



William D. Reilich
Supervisor

TOWN OF GREECE

PLANNING BOARD

MINUTES

JULY 20, 2016

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Alvin I. Fisher, Jr., Chairman

Richard C. Antelli

Christine R. Burke

Jamie L. Slocum

Christopher A. Schiano, Esq., Deputy Town Attorney

John Gauthier, P.E., Associate Engineer

Scott R. Copey, Planner

Michelle M. Betters, Planning Board Secretary

Absent

Devan M. Helfer

William E. Selke

Michael H. Sofia

Additions, Deletions and Continuances to the Agenda

Announcements

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PUBLIC HEARINGS

Old Business

None

New Business

None

SITE PLANS

Old Business

1. Applicant: Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless)
Location: 2419 Latta Road
Mon. Co. Tax No.: 045.20-1-1.11
Request: Site plan approval for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (128 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway, on approximately 0.23 acres
Zoning District: R1-44 (Single-Family Residential)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Thomas C. Greiner Jr., Esq., Nixon Peabody LLP; and Mike Ritchie, Costich Engineering, presented the application.

Mr. Greiner: To give you an update, we heard requests from neighbors and staff to see whether we could move the site north and to the east a bit. Subsequently, the Board of Zoning Appeals had some questions. I believe that the Planning Board has been kept fairly up to date; we have been keeping you in the loop with e-mails. We have photos here that will show what it will look like after moving the site 50 feet to the north.

Mr. Ritchie: This image was taken on June 16, 2016, at the corner of Red Apple Lane about 577 feet from the site, looking north. The next photo shows the tower Photoshopped into the drawing. The reason the photo was taken here is based on line of sight; if we were closer you would not be able to see the tower itself. We have another rendering that shows a simulation of trees; it shows that from the houses you will not be able to see the top of the tower.

Mr. Greiner: The tower was difficult to see in the first place; moving it another 50 feet northward improved it in terms of the visibility issue. Another issue that came up was that if we had to cut trees for the road, how would that look? It shows on the drawing that there still would be sufficient screening. The Board of Zoning Appeals also wanted to know what the tower location's distance would be to the property to the west; it would be 435 feet and 290 feet to the east. In moving the site northward, fewer trees will be removed. Protective measures that will be use to prevent rust was explained in a letter that was sent to the Board, which describes the hot-dip galvanizing process. There was a question about a break point in the monopole—in the very remote event of a structural failure, how would it

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fall? We have provided a letter that states it would fall within 81 feet of the tower base. We also were asked about gravel versus asphalt drive; we are willing to do either. Gravel is the standard, it's less intrusive, more permeable, much more the industry standard. In terms of an access gate, we will do what is the preference of the Town. Landscaping around the site was discussed. It's difficult to do landscaping now because of the trees. We have converted from a chain-link fence to a board on board fence. There was a question about if a development went in, would Verizon commit to adding landscaping at that time? Verizon would be agreeable to that. The Board of Zoning Appeals asked whether the tower site could be developed on the property to the west. It would be difficult for a number of reasons; the Board was satisfied with our responses. They also asked about the orderly pattern of development—could you develop the remainder of the Fernwood Fruit Farm parcel? It is very possible, and we have shown that on a map. The radius of the road curve was questioned, and we have found that it will comply with Town specifications; that will not be an issue. The wetlands to the east are about 300 feet away, and the Board of Zoning Appeals was satisfied with that. Once it was clear that our project was not in the wetlands, there was no need to do mapping. Verizon goes above and beyond the call of duty with federal wetlands because the backup generator is going to use diesel fuel, and if there ever was an issue with containment of a spill, Verizon would not want to be near a wetland.

Mr. Ritchie: A question was raised last night about if there were to be an extension of Red Apple Lane, should the extension take its turn to the south or north of the tower? In our opinion, it would be a tight fit to come in south of the tower. In addition, it would result in more clearing of the trees, which would leave less buffer between the tower and the houses. We feel that the layout as shown is constructible and would allow development in the future.

Mr. Greiner: The Board asked, if the hypothetical subdivision turned to something real after the tower site was developed, what about underground utilities? They could be rerouted easily. From the perspective of the use of that location, that question seems to be answered.

Mr. Schiano: The biggest issues that came out of the Board of Zoning Appeals were the access driveway and the screening, buffering if there were a development that were to occur later, and the layout of the future extension of Red Apple Lane was a big concern.

Mr. Greiner: We're happy to have a condition to do future screening if in fact there is development there.

Mr. Schiano: The Board of Zoning Appeals was looking for a recommendation from this Board in regard to those issues.

Mr. Copey: No new comments, we have been copied in on the latest issues. Regarding gravel versus asphalt for the driveway material, I would defer to the Fire Marshal. The access driveway will be gated, and I think that we prefer gravel; there's less storm water runoff, it's less expensive, and it's less permanent. Regarding the landscaping in the future, there is any number of options—Verizon could do it in the future or they could give permission to a future developer to add it. Regarding the layout of a future extension of Red Apple Lane, given the location of the creek and the current proposed location of the cell tower there is only one way that that future road could go, and that is straight north and turn left. Looking at this layout, it's less than ideal. The cul-de-sac is not something that the Town would want to take dedication of. That tower also would be right in the middle of houses. In terms of the orderly pattern of development, which is something that the Planning Board considers and over which it has discretionary approval, we wondered if the tower could be moved eastward to allow more of a conventional layout, as opposed to having the intersection where it is. That's what our thoughts are at the moment. The hypothetical street and lot layout demonstrates that it is possible to build around the tower

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in its proposed location, but I don't know whether the Planning Board is charged with going a step beyond possible and have the layout be orderly.

Mr. Greiner: It is a hypothetical question from the Board of Zoning Appeals. The landowner is content with what we have now. To Mr. Copey's point, however, I would look at it simplistically: if some cards were played by present development, then that will determine some future outcome. If the Boards approved our site in this location, then the subsequent use of the rest of the parcel would result in maybe only 14 homes, not 19; they would look at something that is less dense.

Mr. Schiano: Both ways, it is speculation, and you have done this long enough and know that builders want to cram in as much as possible.

Mr. Copey: The position is that there are multiple alternatives for how this could be developed and maybe there is a more palatable one that could be put forward. That's what I've heard in our department.

Robert McDonald, 123 Bridgewood Drive: I was here last night at the Board of Zoning Appeals; they have moved the tower further north, which is near my house. Has an environmental assessment done as far as migratory birds and the wildlife? The pictures shown are great but they represent six months of the year. When the leaves are gone I can see across that whole piece of property. Also, how much of the property is leased by Verizon? The day after the tower is put up, the property owner could take down all the trees. I would like to make a statement regarding the health concerns. I'm a Stage 3 lung cancer survivor, and my wife has multiple sclerosis. There are studies outside the U.S. that show that there are impacts. There is a heavily populated residential area around this site, and want to make sure that I noted in time that it is going to become more prevalent. I think that the lobby is going to be greater and that you could be at the mercy of people that claim you allowed the cell tower to go up without enough due diligence. I understand that the Federal Communications Commission sets the rules. With regard to property values, a study was done in 2004, which showed that close proximity to a cell tower reduced sale price by 15% on average. They also did a series of algorithms that showed that within that 1000-foot proximity you have this slowly reducing perception. My question is that if this goes up, you are likely to have a least 50 or so more homes that will be potentially impacted by that perception. I found it interesting that it comes down to perception. The study results showed that while a tower has a significant effect on the prices on property located near a tower, the effect is minimal but what's really important is that each geographical location is unique. Resident perceptions and assessment of risk vary according to a wide range of processes, including psychological, social, institutional, and cultural. The Greece area is a relatively affluent area and people are relatively well-informed and if someone were to come to buy my house they would be less likely to buy it with an antenna tower behind it. Is the Town prepared to see a reduction in property values?

Mr. Schiano: That is speculation; the Boards can't look at that.

Mr. McDonald: Did they consider co-location?

Mr. Schiano: I'm not sure when you first started coming to the Board meetings on this subject, but that question has been covered; it could not be co-located.

Mr. McDonald: This is about redundancy; it's about their own potential for profit and co-location. They put up a tower so that they can rent space to other carriers, so is this about making a profit at the expenses of residents or is this about getting better coverage? I would say that it's the former and would like to get access to the collaterals and get access if needed. If you do let this go forward, make it look like a large pine tree instead of a weird Sputnik kind of thing.

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Mr. Fisher: One of things that we are concerned about is a large area that is designated wetland. Because of that wetland, there is not going to be any development permitted in those areas; therefore, that vegetation should remain. In other areas there may be vegetation now but in the future it really depends on the owner or who develops it as to how much vegetation would remain. The Bridgewood Drive side should remain vegetated.

Arthur Daughton, 52 Goethals Drive: We all partnered in the outcome of the Apple Annie's site. The soil that was taken off was toxic. This map I show, and well the recommendations were made by the neighbors. Having a vision of looking at the whole site, but my recommendation is to put it over by Kirk Road South on the other side of the berm. The road should be blacktopped and the screening that should be done, why can't you do it now? The money these people make is going to be millions, so spend some money and make them happy. I'm asking if you can put it in a different location over by the berm. Do you understand that, Mr. Chairman?

Mr. Greiner: How many feet to the west would it be?

Mr. Daughton: I don't know, you have to figure that out. Just look at that possibility. You should demand the landscaping. The fire hydrant is 200 feet from the site, what if there is a fire? I have installed these things myself and I know how good they look if they are done right, so that's what I'm asking—just do it right.

Mr. Greiner: The area Mr. Daughton is suggesting is outside the search ring and would be rejected for that reason.

Mr. Fisher: That includes anything off Kirk Road?

Mr. Greiner: Yes.

Mr. Fisher: Would you be able to shift it at all?

Mr. Greiner: Mr. Chairman, I know you have been on the Board for a long time and have seen a lot of these. What you see is the refinement of a system in which small distances matter more and more. These are becoming more and more pinpoint, so the search rings are smaller and smaller.

Mary Roberts, 147 Bridgewood Drive: I come from a farm family and know the farm business and using your land. I see that you and the Board care, and I appreciate that. I'm not against this; I'm a Verizon customer. I'm concerned that this will set a precedent for the rest of the land, meaning right behind by property. I can tell you that I don't want a cell tower behind my house, and if I buy a new house, I won't buy one with a cell tower. I don't trust the arrogance of that man that this will never happen and 20 years down the road something weird happens. Why risk it? These are human beings and we care about them. Why did I get a letter? The neighbors across the street did not get one, the whole community did not get one. This tells me something else.

Mr. Copey: You receive a letter so that you can come to the meetings to voice your concerns.

Ms. Roberts: I come from a farming community. If the price is right, you will sell the land. This cell tower has the potential to harm little babies, pregnant women; 20 years down the road, you don't know what can happen. It's a risk, I ask don't gamble with it.

Mr. Fisher: Because of the nature of the application, it's a public utility. The federal government has established a different set of rules.

William McNelis, 20 Applewood Drive: Just to clarify, last night at the Board of Zoning Appeals they said that the site was 60 feet x 40 feet, but the site is a 100-foot pad. Is the

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60 feet dimension east-west or north-south? Last night I heard that trees with a bigger diameter will be taken out, instead of smaller trees.

Mr. Ritchie: With regard to the number of trees, 4-inch-diameter versus 12-inch-diameter, our first submission listed the total number of trees that would be removed across the project site, whether they were small trees or 40 inches in diameter. The industry standard of 12 inches at breast height would represent a tree that would provide full canopy coverage. A 4-inch-diameter tree might only be 15 to 20 feet tall, which does not give a good representation of the coverage. So the total number of trees to be removed that are 12 inches in diameter or more is accurate. The 60-foot dimension will run parallel to the residents on Applewood Drive.

Mr. Greiner: With migratory birds, the issue is with more with giant telecommunication radio towers that are hundreds of feet in height. A 100-foot or so tower will not be an issue. The Board and everyone realize that the federal government took health question out of our hands, and there was reason for that. Microwaves have been studied for many, many years, so the FCC established a threshold of possible harm—and there has never been an issue of ionizing, the only issue seems to be thermal—they set a high threshold of harm. The actual guidelines that the FCC has promulgated pursuant to Congress are orders of magnitude below that threshold. The kind of broadcast energy coming out of one of these antennas is in fact orders and orders of magnitude below the FCC rules. These were all safety measures put into effect. The actual strength from a tower 1000 feet away is 1207 times less than what you would be getting from your cell phone in a conversation. In other words, if you were worried about possible harmful effects, you probably would throw away your cell phone before you threw out the tower. The point I'm trying to make is that, well before 1996, in some cases we would have reams of documents, and experts and doctors at hearings, a lot of interesting things were elicited. You're worried about babies? The signal strength that's coming out of the baby monitor next to the crib is a lot stronger than what's coming out of a cell tower or phone. It was for these reasons that the FCC or Congress took it out of our hands. You are right that you can never really prove a negative. We can never prove that apples will hurt us; same thing with electricity and just about everything that we have. So as a society, in order to move along, we do the best that we can. In this case, there were a lot of orders of magnitude of safety built in when they promulgated the regulations, so when you comply with the regulations, that takes away the issue. I wanted to give a more comprehensive answer because it's not just good enough to say well that's what the Federal government says. There are reasons, so forgive my digression but it's important. With the property values, I don't think that I saw the study. I understand your point but the study is at least 12 years old. We have looked at property values. We have looked at property values since 1985, since I have been doing cell towers and have kept up with the issue. What's important to remember is that real studies of real houses before and after a tower is put up are what you want to look at and secondly, you have to keep things up to date. What might have looked like a monster in 1942 is clearly what we are used to now. We now are in a situation that there are more subscribers to cell phones than to land lines. So the familiarity that people have with cell phones and the equipment and utility infrastructure that go with it are a lot different than it was 12 years ago. Twelve years in technology is a lifetime; not to diminish the study when it was done back then but this is what I would say now. We always try to co-locate. This tower is not about profit. If there was a co-location to be had, we would do it. In fact, Verizon's system is over half co-located; that's pretty consistent with the whole industry.

Mr. Fisher: The co-location is one of the alternatives that we have control of.

Mr. Greiner: If there was the opportunity we would. I would not call it redundancy but capacity, the reason it is the number one carrier. They want to stay reliable and stay ahead of the curve. Because of the explosion of data it's to keep up. Yes, we are trying to make a

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profit, all companies do, but the issue of co-location versus a new tower is not an issue of profit.

Mr. Schiano: What about the screening? Will the road be paved or gravel, but then we can have the Fire Marshal look at that.

Mr. Fisher: I would think for the type of road we prefer things that are porous and have the least impact on drainage and has the ability to hold the load of emergency vehicles.

Mr. Greiner: We can do that now if the Board would like.

Ms. Roberts: I'm living proof. I had polio as a child and had tons of X-rays but now they say it was too much. So you never know down the road what will happen.

Mr. Copey: Do we want them to install trees now?

Mr. Fisher: It would seem that because there are times of the year when you don't have substantial vegetation, an evergreen screen would be good. In doing that now, by the time that there is development the planted trees will be more mature.

Mr. Copey: I would like some clear direction on the future road. If the tower site can't be moved to the east (which I don't think the door is closed on), can the site be moved to the west to avoid the intersection? If the site can't be moved west, I have questions regarding the setbacks. The concern is that if the road is here all the equipment for this tower is right near the road. I would advocate moving it one way or the other.

Mr. Fisher: You want to be at the top of the slope, but how far east can you go?

Mr. Greiner: We'll take a look at that.

Mr. Antelli: If you could make it look like something else since it will be in this area?

Mr. Greiner: We can look at that.

Motion by Mr. Antelli, seconded by Ms. Burke, to continue the application to the August 17, 2016, meeting, as requested by the applicant.

VOTE:	Antelli	Yes	Burke	Yes
	Helfer	Absent	Slocum	Yes
	Selke	Absent	Sofia	Absent
	Fisher	Yes		

**MOTION CARRIED
APPLICATION CONTINUED
TO AUGUST 17, 2016, MEETING**

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2. Applicant: 4320 West Ridge Road, LLC
Location: 4320 West Ridge Road
Mon. Co. Tax No.: 073.01-1-3, 073.01-1-4, 073.01-1-5, 073.01-1-6, 073.01-1-7,
073.01-1-21, 073.01-2-63, 073.01-2-64.111, 073.01-2-64.12,
073.01-2-68.1 (part)
Request: Site plan approval for Phase I of the Hampton Ridge Center
commercial development, consisting of a proposed retail
building (one story; 156,159± square feet) and a gasoline
dispensing station (1481± square feet), with related parking,
utilities, grading and landscaping on approximately 59.756
acres
Zoning District: BG (General Business)

Motion by Ms. Burke, seconded by Ms. Slocum, to continue the application to the August 3, 2016, meeting, as requested by the applicant.

VOTE:	Antelli	Yes	Burke	Yes
	Helfer	Absent	Slocum	Yes
	Selke	Absent	Sofia	Absent
	Fisher	Yes		

**MOTION CARRIED
APPLICATION CONTINUED
TO AUGUST 3, 2016, MEETING**

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New Business

None

SPECIAL PLANNING TOPICS

Old Business

None

New Business

None

ADJOURNMENT: 8:40 p.m.

APPROVAL OF PLANNING BOARD MEETING MINUTES

The Planning Board of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Date: _____

Alvin I. Fisher, Jr., Chairman