

LIVONIA JOINT PLANNING BOARD
August 14th, 2023

Present: Chairman R. Bennett, A. Baranes, J. Brown, R. Haak, J. Palmer, K. Strauss, CEO Adam Backus, Zoning Compliance Assistant J. Holtje.

Excused: D. Andersen, J. Palmer, Attorney J. Campbell, Secretary A. Houk

Agenda:

- 1) Accept and approve the meeting minutes of July 10 & July 24, 2023.*
- 2) Dolores Cicero – 6679 Big Tree Road, Livonia, New York – Tax # 75.-1-18.144
Subdivision continuation*
- 3) John & Jennifer Pontillo – 3495 Pebble Beach Road, Livonia, New York – Tax # 65.71-2-2.1
Site Plan continuation*
- 4) Lorin Cooper – 6233 Cleary Road, Livonia, New York – Tax # 84.-1-46.211
Subdivision continuation*
- 5) Bell Atlantic/Verizon Wireless – Near 6653 Niver Road, Livonia, New York – Tax # 93.-1-43.112
Site Plan continuation*

Chairman Rick Bennett opened the meeting at 7:00 p.m.

1) Approve Meeting Minutes for July 10th & July 24th, 2023. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Brown/R. Haak) approved as submitted. Carried 6-0.

2) Dolores Cicero – 6679 Big Tree Road, Livonia, New York

Chairman Rick Bennett noted that Dolores Cicero was not present for the continuation of the proposed Subdivision and that the Zoning Board of Appeals was appointed as the lead agency for the SEQR review.

This Subdivision application was referred to the Livingston County Planning Board for review. Livingston County Planning reviewed the application and determined it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

Chairman Rick Bennett stated that an updated plan is required to be provided showing the proposed driveway. If it is encroaching, the applicant needs to provide an Easement on the Subdivision map that is filed or show that the driveway is completely on the other parcel.

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Chairman Rick Bennett asked for a motion to accept the SEQR findings done with the Zoning Board of Appeals. Motion to waive: M/2/C (J. Brown/A. Baranes) Carried 6-0

Chairman Rick Bennett asked for a motion to approve the Subdivision application as submitted. No Subdivision of the parcel as long as the Use Variance is in effect. No additional buffer is required at this time, but the Planning Board reserves the right to review this application as needed. The driveway needs to be shown on the map. Any applicable Easements should be on farmland property. Any concerns or complaints will require the Planning Board review. Motion to approve: M/2/C (J. Brown/K. Strauss) Carried 6-0

3) John & Jennifer Pontillo – 3495 Pebble Beach Road, Livonia, New York

Chairman Rick Bennett asked John & Jennifer Pontillo to come forward for the continuation of the proposed Home Occupation. Chairman Rick Bennett noted that the Zoning Board of Appeals approved the Area Variance but changed the Setback from 24' to 35'. They recommended that the Shed be removed for Lot Coverage. No outdoor storage of the barbeque equipment and it requires a one-year review or as needed. David Carli, Architect for the Pontillo's, stated that he has reviewed the calculations and is still at 21.5% for Lot Coverage, including the existing shed and the proposed Addition. He calculated 4461 Sq. Ft. total, including the shed. He stated that they are well below 25%. CEO Adam Backus asked if the shed was staying. David said that according to his calculations, the shed could stay. Chairman Rick Bennett stated that, pending the actual calculation, the shed could stay unless the math proves otherwise. David reviewed his calculations with ZCA Julie Holtje. After further review, it was determined that Lot Coverage is not an issue. CEO Adam Backus stated his concern is that the ZBA made the condition that the Shed was removed based on information that Lot Coverage was an issue. We are not contradicting the ZBA, and the context was Lot Coverage. CEO Adam Backus stated that it is the assumption that the ZBA condition that the shed be removed was for the purpose of the Lot Coverage only and is no longer relevant.

This application was determined not to require Livingston County Planning Board review per Section 239-m and 239-n of Article 12 of the General Municipal Law agreement (# 13).

This application was determined to be a Type II action, and SEQR was not required per # 9 & 12 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman Rick Bennett asked for a motion to approve the Site Plan as presented with the Zoning Board of Appeals conditions. The approved Area Variance requires a Setback of 35', No outdoor storage of the barbeque equipment. The Barbecue trailer is moved off-site prior to the issuance of the Certificate of Occupancy. Lot Coverage was determined not to be relevant regarding the removal of the Shed. Motion to approve: M/2/C (R. Haak/K. Strauss) Carried 6-0

4) Lorin Cooper – 6233 Cleary Road, Livonia, New York

Chairman Rick Bennett asked Lorin Cooper to come forward for the continuation of the proposed Subdivision. Chairman Rick Bennett noted that this is for a proposed two-lot

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Subdivision on the northwest corner of Cleary Road and Route 15. The property is Zoned Agricultural Residential Conservation 3 (ARC-3).

This Subdivision application was referred to the Livingston County Planning Board for review. Livingston County Planning reviewed the application and determined it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

Chairman Rick Bennett asked for a motion to waive the Public Hearing. Motion to waive: M/2/C (J. Brown/A. Baranes) Carried 6-0

Chairman Rick Bennett noted that regarding #9 of the SEQR, the applicant was made aware that this Subdivision involves a wetland area, and there has been a conversation between the owner and the DEC in regard to if he wants to put in a drive or access over the wetlands, there are certain criteria that would need to be met, which he is not going to do. Lorin stated that the wetland was created by the Highway Department, and the DEC currently has control over it. Lorin questioned whether it was a real wetland. CEO Adam Backus stated that even if the DEC says they have no control over the wetland, the Town will not allow a driveway in that location off from South Livonia Road. It's a terrible intersection. He also made it very clear that this is not a good Subdivision; it is a very difficult proposal for future use. The Boards approval for Subdivision is strictly on the map. Any development would be required to return for site plan review. Any prospective buyer will be made aware that this is not an easy task.

Chairman Rick Bennett and the Board reviewed the Short Environmental Assessment Form. No moderate to large impacts were identified. A Negative Determination of Significance was determined. Motion to approve: M/2/C (R. Haak/J. Brown) Carried 6-0.

Chairman Rick Bennett stated for the record that CEO Adam Backus has voiced numerous concerns, and we have made sure that the current drawing, as submitted, contains language that makes any potential buyer aware of the issues that are required should they purchase this property with the intention of developing it.

Chairman Rick Bennett asked for a motion to approve the Subdivision application as submitted. Motion to approve: M/2/C (R. Haak/A. Baranes) Carried 6-0

6) Bell Atlantic/Verizon Wireless – near 6653 Niver Road, Livonia, New York.

Chairman Rick Bennett asked Robert Burgdorf, Attorney of Nixon Peabody, representing Bell Atlantic/Verizon Wireless, Jackie Bartolotta, Site Acquisition Specialist, and Phillip Colantonio, RF Engineer for Verizon Wireless, to come forward to discuss the proposed site plan. Also present was the Town's RF Engineering Consultant, Steven Ciccarelli.

Chairman Rick Bennett noted that the Board has not received any comments of concern regarding the application. James Stephano from the Livonia Fire Department commented that they looked at the coverage that this tower is going to provide, and it does fill in some areas

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where they are having severe problems. They respond to a lot of areas in Hemlock and along Hemlock Lake, which is totally dead for any type of coverage. They rely heavily on mobile applications for mapping and response, and they have no coverage in that area. Looking where the tower will be placed and the coverage it will provide will fill in and take care of the problems they are currently experiencing. CEO Adam Backus asked if they noticed any significant changes during the week of the Hemlock Fair. He has heard comments regarding terrible cell coverage during that week because of so many people in Hemlock during that time period. James stated that AT&T brought in a cell on wheels for that reason. All the carriers have coverage problems in that area. The proposed tower should help fill those areas.

Chairman Rick Bennett asked for a motion to close the Public Hearing. Motion to close: M/2/C (J. Brown/K. Strauss) Carried 5-0

Chairman Rick Bennett stated that there were some deficiencies in the response to the Town's consultant early on, and they did come back with further comments. The Board has had discussions regarding the application. CEO Adam Backus sent two areas that he wanted looked at for alternate sites. One was on Coe Road, and another was on Marrowback Road. The Town's RF Consultant, Steven Ciccarelli, stated that they received some information from Adam and his thoughts on why certain locations were not chosen, but not that the Board was interested in these alternative sites. Chairman Rick Bennett commented that was reviewed by the Consultant and in the summary of findings, under item 1, which states that the proposed alternate site candidates, A-D, likely cause coverage gaps and corresponding reduction and that the proposed Niver Road site is the optimum location out of the five alternate sites. Steven said yes from all the information they had received and noted that they did not look at the propagation plots from site A-D. If you look at site A, it's outside the search ring, west of the search ring, and lower in height. Looking at the propagation plots would be a waste of time. There was a late-received request to look at site B, and he spoke with Verizon's RF Engineer for a brief time before the meeting. He provided an RF propagation plot, and they did a quick analysis. Certainly, site B, based on the information that he saw, would not give the coverage, especially if you look southeast of the current site. Regarding the concerns about little to no coverage in Hemlock, moving it to the southeast would greatly reduce the coverage. They have received information from Verizon stating that they are located in the north, and it would be an overlap in coverage. Coverage gaps occur more often in the south, and certainly, from looking at the propagation plots they provided, they do have coverage gaps in the south. Moving the tower to the north certainly would reduce their coverage to the south. Jeanne Brown stated that knowing where the gap in coverage is and seeing that this satisfies that is sufficient. Ashley noted that there are still going to be gaps in coverage. Chairman Rick Bennett stated that regarding finding #4 on the preliminary response report, the applicant has indicated that another unspecified potential communications facility site is being considered in the Town of Livonia, and the approval of that facility would have minimal impact on the site under consideration. Given the coverage gaps that exist in the area, knowing those will persist even if the site under consideration is approved, we will expect that the Town will receive additional wireless communication facility requests in the future. Chairman Rick Bennett asked if the applicant could provide some clarification as to where that next site might be located. Jackie Bartolotta stated that she is aware that one is currently being worked on by another Site Acquisition vendor.

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Verizon does not have a signed lease with the property owner, so they are not able to provide addresses at this point, as it may not come to fruition. Phillip Colantonio stated that he will try to provide as much information as possible at this point. He is trying to put a smaller cell site in the actual Hamlet of Hemlock. It is a populated area, and the Fair does bring in ten thousand people. Having some additional bandwidth in the area would be a benefit. It wouldn't be as big as this proposed site; it would be much smaller for the Hamlet of Hemlock. We don't have a property or signed lease yet, so at this point, it is still just a dream. CEO Adam Backus asked if it would be smaller equipment that would be placed on utility poles. Phillip stated no that they were looking specifically for something 80'-100'; it would be a small monopole. Adam asked if it would have the ability for co-location. Phillip stated that it would. CEO Adam Backus stated that he was aware that in more populated areas, there was discussion about small devices being installed on utility poles, and we feel comfortable that is something we don't need to be worried about because the Town of Livonia is not that populated. Jackie stated that those usually work as a cluster, oftentimes in higher populated areas. CEO Adam Backus stated that if that were to happen, this Niver Road site would have no connection to that. Phillip noted that the Niver Road site is right on the coverage edge of what might possibly be proposed in the Hamlet of Hemlock; they would work hand in hand with each other. Where the Niver Road site ends the coverage, the smaller site in Hemlock would pick it up. Robbyn asked if the Hemlock tower was only for the ten thousand people for the week at the Fair. Phillips stated that it was not. It would be for a 24/7 year-round need. Robbyn asked if the tower on Niver Road would help the coverage deficiencies in the Hemlock. Phillip stated that it would help. The Niver Road tower will provide low band coverage in the Hemlock so people will have coverage inside their homes, where currently they do not. What he is proposing is a smaller site in the actual Town of Hemlock to provide additional mid and high-bandwidth coverage. CEO Adam Backus if either of them is contingent on the other. Jackie stated no. James Stefano noted that there was talk about the tower in Hemlock being placed at the Hemlock Fire Department. He stated that their biggest concern is the Tower that is currently under consideration. That would solve a lot of problems that they experience.

Chairman Rick Bennett and the Board reviewed the Full Environmental Assessment Form and identification of potential project impacts. No moderate to large impacts were identified. A Negative Determination of Significance was determined. Motion to approve: M/2/C (J. Brown/K. Strauss) Carried 5-0

Chairman Rick Bennett asked for a motion to approve the Site Plan application as submitted, subject to the Zoning Board of Appeals approving the Conditional Use Permit. Motion to approve: M/2/C (R. Haak/A. Baranes) Carried 5-0

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:12 p.m... Motion to adjourn: M/2/C (J. Brown/R. Haak) Carried 5-0

Respectfully Submitted,
Alison Houk, Recording Secretary