

Penfield Zoning Board of Appeals Penfield Planning Board August 15, 2022 Special Work Session Meeting Minutes

The Zoning Board Special Work session was held at 3:00 p.m. local time with discussion on August 15, 2022, in the Auditorium. The purpose of this meeting is for discussion by the listed Boards relating to the following tabled applications before each Board:

Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY, 14604, on behalf of Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless requests approval for a Use Variance under Section 250-14.3 of the Code to allow the construction and operation of a tower-based wireless communications facility (TBWCF) whereas Section 250-13.11-B (4) (i) of the Code prohibits TBWCFs within the Four Corners zoning district and an Area Variance under Section 250-14.3 of the Code to allow a TBWCF with less setback than required under Section 250-13.11-B (7) (e) (1) of the Code at 1838 Penfield Road. The property is currently or formerly owned by Penfield Fire District and is zoned FC. SBL #139.06-2-49.1. Application #22Z-0019.

and

Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604, on behalf of Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless, requests under Chapter 250, Article XII-12.2, and Article XIII-13.2 of the Code of the Town of Penfield for Preliminary and Final Site Plan approval and a Conditional Use Permit for the proposed construction and operation of a 124' wireless telecommunications facility (plus 4' lightning rod) and associated site improvements on the 880 sf leased parcel of the ± 2.88 acres at 1838 Penfield Road. The property is now or formerly owned by Penfield Fire District and zoned Four Corners (FC). Application #22P-0012, SBL #139.06-2-49.1.

PLEASE TAKE NOTICE that a Special Work Session meeting of the Penfield Zoning Board of Appeals and the Penfield Planning Board is scheduled for 3:00 PM Monday, August 15, 2022, at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield NY, 14526. This meeting will be video recorded and broadcast LIVE via the town's website www.penfield.org, on the Town's Government Access Cable Channel 1303, and on streaming media device: ROKU, Apple TV, and Amazon Fire. If required, the meeting will be later transcribed. For questions regarding video coverage please contact Penfield TV at (585) 340-8661.

NOTE: The following is meant to outline the major topics for discussion during the Work Session for the Zoning and Planning Board. For more detailed information, the reader should ask to listen to the recorded tape of the August 15, 2022 Planning Board and Zoning Board of Appeals Special Work Session, which is available at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 during regular business hours or listen to the meeting on our website at www.penfield.org.

Penfield Zoning Board of Appeals
 Penfield Planning Board
 August 15, 2022 Special Work Session

I. Call to Order:

Zoning Board Member	PRESENT	ABSENT
Daniel DeLaus, Chairperson	X	
Laura Eichenseer		X
George Flansburg	X	
Matthew Piston	X	
Andris Silins	X	

Planning Board Member	PRESENT
AJ Hetske	X
Robert Kanauer	X

ADDITIONAL STAFF	PRESENT
Doug Sangster – Town Planner / T.O.P.	X
Endre Suveges - Building Inspector / T.O.P.	X
John Mancuso - Legal Counsel / Weaver Mancuso Brightman	X
William Johnson - Town Consultant / RF Engineering Consultants	X
Steve Ciccarelli - Town Consultant / RF Engineering Consultants	X
Jared Lusk - Nixon Peabody / Verizon	X
Kathy Pomponio - Project Manager / Verizon	X
Jackie Bartolotta –Site Acquisition Rep. / Techtonic Engineering	X
Mike Crosby - RF Engineer / Verizon	X
John Mancuso - Counsel to both Boards	X
Dave Weisenrieder - Costich Engineering	X
Dave Plante - Bergmann Associates for Impact Assessment	X
Kristine Shaw, Secretary to the Zoning Board	X

WORK SESSION:

The Chairperson briefly explained the procedures that the Zoning Board and Planning Board would follow during the work session, regarding an application for a cell tower at 1838 Penfield Road also guidelines to applicants and the consultants on this project. Chairman DeLaus then started the Work Session with introducing all in attendance.

This application is for a cell tower and Planning Board and Zoning Boards have items to consider and Chairman DeLaus started off the work session by having Mr. Ciccarelli review the reports and responses.

Board / Presenter Comments / Questions / Statements:

Steve Ciccarrelli – RF Engineering – Town Consultant

Mr. Ciccarrelli started with summarizing what they reviewed.

Item #1: The proposed site is intended to address poor and inadequate coverage in the geographic areas and reduce capacity demands on neighboring sites.

Item #2: The proposed site will increase and improve coverage and capacity in the area substantially.

Chairman Hetske quoted Mr. Ciccarelli about the statement it would do a ‘reasonable job’ of coverage and asked if it is an ok job, or a fantastic job.

Mr. Ciccarelli said it would do an adequate job and stated if he were the RF Engineer on that job, he would have done the same.

Mr. Johnson stated it was a compromise between what the ideal best service might have been and inadequate service. Compromises on height to achieve a better zoning outcome.

Chairman Hetske asked what does this mean for the future requirements? Is it being short sighted in the regard we would need more six (6) or eight (8) additional towers later?

Mr. Johnson said placement of sites has been shrinking the distance between the sites which is a capacity issue as more and more people using services. We’ll probably see more of this in the future. There is no way to predict but right now. This site will provide adequate service for the foreseeable future.

Chairman DeLaus asked given present trends when we can expect needs of more power.

Mr. Johnson answered – He said Steve (Ciccarrelli) investigated in his analysis on the present site whether increasing or decreasing the height and how that would draw capacity off the adjacent sites into the Four Corners area. Mr. Johnson said the Four Corners area presently is saturated – over capacity and at certain times during the day people are not having adequate coverage, dropped calls.

Right now, they have a commitment from Verizon, in that it will do the job for now. If we need more, in the supplemental materials provided, there is information about how to solve the problem in the future.

Chairman Hetske asks if you can’t replace a macro cell with multiple small cells? Mr. Johnson says there are many issues in trying to do that one is that the small cell cannot provide bandwidth.

Board Member Kanauer stated the photo simulation shows the one away at the top of the tower and asked if there will be multiple stacking on top.

Mr. Lusk (Verizon) answered this with they have no plans to add additional antennas, but the Town Code prefers co-location so if there are other carriers needing coverage they might be seeking to collocate on that tower. The tower has been designed to host additional co-locaters.

Board Member Kanauer asked if there were multiple providers would the footprint for the site accommodate the additional electronics or would that need to be increased?

Mr. Johnson said conceivably it would need to be increased, they would need their own cabinetry to hold the electronics.

Mr. Lusk said the space at the Fire District is very small. It is only eight hundred eighty (880) square feet. They only have so much space to lease and the likelihood of leasing more space is remote.

Chairman Hetske asked if someone wanted to co-locate how far away could they go from the cell tower? Mr. Crosby (RF Engineering-Verizon) said it varies by provider, each one could find a different way to connect to the tower and typically it is at the base of tower. Technology has changed over time and is different with each carrier. Some can do it remotely. This location has a smaller space to work with.

There was more discussion amongst the Board and the Applicant regarding use of space, leased area, and whether they could go vertical or underground with additional equipment for additional carriers.

Board Member Flansburg stated he remembered from a previous meeting with the Penfield Fire Department that they have been given the absolute maximum space allowed of the Fire Department land as Mr. Lusk mentioned earlier.

Chairman Hetske said if you are looking to expand, it is easier to co locate on the tower. Ms. Pomponio (Verizon) said most carriers want to co-locate but this is a unique situation and Chairman Hetske asked again how far could equipment be located from a cell tower if they could not be constructed on the cell tower site? They spoke of the properties surrounding the area, the church, the Finney school and how do we plan today so something like this unique property can have colocation?

Mr. Lusk said the tower has been designed to be co-locatable as is required by Town law and if other carriers want to add to it, they must find a way without making another tower.

Board Member Silins asked about height of antennas. There was more discussion about carriers wanting to collocate and how they would do this, and discussion about height of towers and antennae's and all spoke of how the size of the sites have gotten significantly smaller with technology improving. Dave Weisenrieder (Costich Engineering) joined in that he has had experience with AT&T and how much ground space they have used.

Board Member Kanauer inquired as to the stealth tree structure how would that change the design or the height. Mr. Johnson said the antennae center line is what is driving the technology limitations on this site. If you want a stealth tree you would have to increase the height of the structure to make it look like a tree. The stealth site also generally reduces the colocation possibilities. He described more about these types of structures and if it falls under the FCC regulations. We must have signal coverage that can get over foliage as well as towers. He said if we use a stealth tree look at the Penfield Fire Department it would look out of place as there are none to blend in with.

Mr. Ciccarrelli went on with items #3, #4, and #5, in that they deal with (#3) providing increased capacity, (#4) improve capacity, (#5) it will off-load traffic, but will it reduce congestion from neighboring sites. The Board talked a little bit about these and specifically on number five (5) they asked if the applicant could provide more data regarding congestion. How much traffic would pull from other sites. He states applicant did not provide exact quantitative data because the data is not available until a site is up and running. He spoke of a fringe area and overlap of the neighboring sites.

Chairman DeLaus summed up in that the opinion of the one hundred twenty-eight (128) foot tower with the lightning rod is likely the minimum height to achieve the best compromise.

Board Member Silins asked about adding two (2) feet and how much more time would that give before any upgrades would be required. Mr. Crosby said he looks at the network and the way they can have a balanced solution. Is it too big, will it cause interference with neighboring cells or far away locations like the city of Rochester or is a sight that is too short obstructed by adjacent clutter and not able to serve its objectives. He feels the proposal is the right balance for serving the Penfield area. Mr. Crosby went on about customization for each site.

Chairman DeLaus referenced the supplemental report in that there is a possibility for small cells in the future to fill in any gaps. Mr. Crosby said he thinks it is likely these will be needed and discussed additional future coverage areas referencing a Verizon map showing the areas.

Chairman DeLaus asked the panel to address power back up and potential noise abatement as mentioned in the supplemental report.

Mr. Ciccarrelli answered that in the original site plan that was reviewed there was no mention of a backup generator. Sometimes communities are concerned about the noise a backup generator makes and deferred the answer to the Verizon panel. Mr. Weisenrieder answered that Verizon decided not to do install the backup generator and mentioned the standard battery will last four (4) hours and they can add another battery cabinet to last eight (8) hours. They could also use a roll up generator if ever needed.

Mr. Ciccarelli summarized additional items six (6) and then seven (7) through twelve (12) in the preliminary report and how they were addressed. Item #6 - Coverage Maps, #7 - Analyzation of six (6) possible sites, #8 - FCC Regulation, #9 - Tower height, #10 - Modification of "Existing" Structure falling, #11 - If approved it will serve as a fixed area of coverage, #12 - Future needs, and #13 - Coverage gap.

The last finding of interest is for the RF coverage gaps that may remain. Looking at it, there is potential need for small cells from the northwest in the vicinity of Dolomite Products and southwest quadrant of Channing Philbrick Park.

These reports are available for the public to review if they wish.

Chairman DeLaus noted that the variances are significant, but the report shows minimal effects.

Dave Plante (Bergmann Associates) They were asked by the Town of Penfield to perform a Visual Impact Assessment and they viewed photo renderings of the tower, the balloon flight visibility map, and the sight plan map. Verizon responded to the comments including regarding the visual impact to the Penfield Historic District and landscaping for it.

Board Member Bob Kanauer thinks visual impact is an important piece to recognize in the Historic District and sites as it contains two Historic districts in the town and contains eighteen (18) historic landmarks.

There was next some conversation regarding safety, issues of weather, possibility of the tower falling, and these were addressed.

Chairman DeLaus closed the work session at 4:00 pm.

SEQRA Determination: No Action Taken

Application Vote: No Action Taken