



**TOWN OF PENFIELD
PLANNING DEPARTMENT APPLICATION FORM**

APPLICATION TYPE

- Sketch Plan Administrative Site Plan
 Preliminary/Final Site Plan Conditional Use Permit
 Preliminary/Final Subdivision

Reviewed by:

- Planning Board
 Town Board
 Planning Dept. (Admin. Only)

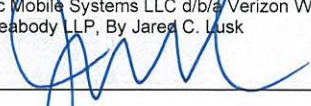
PROJECT INFORMATION

Project Name: Verizon Wireless' Penfield DT Site
 Project Address: 1838 Penfield Road
 City, State, ZIP: Penfield, NY 14526
 Project Description: Construction and operation of a 124' wireless telecommunications facility. See Exhibit O.

Parcel Tax ID#: 139.06-2-49.1
 Zoning District: FC Project Size (acres): _____

Owner(s) Name: Penfield Fire District
 Mailing Address: 1838 Penfield Road, Penfield, NY 14526
 Email: _____
 Phone: (585) 586-2413

Applicant Name: Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless
 Address: 1275 John Street, Suite 100, West Henrietta, NY 14586
 Email: _____
 Phone: _____

Applicant Signature:  Date: 3/4/22

Agent/Engineer: Jared C. Lusk
 Company: Nixon Peabody LLP
 Address: 1300 Clinton Square, Rochester, NY 14604
 Email: jlusk@nixonpeabody.com
 Phone: (585) 263-1140

APPLICATION FEES

Planning Review Fee		\$ 500.00
Engineering Review Fee	TBD	\$
Check #	Total \$ 500.00	

- See *Required Fees Table* for \$\$ Amounts

FOR OFFICE USE ONLY

Application # _____ Date Received: _____



Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

Jared C. Lusk
Partner

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

T / 585.263.1140
jlusk@nixonpeabody.com

March 4, 2022

BY HAND DELIVERY

Planning Board and Zoning Board of Appeals
Town of Penfield
3100 Atlantic Avenue
Penfield, New York 14526

Attention: Douglas Sangster, Town Planner (planning@penfield.org)
Andy Suveges, Zoning Administrator (zoning@penfield.org)

RE: Application by Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless for site plan approval and conditional use permit from the Planning Board, as well as use and area variances from the Zoning Board of Appeals to construct and operate a 124±' wireless telecommunications facility (with additional 4' lightning rod) at 1838 Penfield Road (Tax Map No. 139.06-2-49.1) in the Town of Penfield, New York (Verizon Wireless' "Penfield DT") cell site)

Dear Members of the Planning Board and Zoning Board of Appeals:

Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless ("Verizon Wireless") is a public utility and wireless telecommunications licensee of the Federal Communications Commission ("FCC"). To remedy service inadequacies in the four corners of the Town of Penfield and the surrounding areas, Verizon Wireless proposes to construct and operate a wireless telecommunications facility (the "Project") on property owned by the Penfield Fire District (the "District") at 1838 Penfield Road (Tax Parcel No. 139.06-2-49.1) in the Town of Penfield (the "Site").

The Site, which consists of approximately 880 sq. ft. of land leased from the District, whose entire parcel is approximately 2.88± acres, as well as a 30' wide easement for ingress, egress and utilities, is located in the Town's Four Corners ("FC") zoning district. The Project will consist of a 124' monopole (with additional 4' lightning rod), three (3) wireless telecommunication antenna arrays with three (3) antennas per array, and an approximately 12' x 20' wooden/roofed pavilion, together with other associated improvements all as shown on the enclosed site plan prepared by Costich Engineering P.C. (the "Site Plan").

The Planning Board has already reviewed the Project as part of a sketch plan review, which took place at the Planning Board's February 10, 2022 meeting. Following the discussion at that meeting, as set forth in a letter dated February 10, 2022 from the Town, the Planning Board offered the following comments for consideration regarding the Project (the Planning

Board's comments are listed below in bold-italicized type followed by Verizon Wireless' response in regular type):

1. ***Provide a complete set of stamped engineered site plans that meet the requirements of the Town for a preliminary/final subdivision and site plan application.***

See Exhibit O.

2. ***Wireless communication facilities are prohibited within the Four Corners Zoning District; therefore, the Applicant must apply for a Use variance from the Zoning Board of Appeals. The Applicant shall provide any available research that was completed to evaluate the colocation possibilities on existing towers in the area, the availability of land in a zoning district where wireless communication facilities are permitted, as well as a list of all other locations previously under consideration.***

See Exhibit F and Exhibit G; there are no options for co-location.

3. ***Landscaping shall be added to the site plans to provide an acceptable buffer from any utilities installed at the ground level.***

Verizon Wireless will discuss landscaping with the Planning Board.

4. ***The Applicant shall provide the Board with RF propagation maps.***

See Exhibit F.

5. ***The Applicant shall provide the Board with any available information about security measures that are used to prevent trespassing and damages to the facility. The site plan indicated fencing is to be eight (8) feet in height; a variance will be required for the height of the fence.***

It appears that § 250-7.1(H) of the Code authorizes 8' fences for utility uses subject to approval of the Planning Board.

6. ***The Applicant shall provide the Board with any information on any proposed backup generator, including fuel type, noise levels, screening, hours of scheduled testing, and confirm if the generator will have the capacity to support the equipment of multiple carriers.***

No generator is proposed.

7. ***A Conditional Use Permit Application will be required with a future submission.***

This application includes a request for a conditional use permit.

8. *An area variance will be required for setbacks from the adjacent properties. Follow up with the Building Department regarding the required variances.*

This application includes a request for any setback variances required to permit Verizon Wireless to construct and operate the facility as proposed.

9. *Provide a new letter of intent with a summary of updates and identify any changes to the project.*

See the cover letter.

In addition to the foregoing, the Planning Board requested photos and simulations of the view of the proposed tower. The requested photos/simulations, including a monopole, monopine and painted monopole are enclosed as Exhibit N.

Based on the foregoing, please accept this letter and the following exhibits and enclosures as Verizon Wireless' application for the required use and area variances from the Zoning Board of Appeals, as well as site plan approval, as well as a conditional use permit from the Planning Board:

- Exhibit A: Completed Town-supplied application forms;
- Exhibit B: Project description;
- Exhibit C: Applicable legal standards;
- Exhibit D: Compliance with Town requirements for site plan approval;
- Exhibit E: Compliance with the Town's area variance standards;
- Exhibit F: Radio frequency ("RF") narrative
- Exhibit G: Site selection analysis;
- Exhibit H: Full environmental assessment form ("EAF") and visual EAF addendum;
- Exhibit I: Copies of Verizon Wireless' FCC licenses;
- Exhibit J: Verizon Wireless' co-location policy;
- Exhibit K: Tower and equipment removal letter;
- Exhibit L: Copy of the lease demonstrating the District's consent to this application;
- Exhibit M: Structural certification of the proposed tower;
- Exhibit N: Photosimulation report;

Exhibit O: 11" x 17" copy of the Project Site Plan; and

Exhibit P: Proof of notice to FAA.

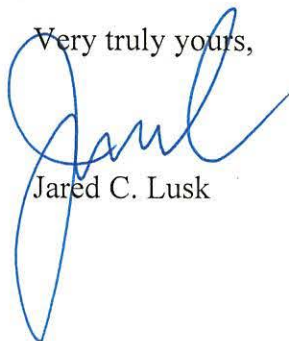
- One (1) original and four (4) copies of this application book;
- Five (5) full-size and seven (7) 11" x 17" copies of the Site Plan;
- A digital copy of this Application was submitted to both the Planning Department and Building Department via email;
- A check payable to the Town of Penfield in the amount of \$610.00 for the Town's Planning Board fee (\$500), as well as use variance and area variance application fees (\$110); and
- Once the Town determines the amount of the engineering fee, kindly let us know and we will forward same to the Town.

Because the Site is within 500 feet of both NYS Route 441 and Five Mile Line Road, the Project must be referred to the Monroe County Planning Department ("County Planning"), as required under New York General Municipal Law § 239-m. We ask that the Town refer the application to County Planning as soon as possible to allow County Planning sufficient time to review the Project prior to the Project being placed on the agendas for the Town's board meetings. The requested additional copies of this application booklet and site plan package have been supplied for that purpose.

Accordingly, Verizon Wireless requests that this application be placed on the agendas for the April 14, 2022 Planning Board meeting and the April 21, 2022 Zoning Board of Appeals meeting. If additional fees are required, please inform us and we will supply them promptly.

If you have any questions or require further information, please do not hesitate to contact me. Thank you.

Very truly yours,



Jared C. Lusk

Enclosures

cc: Kathy Pomponio
Jackie Bartolotta

