

LIVONIA JOINT PLANNING BOARD

November 13, 2023

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

Excused: Attorney J. Campbell

Agenda:

- 1) *Accept and approve the meeting minutes – August 14 & 28, 2023.*
- 2) *Mark Sherwood/Livonia Liquor Store – 3-5 Main Street, Livonia, New York – Tax # 75.5-1-10.1
Modification to Site Plan.*
- 3) *Verizon Wireless/Hemlock Fair – 7370 Fair Street, Hemlock, New York – Tax # 84.14-1-1.1
Public Hearing/Site Plan.*
- 4) *Jon Fries – 5885=5891 Holmes Hill Road, Livonia, New York – Tax # 92.-1-27.115 & 92.-1-27.116
Subdivision/Lot Line adjustment.*

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

1) Approve Meeting Minutes from August 14th, 2023. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Palmer/R. Haak) Carried 7-0.

Approve Meeting Minutes from August 28th, 2023. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Brown/D. Andersen) Carried 7-0.

2) Mark Sherwood – 3-5 Main Street, Livonia, New York

Chairman Rick Bennett asked Mark Sherwood to come forward for the modification to the Site Plan for the proposed 40' X 100' storage building.

Mark explained that the Napa store has a need for additional storage. This would also enable them to get rid of all the storage trailers that are back there. He is working with Frank West to pave and get the area cleaned up.

Chairman R. Bennett noted that the application will need a referral to ZBA for exceeding minimum setbacks and lot coverage requirements.

Motion made to waive the public hearing for the site plan modification M/2/C (J. Brown/R. Haak) Carried 7-0.

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Chairman R. Bennett led the Board through SEQR part 2. With no moderate to large impacts identified, a motion was made for a Negative Declaration M/2/C (J. Brown/R. Haak). Carried 7-0.

Concerns/comments discussed:

- R. Haak noted that the application improves the situation on-site.
- Stormwater: CEO A. Backus noted that if Mark and Frank West pave, it could have an impact on stormwater, and those issues will need to be addressed. Currently, it is gravel and brush. They will have to make sure that stormwater can be managed.
- Mark explained that they want to grade and seed everything except one lane that will go through the property to Dollar General for deliveries to the back of that store. Large trucks currently cannot navigate the front lot safely.

Chairman R. Bennett stated that the Planning Board must hold off on site plan approval until the ZBA has approved the Conditional Use Permit.

The Planning Board is referring the application to the ZBA with the condition that paving plans will require site plan stormwater review.

3) Verizon Wireless/Hemlock Fair – 7370 Fair Street, Hemlock, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a Public Hearing on Monday, **November 13, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Bell Atlantic Mobile / Verizon Wireless** for a preliminary Site Plan according to Section 150-102 A of the Zoning Code of the Town of Livonia. The site plan application is for the construction of a 95' wireless communication facility with a 4' lightning rod to be located **at 7370 Fair Street, (Hemlock Fair)** Tax parcel # 84.14-1-1.1 in the Town of Livonia, NY, and is Zoned Neighborhood Residential Conservation District (ARC-5). 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.

Chairman Rick Bennett asked Jeff Twitty, Attorney at Nixon Peabody, representing Bell Atlantic/Verizon Wireless, Phillip Colantonio, RF Engineer for Verizon Wireless, and Dustin Wyman, NBrC for Verizon Wireless, to come forward to discuss the proposed site plan. Also present was the Town's RF Engineering Consultant, William Johnson.

ZCA J. Holtje read the legal ad, and Chairman R. Bennett asked the applicants to introduce themselves and the project.

Jeff Twitty reviewed the application and updated materials submitted in response to the Town Consultant's report.

CEO A. Backus clarified the need for coverage in the Hemlock area.

Phil from Verizon, the RF engineer, explained the coverage need and goals for the Hamlet of Hemlock and how it coordinates with the Niver Road tower.

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Chairman R. Bennett asked what the applicant foresees in the future as far as additional needs in Livonia.

P. Colantonio responded that one more site has been identified. The need is in the northeast corner of Livonia, near Stone Hill and Rte. 15. They do not have any candidates for properties yet so this project would be more than a year away.

CEO A. Backus initiated the discussion about co-location. P. Colantonio confirmed that all towers would be designed for the co-location of 3 or 4 carriers.

William Johnson, Consultant for the Town, clarified that if this site is approved, FCC Code permits expansion of approved towers of 20' or 10%, whichever is higher. Another carrier could come in and locate in this position without any additional approvals. This application for 95' is the minimum required to provide the documented need, but it is important to know that it is possible for this tower to be 120' without further review or approval from the Town.

K. Strauss requested alternatives for visual impacts. The applicant confirmed they could propose something. P. Colantonio clarified that any time you put anything in front of an antenna, your footprint is going to change, it has an impact on the coverage. Should it come to that, they would require an additional increase in height.

Discussion about trees, aesthetics, and visual impact. The Board agreed that it would not have a significant impact on properties outside the fairgrounds. CEO A. Backus noted that no representative of the Fairgrounds was present to speak about these concerns.

William Johnson added: this is case specific, stealth structures reduce co-location opportunities. A clock tower would be a stealth structure. Things have changed regarding perception; people are more interested in good coverage than they are in seeing towers now. He agrees with the applicant that a monopole is the best way to go and makes good provision for future co-location. He advised the Board to first decide if this tower needs to be stealthed. You want to consider the community and preserve the aesthetic value.

J. Brown asked what the primary goal is for the project. Is this a stepping stone for bigger projects or to fulfill the needs in this area?

J. Twitty and P. Colantonio responded it is to relieve capacity issues and coverage in this area. The coverage hole is the Hamlet of Hemlock. Their job is to do that at the lowest possible height, and this location does that.

Chairman R. Bennett stated that he thinks the siting of this tower is optimal. It is south of Hamlet and out of the way. This is an opportune location and even at 120', it is not very visible.

Chairman R. Bennett asked W. Johnson if there was anything else he wanted to emphasize that the Board should consider.

W. Johnson stated that they had addressed his concern earlier about future site selections. He touched on the increased demands and explained low band, broadband, and mid bandwidth. Mid band is located around the tower location, which is what this tower will be providing.

D. Anderson asked about the proposed barbed wire fence.

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Applicant: That request came from the landlord because of the large number of people on-site for events and their concern about rowdy people going inside the compound and injuring themselves. They are willing to talk about this. Fence height was discussed. Barbed wire should be reconsidered, to avoid injuries with a rowdy crowd.

Chairman R. Bennet opened the meeting to the public. No comments from the public. The public meeting will be kept open.

A. Baranes asked about potential positive impacts to the water treatment facility. The Applicant: it would benefit this facility with increased coverage. They are within the zone identified in the RF plot. Many of these types of facilities use wireless monitoring that works with cell towers.

Chairman R. Bennett summarized that the Board is in favor of the application. The major issue at this time seems to be the barbed wire fence.

J. Twitty asked if there were anything else the Board would like to see at the next meeting.

Chairman R. Bennet referred to W. Johnson, who stated his satisfaction with the applicant's response since the Board has determined the fairgrounds site is preferred.

D. Anderson informed the Board that the County Planning Board met last week, and there was not a quorum present.

Motion made to declare Lead Agency for SEQR review M/2/C (R. Haak/J. Palmer) Carried 7-0

Jon Fries – 5885-5891 Holmes Hill Road, Livonia, New York

Chairman Rick Bennett asked Jon Fries to come forward for the Subdivision and Lot Line adjustment.

CEO A. Backus explained this is not a typical situation, but they are making improvements. The main thing he is concerned about is a turnaround and staging area for emergency vehicles. There was a discussion about the location and necessity of the staging area. The staging area must be 20' x 50'. The fire chief has confirmed that he will be able to turn around, but there also needs to be a place for the truck to get off the road so that it will leave the turnaround open for vehicles to get in and out.

J. Fries explained that his daughter lives in the "guest house," and he would like to separate that house and lot to give to her. This would divide the rear lot into 2 parcels. All the structures are existing, no new development is proposed. Jon also proposes a lot line adjustment, adding land to the frontage lot and making it more conforming.

Motion was made to waive the public hearing M/2/C (J. Brown/J. Palmer) Carried 7-0.

Chairman R. Bennet reviewed the short form SEQR form with the Board. With no moderate to large impacts identified a motion was made to declare a negative declaration M/2/C (J. Palmer/R. Haak) Carried 7-0.

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Motion made to approve the 2 lot subdivision with the condition that parking easement/staging area is shown on the subdivision map and the staging area improvements shall be completed by the end of August 2024. M/2/C (J. Brown/D. Anderson) Carried 7-0.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:19 p.m... Motion to adjourn: M/2/C (R. Haak/J. Palmer) Carried 7-0

Respectfully Submitted,
Julie Holtje, Zoning Compliance Assistant