

LIVONIA JOINT PLANNING BOARD
MAY 22, 2017

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

Agenda:

- 1) Approve the meeting minutes from May 8th, 2017.**

- 2) Crown Castle/Verizon Cell Tower – Frank West property, Livonia, N.Y.**
Site Plan approval – Cell Tower

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

1) Meeting Minutes for May 8th, 2017. - Chair R. Bennett asked for a motion to approve. M/2/C (J. Palmer/J. Sparling) approved as submitted. Carried 6-0

2) Crown Castle/Verizon Cell Tower – Frank West property, Livonia, N.Y.

Chair R. Bennett invited Jeffrey Davis of Barclay Damon, Attorney for the applicant, Crown Castle and co-applicant Verizon Wireless, John Lynch of Transcend Wireless, Site Activation Consultant and Josh Doolin, Radio Frequency Engineer of Verizon Wireless to come forward.

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday May 22, 2017 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 and Conditional Use Permit application pursuant to Article XII & XIV of the Village of Livonia Zoning Code. The site plan application is for the construction of a 155' 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.

CEO A. Backus polled the Board for site visits:

Chair R. Bennett	Yes
R. Haak	Yes
J. Palmer	Yes
D. Richards	Yes
D. Simpson	Yes
J. Sparling	Yes

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Chair R. Bennett stated that this was the second Public Hearing. At the first Public Hearing the concerns were regarding the proximity of the existing propane tanks and the visual aspects of the Cell Tower. As a result, we went back to the applicant and asked them to explore additional potential sites & provide data showing what was required for the tower height. They have returned with a Tower height of 155', which is the minimum requirement for what they need. They have established a need for the Cell Tower and determined the location they have asked for is the best location to have. The Town has hired Consultant Professor William Johnson to review the Engineer's reports, and has concluded that they are correct.

Jeffrey Davis stated the original application was presented back in January 2016. The application was deemed incomplete so certain aspects of the Code could be reviewed further, primarily alternative locations. The Board retained Professor William Johnson of R.I.T to work with Crown Castle & Verizon to review the need for the facility & explore alternate locations suggested by the Board. After meetings with Professor W. Johnson, Crown Castle & Verizon Wireless R.F. Engineers, they revitalized the application and came back in December of 2016. During this process, the Tower was lower in height and location was shifted slightly which removed the need for any required variances. Currently the new application meets all setback requirements under the Code, however still requires a Special Use Permit. A use that is allowed in the district provided you meet certain criteria as outlined in the Code. The need for this application is to address Verizon's existing 4G LTE network issues that they are currently having in the Village. J. Davis reviewed the current coverage areas from existing Towers in the area. He explained that the area in the middle of the current coverage areas, which is the Village and south is lacking adequate, reliable coverage. By adding an additional Tower, not only will it provide coverage to the Village and the Town, but will also off load & allow the existing Towers to perform better. The current Towers are unable to provide adequate user capacity and RF coverage to the Village and south towards the Livonia High School.

They were here before the Planning Board on April 24th to present the revised proposal and are here tonight to answer any further questions. There are no changes in the April 24th proposal of a 155' Monopole Cell Tower, with twelve Verizon antennas at a center line of 150' & a 5' Lightning Rod. This proposal meets all the code requirements and setbacks with no variances needed. They can enhance the proposed landscaping by planting additional staggered deer resistant trees which will provide further coverage for the base. The access road will be off Wildbriar & the site location is approximately 1000' feet from Main Street. The proposal is to move forward with the present proposed site behind Dollar General on the Frank West property, which is a 100' X 100' leased area. The actual site location will be a 60' X 60' fenced in compound area. Inside the compound will be the Tower, Ice Bridge and Verizon equipment on steel platform on an outdoor pad. The site will operate un-manned, 24 Hrs. a day and has no lighting.

In January of 2016, Crown Castle performed a balloon test at 175', they have worked with their Engineer's to simulate what the new Tower height of 155' would look like. The test was done at

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sixteen different locations around the Village of Livonia. D. Simpson asked what the diameter of the balloon was. J. Davis stated it was a 4'-5' Orange Balloon.

- 1) Old Meadow Court – approximately 4000' west of the site, it was not visible.
- 2) Summer Street – Approx. 3750' east of the site – it was visible.
- 3) Big Tree Road – Approx. 2700' west of site – visible.
- 4) Entrance to Bowen Park – 2065' east of site – not visible.
- 5) Westview Apartments – 650' west of site – visible.
- 6) Main Street – 1500' east of site – not visible.
- 7) Commercial Street & Big Tree – visible.
- 8) Main & High Street – not visible.
- 9) Main Street – approx. 780' south of site – most visible.
- 10) Post Office – not visible.
- 11) Ward Avenue – visible.
- 12) Spring & Church Street – approx. 1340' south east of site – visible.
- 13) Sunset & Summer Street – approx. 2135' east of site – visible.
- 14) Big Tree & West Avenue – visible.
- 15) West Avenue – approx. 2425' south of site – not visible.
- 16) Sunset Circle – approx. 1400' east of site – visible.

The end goal is to provide Verizon a Tower at 155' to address coverage issues in the Village and providing coverage to the High School. This will allow the other sites to operate more efficiently and provide better, more reliable coverage. D. Simpson stated that moving the Tower back to the north has been discussed several times and poses many challenges in coverage. Most of the Tower would not be visible from the Village of Livonia. You will see it when you are driving by or in the immediate vicinity. Would disguising the Tower be an option? J. Davis stated the difficulty with disguising, it will become much more visible on the horizon. There is not enough around it to use a disguise mechanism successfully. Professor W. Johnson agreed with J. Davis, it is very difficult to try to disguise the tower. The tower pole is gray galvanized dull gray which seems to be one of the best disguises.

Chair R. Bennett opened the Public Hearing. He asked that they raise their hand, state their name and address for the Board.

Mary Ann Rzeszutek of 7001 Stone Hill asked as far as the need was, did the school complain about reception or did the carrier determine there was a need. Jeff stated that the network has changed with upgrading from 3G to 4G LTE which changed how the network operated. Verizon determined issues with existing coverage. Josh Doolin, R. F. Engineer with Verizon Wireless stated that they have monitoring tools that gives them usage information and when a site is reaching its capacity. One of problems they are experiencing in this area is loss of user connections which is typically caused by more distance users and poor radio frequency conditions. The equipment has to keep re-trying to make connections, which uses up the time for future communication and as a result, there are more dropped call and loss of coverage. CEO A.

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Backus stated that he believes the question was whether the Tower needed to be taller to reach the High School, for kids that are not supposed to be on their cell phones during school. J. Davis stated that was an issue that was worked through with Professor W. Johnson. Verizon has coverage goals and the High School was on the fringe of coverage area. J. Davis reviewed the profile terrain plot coverage maps with Board to show signal coverages. This proposal for 155' Tower, which just reaches into the coverage area with the buildings, trees & terrain coverage in the way. During discussions with Professor W. Johnson and Verizon, they determined how low they could go in order to maintain coverage. Professor W. Johnson stated that it was determined that for a single site solution, the minimum antennas height required was 150' in order to reach the High School.

D. Simpson asked how far south of the High School the coverage area was for this proposal. J. Doolin of Verizon Wireless stated that it will cover all of the Livonia Village and just south of the High School. Overlap in coverage area is needed when creating coverage. J. Davis stated that there is a need for a dominant server in the area which can provide coverage for the new 4G network & the different frequencies.

Gus Schroeder of 21 Washington Street asked why there wasn't any pictures taken from Washington Street since it is just west of his house. J. Davis stated that it was not visible from Washington Street when they were taking the pictures. Gus stated that from the street, he could see the balloon. Gus wanted clarification of the relocation from the original proposal to what they are asking for today. The Tower was moved approximately 35' North West and lowered to 155'.

Andy English of 3397 Poplar Hill Road stated his concern was how the Tower will affect the land scape. It's very apparent on Main Street between Shur Fine & Embers. Why isn't the location up higher on a hill where it could be more concealed? If it could be moved further back, the site line would become further & further away from the Village entryway. Mr. English stated he felt that the location suites Crown Castle the best because they have made it the best situation. Moving it in different directions starts to cost more money. He drives through Avon every day and doesn't see any Towers in their Village. He is also concerned about future development to the Tower.

Gus Schroeder stated that East Avon's Water Tower has antennas all around it. Lakeville Avon Water Tower on Rt. 256 has Towers on it as well. Chair R. Bennett stated that when you get off at the Conesus Lake exit from 390 looking south, there is Cell Tower and in Honeoye Falls behind the Brewery, there is a Tower.

Mike Dougherty of 27 Big Tree stated that his property is adjacent the proposed Tower site. He was concerned to hear that it was going to be so close in the Village. He hoped that they would consider moving it back as it would be less obvious in our Village. On Stone Hill, near Jakman Hill there is currently a Radio Tower and asked if they had considered utilizing space from there

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since it is already up and serves Livonia. D. Simpson stated he thought it was owned by the Livingston County and served as a 911 tower. M. Dougherty discussed coverage distances with J. Davis for the Triphammer Tower location. J. Davis stated that this is a sectorized antenna array which provides coverage in a different pattern & the need for dominate server in the Village.

Professor W. Johnson stated the discussion back in August of 2016 was to determine the best possible site for the Tower. Working with a single site, how tall does the Tower need to be & where does it have to be located. The densest users are located in the Village and as you move away the population of users become less. Putting a Tower in the Village allows you to offer the best coverage to the most users. The Board asked the applicant to review other possible sites and provide data showing the coverage. Each of the alternate sites did not work based on coverage and capacity. The technical documentation is presented in the application we are reviewing today that supports the proposed location. Professor W. Johnson stated that his meeting was intended to be non-confrontational with the applicant, we were just trying to find a good solution. In his experience, Verizon tries to be straight forward in presenting information. This is a single site solution that provides the capacity coverage to relieve traffic from the existing Verizon sites, provide service to the residences of Livonia and do it in a way to maximize the number of users that can access this system & prevent the need for additional Tower sites in the near future. By doing this correctly now, it delays the need for more base station sites. There will be other Towers in Livonia which will depend on the demographics. Do the site correctly the first time, getting the minimum height, the best coverage and capacity actually benefits the Town. It will prevent some of the carriers coming before the Board sooner than they need to. As a Consultant, I am trying to make sure what the facts are and that they are out on the table. The information provided today is technically sound. This is not the only site that could be used, but it's the only site viable technically and available for land control so they can put the site in. If there are other sites that are nearby, they are still going to be a 155' Tower, single site to obtain the same coverage. If there are better sites than what has currently been proposed, we haven't had anyone suggest what that might be. The one's that were looked at, seemed like they might have been good sites but did not meet the technical requirements. M. Dougherty stated that he had no problem with the Tower being on F. West property. He thought that it would be located more on the fringe of the Village line, instead of directly in the Village. He realizes that it wouldn't be as efficient based on what you have explained, but he hasn't seen a lot of Cell Towers directly in the center of other Villages. Chair R. Bennett stated that in the Village of Geneseo at the County Building, there is a Tower that is over 200' as it requires a light.

Professor W. Johnson stated that Attorney J. Campbell asked him to speak on the FCC requirements. The FCC requires a license holder to provide substantial service to their coverage area. Attorney J. Campbell stated that substantial coverage is a moving target. Companies haven't anticipated what data usage is now, and that is what is causing them the need to re-vamp their networks. J. Davis stated that it is very hard to project data coverage needs as more people are using their phones, tablets and computers which require additional coverage requirements.

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G. Shroeder asked why the proposed new coverage site is smaller than the existing two other towers. J. Davis stated because of topography and line of site and reviewed the coverage map. The existing towers are trying to cover more area and can't meet the demand. Questions were asked again why they can't move the tower to the North. Moving further to the North, will move further away from where the dominate coverage area that is needed. Furthermore, the land owner is not willing to lease the land to the north as he is anticipating future development for that area.

CEO A. Backus wanted to address an alternative solution, which would have been multiple sites. Professor W. Johnson stated going to multiple sites would be much more costly which would get passed down to the end users. A multiple site solution does accomplish some of the goals, but would create other implications. CEO A. Backus stated that the Code states it is designed and constructed in a manner which minimizes visual impact to the extent practical. Practical becomes the issue, if is not practical to do multiple sites, then that is our answer. We want to make sure we have made sure this site imposes the minimal visual impact possible. Professor W. Johnson stated that in the Village of Amherst, they have a densely populated area. They have placed antennas on the top of utility poles, which is a solution for that area as they have a large number of subscribers in a densely populated area, however Amherst is more densely populated than Livonia. Multiple short sites are an option and have been used by Verizon in other locations. J. Davis stated the population in Livonia would not support a two or three site solution when one site will do, which is what the legal standard is in New York with a public utility. A two tower site in Livonia might mean you would have two 120' in close proximity trying to do the same thing that one tower does. It could possibly take up to seven small towers to accomplish what one does. It would exceed what is practical and feasible from an engineering & company standpoint to try to provide coverage. M. Dougherty asked if other small towns were putting up Cell Towers in the Villages. Attorney J. Campbell stated that towns such as Avon and Lima that have existing water towers are utilizing those for their Cell Tower needs. J. Davis stated that new towers are always a last resort.

D. Simpson stated that it is this Boards job to go through great detail to make sure this will be a benefit to the Town and Village of Livonia. Technology wise, this is great solution. This Board has put in a lot of effort to make sure this is the right spot of the Tower but he feels there are other choices, even moving it back farther on the proposed property. He anticipates other providers coming on this Tower. Crown Castle has, on average, two and half cell providers per Tower. The other carriers will have the same technology issues that Verizon has and want to reach the highest goal as Verizon, so they will want a taller antenna. Is that the best thing for the people of Livonia to be looking at every day? Is there something we can do now to minimize the impact? Moving to the north, there are objections, but they are all solvable. A taller antenna further back would accommodate future carrier needs and would have a less impact visually. J. Doolin of Verizon stated that if they were to move the tower a 1000' to the north, this would be approximately 20-25% from the cell edge. That would be a huge loss in power which would put the cell edge right through the center of Livonia and would result in interference and poor cell coverage. Attorney J. Campbell stated that moving the Tower to the north is something that has

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stuck with this Board since the beginning proposal. J. Campbell asked if coverage issues could be mitigated by increasing the height or additional technology. This tower will have the newest equipment that's pending to be released in January. D. Simpson asked if the existing towers could be adjusted to be compatible with a higher tower in Village. J. Doolin stated that the existing towers are shorter towers but have higher ground elevation and the amount of interference that they would cause is unacceptable from a network point of view. A North & taller tower in Livonia would actually hurt, not help the existing towers. J. Davis stated that the answer is not always height, each tower has its coverage area and distance & height effects the other nearby existing towers. J. Davis stated that they are under a FCC back drop that is already over the time limits that this Village should be acting on and operating on a 30 day extension to that shot clock. All of the nearby tower sites are being impacted now because of the Radio Frequency situations in Livonia. They have identified a problem in their network and it needs to be addressed. They have spent over a year working with a consultant and Verizon, looking at alternative locations, lowering and moving the location of the tower. Even if it was to be moved 200' back, it's still a visible tower. Moving it further west is not going to make it disappear. D. Simpson asked if AT & T or Sprint comes and wants to be on the tower, what height would be required to achieve the same coverage as Verizon. Professor W. Johnson stated there are many variables, each carrier is different and they will face the same issues as Verizon. J. Davis stated that we don't know what their coverage requirements are, where they are on the neighboring Cell Tower heights. They would be in the general frequency range, but they are all different. It would depend on their specific need and coverage goal for cell coverage, not everyone is created equal and each network is completely different. Professor W. Johnson stated that the frequency bands at AT & T are the same that everyone else is using. They operate at different frequencies within the bands, another carrier will be faced with the same issues.

R. Haak asked for clarification why the High School location didn't work out. The High School was not a site that was under consideration. The population density of subscribers is in the Village and that is a good place for the tower to be to pull as much off the other existing towers and have the best coverage.

Attorney J. Campbell stated that the subject of moving the antenna to the north has continued to come because it's important. He asked Professor W. Johnson if there was any way to accomplish this and get a reasonable coverage area that the carrier requires without building another site. Professor W. Johnson stated that he did not believe that it would be technically viable. Attorney J. Campbell stated that this seems to be one of the main issues. He asked what more the Board would need to get past the possibility of moving the tower to the north. D. Simpson stated that maybe not moving it back 1000', but back farther out of the view of people driving through Livonia. Professor W. Johnson stated that none of the options have been looked at because it would not allow the sectors to be placed in locations that can pick up the majority of the cell traffic from the Village of Livonia. As you move the tower back, there will be degrees of less performance.

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Chair R. Bennett asked Attorney J. Campbell; if they were to disapprove this application because of the aesthetics and this were to go to court, would they view similar applications and compare this to those. Attorney J. Campbell stated it is entirely possible. Chair R. Bennett stated that there are other Cell Towers in this region that are much bigger. The Tower in the Village of Geneseo is much taller & has more lattice work than this proposal. There is a 135' tower in Honeoye Falls behind the Brewery. He has been driving there for ten years and never noticed it. Attorney J. Campbell stated that if this were to go before a judge, it would be a balancing test whether or not this Board was reasonable in discerning a need for something different based on the application materials and the Consultant's report. Once they show need, you have obligations. There would have to be a reasonable alternative to turn down the proposal based on location. J. Davis stated that they have met all the Code criteria. It's in an approved Zoning District, they have met setbacks, and height. He believes that they have provided an application with all the supporting details that addresses all the issues.

Chair R. Bennett asked each Board member if they needed more information to make a decision. The consensus was that they have enough information. Attorney J. Campbell stated that they next step would be to close the Public Hearing.

Chair R. Bennett asked for a motion to close the Public Hearing. M/2/C (J. Palmer/D.Richards) Carried 6-0.

Attorney J. Campbell confirmed with J. Davis that he will allow an extension for decision. He also stated that we have received a response dated May 16, 2017 from the Livingston County Planning Board stating there was not a recommendation for approval or disapproval, and it was a local option. There were some informal recommendations. One of the recommendations was that the Village of Livonia should be notified. CEO A. Backus stated that we are a joint Board and he has included the Village in this process along the way and they have been given the application and a set of drawings and are aware on what's going on.

Chair R. Bennett stated that since there is additional SEQR review necessary, they will table the motion to vote until the next meeting so the Board has ample time to review the forms.

We will schedule the Cell Tower on the next Planning Board Meeting Agenda for June 12, 2017.

With no further questions, Chair R. Bennett asked for a motion to adjourn the meeting at 9:25 p.m..... M/2/C (D. Richards/J. Palmer) Carried 6-0.

Respectfully Submitted,
Alison Houk, Recording Secretary

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