

LIVONIA JOINT PLANNING BOARD

June 12th 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 22, 2017.**
- 2) Justin Bruckel – 5607 Pebble Beach Road, Lakeville, NY**
Subdivision for single family dwelling.
- 3) Sweeteners Plus – 5768 Sweeteners Blvd, Lakeville, NY 14480**
Preliminary Site Plan - Proposed Powder Building.
- 4) Crown Castle/Verizon Cell Tower – Frank West property, Livonia, N.Y.**
Site Plan continuation – Cell Tower

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

1. Meeting Minutes for May 22, 2017. - Chair R. Bennett asked for a motion to approve. M/2/C (R. Haak/J. Palmer) approved as submitted. Carried 6-0

2) Justin Bruckel – 5607 Pebble Beach Road, Lakeville, NY 14480

Chair R. Bennett invited Justin Bruckel and Bob Winans of Land Tech Surveying & Planning, LLC. to come forward to discuss a proposed subdivision. They are requesting to subdivide the property into three lots. One lot will be used for a single family dwelling with driveway access to West Lake Road and is 5.78 Acres. The parcel is on the north east side of the West Lake Road and is approximately 59 acres. It is located at 5607 Pebble Beach Road in the Agricultural Residential Conservation – 3 (ARC-3). The property is sloped to the east and has an air strip landing that runs through the property. The parcel will have approximately 265' of lot width behind runway and approximately 310' deep. There will be a 12' wide driveway off an existing curb cut on West Lake Road. This easement will be 32' wide, with 10' on each side of the driveway. Water will be brought from the existing service off West Lake Road. They will be obtaining sanitary sewer easement coming off from Pebble Beach Road. A 20' wide sanitary sewer easement from property to the south, owned by David Pietrowski. There is a 70' wide Airport land strip easement to allow access & allow Airstrip to remain functional. There will be a 250' green area to eastern property line acting as a buffer and to except any water run-off from the house & driveway. There is a stream located on the northern side of the property line which is approximately 1000' from where they plan to build. CEO A. Backus wanted assurance to the Planning Board that this development would not have any adverse effects from water run-off down to Pebble Beach. Water run-off in this area is currently a concern for the homes on Pebble Beach, water currently migrates behind several homes. CEO A. Backus explained that the area north of the proposed sewer easement has water coming off the hill that ends up behind the homes on Pebble Beach, this seems to be the current flow pattern. He is aware that there is

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already water issues and wants assurance that this development will not be contributing to any additional water flow. D. Simpson asked if there were any compliant currently regarding the water flow. CEO A. Backus confirmed that there have been several complaints. J. Palmer asked if there was a need for a retention pond. CEO A. Backus confirmed that is why he feels having an Engineers Drainage report is necessary. Chair R. Bennett asked if there were plans for future development of this area. B. Winans stated that there have been preliminary discussions with the Bruckles regarding a future Winery which will most likely happen, but currently no plans have been created yet. When that phase begins, a storm water management plan would most likely need to be done due to roadway & parking. Currently they are trying to keep the development minimal. Attorney J. Campbell asked if through calculations, can they demonstrate that post development flow won't be increased and have a negative impact. Chair R. Bennett stated that this is a sensitive area and the Board would like an Engineers report on drainage for this project to be done. Attorney J. Campbell asked how close they were to the one acre disturbed. B. Winans stated that they are close, but they are under one acre. Attorney J. Campbell asked if the area coming up from Pebble Beach for the sanitary sewer would ever be considered ingress/egress access for the Winery. J. Buckle confirmed that it will only be used for the easement and will have zero vehicle access. J. Sparling asked if this site was wooded as there was a lot of dirt being moved. CEO A. Backus stated that the dirt clearing was part of the parcel that is being subdivided. J. Bruckel stated that the dirt was not related to clearing the brush off, he had some fill dirt brought in. Chair R. Bennett stated that brush clearing and fill dirt were addresses on a separate permit. CEO A. Backus stated that there is a RV located on the north end of the parcel, which required a Conditional Use Permit. The future plan is that the RV will be leaving and this area will become the driveway for this parcel.

Chair R. Bennett stated that the Board consensus was that they would require a Public Hearing as this is a sensitive area from a conservation stand point, and all other property in this area have required a Public Hearing. We will schedule this Public Hearing meeting for July 10, 2017 at which time the applicant will provide drainage calculations.

3) Sweeteners Plus – 5768 Sweeteners Blvd, Lakeville, NY 14480

Chair Bennett invited John Hooker of Sweeteners Plus and Tom Fromberger, P.E. of MRB Group to come forward to explain the proposal. They would like to construct a 24,000. Sq. Ft. building for receiving deliveries by rail, access to expanded additional rail yard, Tractor Trailer loading, employee parking and an access point to NYS Rte. 15. The building will be used for both granular and liquid sugar products and will operate 7 days a week, 24 hours a day. Site lighting is proposed for the facility with timers and general security lighting. Stormwater management will be controlled on site through proposed water quality and quantity measures. Utility connections will accommodate for restrooms within the facility. The parcel is approximately 33.8 acres and is zoned both Commercial Limited Industrial (C/LI) and Industrial (I). They have provided Building elevations, Short Environmental Assessment and the Stormwater Pollution Prevention Plan (SWPPP) for the Board's review. Chair R. Bennett asked if they have contacted the D.O.T for the curb cuts. T. Fromberger stated that it is currently going through the process. Chair R. Bennett asked for clarification on truck traffic & to explain the

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purpose of the trucks. J. Hooker stated that there will be 24 tractor trailers per day. The rail cars will bring in two types of product, a liquid and a granular solution. In the winter, the sugar granular becomes very hard like concrete and will need steam to unthaw it into a liquid. Once it becomes a liquid solution, it can be loaded onto the trucks. Some trucks will be going to the existing production site, others to the new proposed building. Since production will be taking place at both plants, there will not be an increase in truck traffic. Most trucks will leave the facility between two and four in the morning when there is very little traffic. The trucks will return later that evening or the next morning. J. Palmer stated that this application did go before the Livingston County Planning Board and was recommended for approval. T. Fromberger provided Attorney J. Campbell a copy of the County recommendation letter for his review. J. Sparling asked if you could see the new building from the road. J. Hooker stated that it is located back on the property by the rail road and it not very visible.

Chair R. Bennett stated that the Public Hearing was not required and asked for a motion to waive the Public Hearing. Motion to waive: M/2/C (J. Palmer/D. Richards) Carried 6-0

Chair R. Bennett and the Board reviewed SEQR. Negative declaration was determined. The applicant has provided the SWPPP report and will address erosion control and Stormwater drainage. Motion to approve: M/2/C (J. Palmer/J. Sparling) Carried 6-0

Chair R. Bennett asked for motion to approve the Site Plan. Motion to accept Site Plan as submitted. Motion to approve: M/2/C (J. Sparling/R. Haak) Carried 6-0

4) 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 to come forward. Mr. J. Davis stated that the Board has asked about disguising the Cell Tower pole. He reviewed with the Board Members pictures of what a “Mono Pine” Cell Tower would look like. There were also discussion regarding small Cell Tower sites in New York State. Chair R. Bennett stated that our RF Consultant has provided us sufficient show of need and location for their coverage requirements.

Chair R. Bennett reviewed Part I of the Environmental Assessment Form with the Board. On page 4 of 13, question “g” should reflect a Tower height of 155’. On page 10 of 13 question “d” – Are there any facilities serving children, the elderly, people with disabilities within 1500 feet of the project. The answer should be corrected to say “yes”. Westview Hill Senior Living is within the 1500’ area. J. Davis stated that the tower height has been corrected on the December 22, 2016 application.

R. Haak asked for clarification regarding page 13 of 13, question “f”. J. Davis confirmed that he has not received any SHPO information back and that he would have been made aware if there was.

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Chair R. Bennett reviewed Part 2 of the Full Environmental Assessment with the Board Members. Question 1, Impact on Land was answered yes. Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. Sub section questions A-H of this section were all answered no, or small impact may occur.

Question 18, which states Consistency with Community Character. “The proposed project is inconsistent with the existing community character”. The Board answered yes to this question. R. Haak stated that this should be answered yes because of the visibility of the Tower and it would be the first thing you saw when entering into the Community. Chair R. Bennett asked for a vote from the Board for those answering yes to the questions. R. Haak, D. Richards, D. Simpson and J. Sparling answered yes. The Board continued to review questions A-G of this section.

D. Simpson showed his concern again about the location of the Tower. Crown Castle will build this facility and another provider will want to co-locate. They will show a need to go higher than the 155’, and it will then turn into a 175’ Tower in the Village of Livonia. Attorney J. Campbell stated that the applicant has shown a need and with that comes a certain level of protection because it is a public utility. J. Davis stated when a Tower is built, it is built to accommodate three additional providers to avoid the need of additional Towers. Crown Castle has an average of 2.5 carriers per Tower, which depends on need and location. D. Simpson stated that because they have shown a need, doesn’t justify putting a Tower where they are proposing. Attorney J. Campbell stated Crown Castle is in the business of building Cell Towers, because we create the demand for the their business. D. Simpson stated that shifting the location to the north and building a 175’ tower would have less of a visual impact. Another co-locator will want to go higher. Our RF Consultant stated that they will have to go higher to achieve their coverage objective, which would raise the height to 175’ or higher. Chair R. Bennett stated that our Consultant did not state they would have to go higher, coverage needs would determine the height of their antenna. CEO A. Backus asked if this Tower is built to accommodate three additional carriers below the 155’. J. Davis stated that it is shown on the Site Plan to accommodate three other Carriers. From a structural stand point, it’s a matter of how big the foundation is and the type of Tower from a steel prospective. CEO A. Backus suggested that someone would have made the assumption that three additional Carriers would fit below. J. Davis stated that our Code states it needs to be constructed to accommodate three additional Carriers, not their placement. They don’t know what each Carriers needs will be. J. Davis stated that if another carrier wanted to go higher on this site, they would need to prove the difference in propagation studies and to our RF Consultant why 145’ doesn’t work. D. Simpson stated that if the carrier wanted to reach the Livonia School, they will prove that fairly easy. J. Davis stated that it is difficult to predict the needs of other Carriers. It could be two years from now when they want to co-locate. The antennas or signals could be different, two years ago we didn’t have 4G, everything changes when a new bandwidth comes out and very difficult to predict. J. Palmer stated that the Tower is not going to be pretty, but they are everywhere.

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Crown Castle has done everything they can to accommodate our requests and provide us information.

Sub section question “F” was answered - Moderate to large impact may occur. Proposed action is inconsistent with the character of the existing natural landscape. Reasons supporting this determination are as follows as listed on Part 3 of the Full Environmental Assessment Form, Evaluation of the Magnitude and Importance of the Project Impacts. Attorney J. Campbell consulted with the Board Members regarding completing Part 3. It is a general consensus of the Board that while it is a moderate to large impact overall, it will not create a significant environmental consequence. The impact is visual and will be short term, there are no other concerns environmentally. Camouflage efforts, such as disguising like a pine tree are not likely to help the visual impact. The Town’s RF Engineer has reviewed all the application data and determined that the requisite showing of need by the applicant and the location is the only one to meet coverage objectives including property availability. The Board found a moderate to large impact may occur as identified in question 18-F on the Full Environmental Form. The Planning Board has determined that potential impact is not significant.

The Planning Board identified and adopted the following impact findings in regards to question 18F having moderate to large impact:

- 1) The visual impact that will occur is not likely to a long term effect. People will become accustomed and the Tower will become part of the visual landscape.
- 2) The only impact that has been identified, has been a visual impact.
- 3) Efforts to mitigate that impact, such as camouflage in the form of a pine tree have been determined by the Board not likely to be of help in minimizing the visual impact & possibly make it worse.
- 4) The Town’s RF Engineer has reviewed all application materials, has determined that the applicant has made the requisite showing of need and the present location of the Tower is the only available location that can meet the applicant’s coverage objectives, and is the only property known to be available for those needs.
- 5) Moving the tower further to the north in effort to mitigate the visual impact, may slightly reduce the visual impact. Moving the Tower would create a sectoring issue and cell overlap which would likely cause interference in coverage, which has been deemed by the Town’s RF Consultant not be to a practical solution.
- 6) There are no other known design elements or project changes that can further mitigate the visual impact.

Chair R. Bennett asked for a motion to approve the adopted findings in regards to question 18-F. Motion to approve: M/2/C (J. Palmer/J. Sparling) Ayes: (Bennett, Palmer, Richards, Sparling) Nays: (Haak, Simpson) Carried 4-2

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Chair R. Bennett asked for a motion to approve the Full Environmental Assessment Form Part 3. Negative Declaration was determined based on the above findings. Motion to approve: M/2/C (D. Richards/J. Palmer) Ayes: (Bennett, Palmer, Richards, Sparling) Nays: (Haak, Simpson) Carried 4-2

Chair R. Bennett asked for motion to have the Planning Board Chair sign issuing the negative declaration. Motion to approve: (J. Sparling/D. Richards) Ayes: (Bennett, Palmer, Richards, Sparling) Nays: (Haak, Simpson) Carried 4-2

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? Yes
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 Cell Tower with the condition that the lot line would be amended for the access road to be all on one parcel. Motion to approve: (J. Sparling/D. Richards) Ayes: (Bennett, Palmer, Richards, Sparling) Nays: (Haak, Simpson) Carried 4-2.

With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 9:38 p.m... Motion to adjourn: M/2/C (R. Haak/D. D. Simpson) Carried 6-0

Respectfully Submitted,
Alison Houk, Recording Secretary

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