers adjacent to that site.
Mr. Greiner described the existing coverage map highlighting the white dots on the map that were indications of less than desired signal strength. Many of the dots represents single family residential home structures.

Mr. Greiner explained the second map depicted the gaps in coverage that the proposed tower would address the problem area shown in a green color. Chairman Hetzke asked for clarification on the colors shown on the map for the board and the audience. Mr. Greiner confirmed that the green colored area around the proposed site would turn to blue, the color used for existing coverage.

Mr. Greiner explained the process a radio frequency engineer uses to determine the search ring for improving coverage in problem areas. Tectonic Engineering was tasked with finding a location. Utilizing existing towers in the area as well as Town-owned properties with colocation was ruled out as these were no towers available within the identified search ring. Constructing a new towers was a last resort consideration for the applicant but necessary for this application.

Using the search ring, potential parcels for the proposed tower were identified based on height and location that would meet radio frequency requirements.

The proposed tower was shown at approximately 600 feet from Shoecraft Road in an existing cleared area of land between stands of trees. The submitted plan proposes to extend the existing driveway to allow access to the structure area. The lease agreement proposed a 100' x 100' lease area for the tower with an access easement.

The proposed site provides a buffering from the existing stand of trees. An 11' x 16' platform with equipment cabinets is proposed, which differs from older towers that featured a utility shed. The plan includes a six (6) foot fence around the structure with two (2) feet of barbed wire attached. Power utilities would need to be installed underground along the driveway.

The applicant responded to PRC comments, specifically addressing some of the details for the onsite backup generator.

Board Comments:

Chairman Hetzke asked if the signal strength of the proposed tower would be equivalent to the surrounding areas which were depicted as being considered desirable levels of service. Mr. Greiner confirmed that the proposed tower would offer the desired signal strength to the subject area.

Chairman Hetzke asked how the maps were generated and how it was determined that the residential structures were not receiving the desired signal strength. Mr. Greiner stated he was not a radio frequency engineer but believed the propagation tools used to determine coverage utilized an algorithm that was continually improved by real data. Construction material types are factored in to account for loss of signal along with trees, clutter, mountains, etc. Drive tests were conducted by placing an antenna on a crane and recording the data that is fed into the described propagation tool so the data is obtained and not theoretical.

Board member Burton asked if the proposed fence was chain-link with barbed wire or razor wire, and if the site would be monitored for security. Mr. Greiner referred to Mr. Tempio who did not know if the area would be monitored and informed the board he would provide that information. Mr. Greiner was unaware of any incidences involving individuals trespassing the fenced areas at other cell tower sites.
Board member Kanauer asked if a cellular tower existed at the corner of State Road and Plank Road where the Fire Hall was located. Mr. Greiner asked if he was referring to West Webster Fire District #3, Mr. Kanauer confirmed this was the same. Mr. Greiner explained the referenced location houses a “flimsy” mast-type pole with a whip antenna.

Board member Kanauer asked if this structure was included as a possible site for colocation when the search was being conducted. Mr. Greiner believed the site was investigated and it was determined to be too far to the west. He explained this structure was not far from an existing Verizon tower on Plank Road.

Board member Kanauer asked why the backup generator was proposed to use diesel fuel instead of natural gas or propane, noting that the leakage of diesel fuel is an environmental concern. Mr. Greiner stated he would find out the answer to that question but explained that diesel was commonly used for these type of generators and often preferred with the exception of sites encroaching on wetlands.

Board member Burton stated that according to the application submittal documents a balloon test was conducted and asked when that took place. Mr. Greiner believed this took place in either March or April of this year. Neighbors were not notified at that time but the applicant was willing to conduct another balloon test at the Board’s request.

Board member Burton asked how the location of the structure was determined on the proposed parcel. Mr. Greiner believed the location was chosen due to the fact that it was clear of trees and thus would be less impacting to existing conditions. He stated the specific details could be provided.

Board member Burton asked if Ms. Richardson’s request to locate the tower further back on her property created an issue for the applicant when her property was being explored as a potential site. Mr. Greiner explained he was not involved with those negotiations but believed the location was not an issue if Ms. Richardson had agreed to the proposed project.

Board member Kanauer observed the submitted plans included footprints for two additional service carriers and asked if these providers would each have their own backup generators or if the existing generator would be replaced to accommodate the demands of the those carriers. Mr. Greiner did not know the answer and would respond to the board at a later time with that information.

Board member Burton asked if terms were included in the lease agreement to cover the cost of the removal of the tower if it was no longer utilized, noting that typically this was part of standard lease agreements. Mr. Greiner explained the plan for removal was included in the standard lease and believed the applicant had 90 days to comply with requirement. He also referenced a removal bond or letter of credit that was customary and could be required by the Town as part of the approval process prior to any construction.

Board member Burton asked if the tower was designed to collapse in an area smaller that the fall zone. Mr. Greiner explained the towers were typically designed to collapse within a percentage of their height which was typically around 50 to 60 percent of their height. Mr. Burton requested the applicant provide the board a map illustrating the collapse impact zone.

Chairman Hetzke asked for any history about how often cellular towers collapse. Mr. Greiner was aware of one collapse in Oswego in the past that was attributed to a design defect by a manufacturer, who is no longer in business. He also listed a tower that was between 500 and 600 feet tall in Ohio that collapsed when struck by an airplane, and a
tower that came down in strong winds during Hurricane Andrew in south Florida. Mr. Greiner explained cellular towers typically fared better in major storm events than most other structures.

Public Comments:
- Susan Richardson, 1194 Shoecraft Road, addressed the board with her concerns regarding the proposed project.
  - Ms. Richardson explained her property was adjacent to the proposed site and her property was previously under consideration for the proposed tower.
  - She expressed concerns regarding the aesthetic and property value impacts.
  - Ms. Richardson explained that when her property at 1194 Shoecraft Road was considered for the tower she had requested the tower be constructed further to the rear of the property. She requested the applicant consider a similar distance for proposed location. Currently, as proposed, the structure would be closer to her residence than it would have been had she consented to having it on her property. Ms. Richardson
  - Ms. Richardson submitted to the board an aerial map including her property and 1192 Shoecraft Road illustrating the proposed location of the Structure on her property and the most recent proposed location on 1192 Shoecraft Road.

Ms. Richardson added the following comments:
- Could the cell towers at Webster Town Hall or Schutt’s farm be considered as a possible sites for colocation?
- Is a master plan for cellular towers existed as there seemed to be an increase in the number of towers in the area?
- Were impacted residents in the Town of Webster notified?
- If no alternate location was found and the tower could not be place farther to the rear of the lot Ms. Richardson requested the board require the structure be camouflaged. She referenced Larson Camouflage that has provided this service at other locations.
- Will there be another balloon test so residents could see the height of the proposed tower?
- As technology improves is a remediation plan in place for defunct cellular towers?
- How does the proposed project comply with the setback requirements as the width of the lot was less than 400 feet?
- Alane Mammino, 143 South Estate, in the town of Webster expressed concerns regarding impacts to her neighborhood and requested Webster residents who would be impacted by the project be notified prior to any future public hearings for this proposed project.

Applicant Responses:
- Mr. Greiner responded to Ms. Richardson’s question regarding the setback requirement by explaining the application had included plans to make an application for an area variance to the Zoning Board of Appeals in addition to the preliminary/final application made to the Planning Board. He further explained that part of the assurances in obtaining the area variance was that any debris associated with the potential collapse would be contained within the parcel and not impact neighboring parcels.

Following a discussion at the public meeting and subsequent discussion in a work session, the Penfield Planning Board offered the following comments.
• The applicant shall provide any available research that was completed to evaluate the colocation possibilities on existing towers in the area and to review municipally owned lands as a possible site location.
• Landscaping shall be added to the site plans to provide an acceptable buffer from any utilities installed at the ground level.
• The applicant shall provide the board with RF propagation maps.
• The applicant shall provide the board with any available information about security measures that are used to prevent trespassing and damages to the facility. Fencing details shall be added to the site plans.
• In a related matter, the board expressed concerns for the proposed equipment platform with exposed utilities and stated in the work session that an equipment shelter would be the preferred alternative for this site. Provide a response to this matter for the board.
• The applicant shall provide the board with justification for the proposed diesel fuel source of the backup generator, and also confirm if the generator will have the capacity to support the equipment of multiple carriers.
• The Board is sensitive to the concerns of the adjacent property owners and requests a second balloon fly be scheduled prior to any future public hearing. A balloon shall be placed at the proposed location for the tower and a second balloon shall be placed another 400 +/- feet to the east (deeper into the property) of the proposed location. This would assist the board in evaluating the visual impact of the proposed tower to neighboring residents. The board requests that this event take place on a Saturday morning with a starting time between the hours of 8:00 AM and 9:00 AM. Please coordinate with the Planning Department to arrange a suitable date.
• A Special Use Permit Application will be required with a future submission.

The board voted and directed staff to issue a sketch plan review letter to the applicant.

Vote: Moved by: Bastian Seconded by: Burton
Tydings - Abstain

Motion was carried.

2. McMahon-LaRue Associates, P.C., 822 Holt Road, Webster, NY, 14580, on behalf of Plank Road Development, requests under Chapter 250, Articles VI-6.1, XI-11.2, XII-12.2 of the Code of the Town of Penfield For Final Site Plan, Subdivision, and EPOD Permit approval under Town Law §278 to construct 18 single family homes associated site improvements on 31.37 +/- acres located at 899 Plank Road and 1377 Shoecraft Road to be known as Crowne Pointe Section 2B. The properties are now or formerly owned by Plank Road Development, LLC and are zoned R-1-20. Application #16P-0010, SBL #094.18-1-6.211 and 094.19-1-1.11.
Al Larue, P.E., McMahon-LaRue Associates, presented the application to the board.

- The overall preliminary application was approved in 2004 and this section, as shown on the plans, is consistent with that approval.
- The plans for Section 2B include preserving approximately 2.4 acres of wooded area.
- The applicant had a wetland and stormwater DEC permits at the time of approvals for section 2 that are still active.
- Comments from Town staff were being addressed.

**Board Comments:**

- Board member Bastian reviewed staff’s comments from 2004 regarding the piping of a ditch on the south side of Plank Road and inquired if that work was ever done. Mr. LaRue explained the piping was not installed. Currently the developer is not planning to because runoff at the rear of these lots is proposed to captured and redirected to the retention pond resulting in a minimal collection of stormwater in the ditch.
- Board member Bastian referenced the originally submitted plan that did not show the five (5) feet of sidewalk to the west along Kightbridge Circle; however, the colored rendering submitted by the applicant during the [public hearing] presentation shows a sidewalk. Mr. LaRue confirmed the sidewalk is planned to be installed per the revised plan.
- Board member Bastian asked if a tree preservation plan was established to tag the appropriate trees to be removed and/or preserved to ensure the preserved trees were not affected during the course of construction. Mr. LaRue explained the perimeter of the wooded area to be preserved would be flagged. The developer plans to avoid disturbance of the wooded area to minimize the impact to the trees. The lot shown with frontage on Shoecraft Road would be developed from that street and the wooded area between that lot would be avoided.

The board voted and TABLED the application pending the review and/or submission of the following items:

- Submission of revised site plans with responses to comments made in the PRC memo dated July 25, 2016.
- The Town Engineer will speak with the applicant, their engineer, and Monroe County DOT regarding the removal of the guard rail installed along Plank Road.
- The directed staff to prepare a draft approval resolution and Part 2 Short EAF for its review and consideration at the September 8, 2016 meeting.

**Vote:** Moved by: Bastian Seconded by: Burton


Tydings - Absent

Motion was carried.
IV. TABLED APPLICATIONS:

1. Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614 / Midlakes Management, LLC, requests under Chapter 250 Articles VI-6.1, XI-12.2 and XII-12.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan, Subdivision, and EPOD Permit approval under Town Law 278 for the construction of 33 townhomes with associated site improvements on 32.67 +/- acres. The parcels are located at: 1185 Empire Boulevard, 1211 Empire Boulevard, and 41 Woodhaven Drive. The properties are now or formerly owned by Howitt-Bayview, LLC and are zoned LLD and R-1-20. Application #16P-0004. SBL # 108.05-2-8.5., 108.05-2-8.33, and 108.10-1-1.111.

- Mr. Nersinger informed the board that staff that there were no updates submitted for the Board's review at this time and recommended the board entertained a motion to continue tabling the application.

The board voted and CONTINUED TABLED the application pending the review and/or submission of the following items:

- Current plans in file show a rear elevation only of the proposed triplex townhomes and a set of elevation drawings from a similar development in the town of Chili. The Board requires a submission of a complete set of building elevations and colored renderings for this specific site location with accurate details. Samples of the proposed building materials shall be provided as well. The board has directed staff to resubmit the building elevations and associated materials to the Town's Architecture Consultant for his review upon submission.
- Submission of the geotechnical report for the Engineering Department's review of soil conditions.
- Submission of the latest wetland and floodplains delineations for the site.
- Specification for the board if any ground monument sing would be considered near the entrance or beginning point of the residential subdivision.
- Provide clarification for the intended use of the lands shown on the plans that are assumed to be donated to the Monroe county Parks. This was previously stated during the sketch plan application in 2013.

Vote: Moved by: Kanauer Seconded by: Bastian
Tydings - Absent

Motion was carried.
III. MISCELLANEOUS:

1. Fairview Crossing, Section 6 Plat Map
   - Mr. Nersinger reviewed the Board’s previous approval for the resubdivision of lands within Section 6 of the Fairview Crossing Subdivision. The developer has obtained approval from the Town Board for a sidewalk waiver for a strip of land located between Cali Ridge and Watson Road that was reserved for a sidewalk in exchange for continuing sidewalks on Watson Road. The developer requested this land be resubdivided into lots 610 and 611. The requested was granted by the Town.
   - Mr. Valentine explained that Section 6 was currently under construction. The submitted map showed the adjoining Parcels A, B, and C that were subdivided out as part of Fairview Crossing Section 6 and never merged. Signatures from the owners of these properties have been obtained and in order to complete merger process. The proposed actions would eliminate sub-standard parcels.

The board voted and APPROVED the revised plat map

Vote:       Moved by:     Seconded by:     Kanauer

Chairperson: Hetzke - Aye  Bastian - Aye  Burton - Abstain  Kanauer - Aye

Tydings - Absent

Motion was carried.

2. Upcoming board meeting: Staff informed the board of the application that will be heard at the September 8, 2016 public hearing.

There being no further business to come before the Board, this meeting was adjourned at 8:35 PM.

These minutes were adopted by the Planning Board on September 8, 2016.