

**TOWN OF PITTSFORD
PLANNING BOARD
April 11, 2022**

Minutes of the Town of Pittsford Planning Board meeting held on April 11, 2022 at 6:30PM local time. The meeting took place in the Lower Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: Sarah Gibson, John Limbeck, John Halldow, Paul Alguire, Dave Jefferson, Paula Liebschutz

ABSENT: Kevin Morabito

ALSO PRESENT: Kate Munzinger, Town Board Liaison, Robert Koegel, Town Attorney, Douglas DeRue, Director of Planning, Zoning & Development, April Zurowski, Planning Department Assistant

ATTENDANCE: There were 29 members of the public present.

Chairman John Limbeck made a motion to call the meeting to order, seconded by Board Member Dave Jefferson. Following a unanimous voice vote, the meeting opened at 6:32PM.

CONTINUED HEARING:

Verizon Wireless, 85 Stuyvesant Road

Preliminary/Final Site Plan and Special Use Permit

Robert Burgdorf, of Nixon Peabody LLP, on behalf of Verizon Wireless, reintroduced the application. He stated that the Town's Radiofrequency Engineer, Bill Johnson, and Verizon's Radiofrequency Engineer, Mike Crosby, have been communicating regarding the specifics of this site. Verizon has been working to reduce the impacts of large macro sites by creating a network of smaller micro sites. This application was originally proposed for a new utility pole on the corner of 85 Stuyvesant Rd. The original location has not changed, but the pole has now been altered to resemble a streetlight. There are currently no existing utility poles in the proposed location, in front of homes on Stuyvesant Rd. Mr. Burgdorf stated that Verizon has exhausted the option to place equipment on an existing RGE pole behind the homes. To place the pole on the other side of the walking trail, closer to Muirfield Court, an access easement to Verizon would be required from homeowners on the private drive. Mr. Burgdorf stated that residents were not willing to grant this easement. To place the pole closer to the trail, the path would require widening and to be paved. Trees would most likely need to be removed in this case. Mr. Burgdorf stated it is unusual for Verizon to propose a stealth small cell facility. Lighting the stealth streetlight is optional, depending on Planning Board approval. Mr. Burgdorf stated that lighting capability is optional, however the proposed height is required. Verizon is indifferent to the stealth type, so long as the facility can provide service.

Chairman John Limbeck asked the Board to address questions to the applicant.

Planning Board Member Paula Liebschutz asked the applicant if the stealth light design can be altered. Mr. Burgdorf stated that some design aspects can be changed.

Planning Board Member Sarah Gibson stated that she thought the stealth streetlight was too ornate and old fashioned. Mr. Burgdorf stated other design options will be delivered to staff for Planning Board review. Board Member Gibson thanked Verizon for their continued time effort for this proposal.

Chairman John Limbeck opened the discussion to the public. He stated that the Planning Board has received all written comments submitted to Town staff.

Karen McCready, of 85 Stuyvesant Rd, stated that the pole is proposed in the right-of-way in front of her property. She asked to address Planning Board members individually. She asked Board Member Paul Alguire if he had been to the site. Board Member Alguire stated that he has been to the site. Chairman Limbeck stated that all Planning Board members have been to the site and that other locations have been addressed prior to her comment.

Susan Lawler, of 98 Stuyvesant Rd, stated her concerns with the equipment mounted lower on the stealth streetlight. She asked how safety concerns will be minimized. Mr. Burgdorf stated that the cabinet will be mounted 10 feet from the ground. Board Member Alguire stated that the electric meter must be 3-5 feet from the ground.

Nancy Consol, of 82 Stuyvesant Rd, thanked the Planning Board for their attention to this application. She stated that widening the path to place the pole behind the homes may be considered less intrusive. Chairman John Limbeck stated that other locations have been discussed, but public comments were clear that widening the path or granting an access easement to Verizon was not favorable.

Perry Humphrey, of 11 Muirfield Court, stated that he has resided at his property for 29 years and his home. He expressed his concern with widening the path, worried that the path would be seen as a road. He stated to the Board that he would prefer to keep the path as is. He questioned whether an intersection that was strictly seen by motorists would be a more appropriate location. He also asked if neighboring trees would interfere with radiofrequency from the tower. He thanked the Board for their thorough analysis of this project.

Joe Lovallo, of 104 Stuyvesant Rd, stated his concerns with the proposed stealth streetlight. He asked the Board if health risks can be taken into consideration. Chairman Limbeck informed the public that unless the Town can prove the application will operate outside of FCC guidelines, the Board cannot take radiofrequency concerns into consideration.

Lynda Greve, of 12 Lawton Dr, asked the Board to consider widening the path to place the cell facility in the rear of Stuyvesant Rd homes. Chairman Limbeck stated that widening the path was considered, but public comments revealed that this was not the preferred option. Ms. Greve suggested the Town hold a contest to come up with more ideas.

Chairman Limbeck informed the public that this application is federally regulated, meaning that once a cellular facility application is received, it must be addressed and approved within a certain time frame, commonly referred to as the "shot clock". He stated that in this instance, Verizon has extended the "shot clock" to allow resident comments, Town staff concerns, and the Planning Board to work out the best option. Chairman Limbeck expressed to the public that the Board does not have unlimited time to review this application and that the FCC regulations will automatically approve the site should the "shot clock" run out.

Kevin Marren, of 69 Stuyvesant Rd, thanked Chairman Limbeck for discussing the “shot clock” with the public. He expressed concerns with the location of the stealth streetlight, stating that a streetlight would seem out of place in its proposed location. He mentioned previous public comments advocating for better service within the neighborhood. Mr. Marren asked the Board if other carriers came with applications surrounding this spot, would other stealth streetlights be considered. Chairman John Limbeck stated that the Planning Board and Town staff would encourage colocation, however it may not be feasible on micro cell sites. Mr. Marren suggested the Town incentivize colocation where accessible.

Nancy Consol returned to the podium to question the applicant about height requirements for the proposed streetlight. The new streetlight is proposed at 46.5 feet, while common utility poles are between 38-42 feet.

Planning Board Member Sarah Gibson asked the applicant if trees will need to be removed. Mr. Burgdorf stated that trees will not be removed if placed in the proposed location.

Board Member Gibson asked how long the equipment mounted on the pole be supported in the future. Mike Crosby, Radiofrequency Engineer for Verizon Wireless, stated that it is hard to give an exact date. Many current sites have been in service for 20-25 years. For the most part, once a facility is installed, it is hardly ever removed.

Mr. Humphrey asked Mr. Crosby to address the future of 5G service. Mr. Crosby stated that 5G is not a frequency, it's a technology. Equipment can either be updated with software revisions or replaced. However, the goal of this application is to serve 4G. 5G technology has been introduced in densely populated areas. This proposal is part of network densification and to relieve overloaded existing spots. Mr. Humphrey asked if the 5G equipment is similar to 4G. Mr. Crosby stated that specifics of 5G cannot be discussed at this time. Currently, there is no intention to change the 4G format of this site.

Nancy Kitching, of 15 Muirfield Court, asked who Verizon would pay rent to. Doug DeRue stated that the Town would receive a small annual fee because the pole is proposed in the Town right-of-way. Similarly, previous sites approved in the State and County right-of-ways would have fees paid to the respective municipality. Mr. DeRue stated that these rates are regulated by the FCC and cannot be negotiated. He was unsure of the exact fee amount to be paid to the Town.

Karen McCready returned to the podium. She asked if someone was hurt when working on the proposed pole, would she be liable. Chairman Limbeck stated that the contractor constructing the streetlight would have to provide the Town with Workman's Compensation insurance. Mr. DeRue stated that the homeowner would not be responsible for injuries within a Town right-of-way. Mr. DeRue stated that the pole would not be the homeowner's responsibility. Mrs. McCready asked if Verizon would maintain the lawn should it be damaged upon install. Chairman Limbeck stated that Verizon should fix any damages created.

Joe Lovallo returned to the podium. He asked if other locations within the search area were exhausted. Chairman Limbeck stated that other locations were considered.

Alyson Grossman, of 10 Muirfield Court, asked about an original location proposed further North in the search ring. She asked the Board why this location was not favorable. Mr. DeRue stated that the location before the public today was the original location.

Chairman John Limbeck stated that this public hearing will remain open at this time. Further comments or concerns can be passed along to April Zurowski, Planning Department Assistant, or residents may attend the next meeting.

NEW HEARINGS:

Dish Wireless, 161 S. Wilmarth Rd Antenna Installation

Preliminary/Final Site Plan and Special Use Permit

Richard Zajac, of Crown Castle Inc. on behalf of Dish Wireless LLC, introduced this application. Three new antennas and a 5'X7' ground equipment pad are proposed at the existing site. No ground expansion or height increase is proposed. The proposed equipment pad will fit within the existing compound.

Chairman Limbeck asked the Board to express any questions or concerns to the applicant.

Planning Board Chairman John Limbeck motioned to open the public hearing, seconded by Planning Board Member Paula Liebschutz. Following a unanimous voice vote, the hearing was closed.

Chairman Limbeck asked if anyone from the public was in attendance to address this application.

Hearing none, Planning Board Chairman John Limbeck motioned to close the public hearing, seconded by Planning Board Member John Halldow. Following a unanimous voice vote, the hearing was closed.

Chairman Limbeck read the SEQRA and Preliminary/Final Site Plan and Special Use Permit approvals, both unanimously approved by the Board.

Dish Wireless, 173 Knickerbocker Rd Antenna Installation

Preliminary/Final Site Plan and Special Use Permit

Richard Zajac, of Crown Castle Inc. on behalf of Dish Wireless LLC, introduced this application. Three new antennas and a replacement 5'X7' ground equipment pad are proposed at the existing site. No ground expansion or height increase is proposed. The proposed equipment pad will fit within the existing compound.

Chairman Limbeck asked the Board to express any questions or concerns to the applicant. Planning Board Member Paul Alguire asked if the proposed pad would be in the same location as the current pad. Mr. Zajac stated that the pad would be larger than the existing pad, but would be in the same location.

Mr. DeRue stated that existing pine trees should be protected and preserved during construction.

Planning Board Chairman John Limbeck motioned to open the public hearing, seconded by Planning Board Member John Halldow. Following a unanimous voice vote, the hearing was opened.

Chairman Limbeck asked if anyone from the public was in attendance to address this application.

Hearing none, Planning Board Chairman John Limbeck motioned to close the public hearing, seconded by Planning Board Member Paul Alguire. Following a unanimous voice vote, the hearing was closed.

Chairman Limbeck read the SEQRA and Preliminary/Final Site Plan and Special Use Permit approvals, both unanimously approved by the Board.

BME Associates, Young – Lehigh Station Road Subdivision
Concept Subdivision

Fred Shelley, of BME Associates on behalf of the Young Family Trust, addressed the application. He stated that this concept subdivision is located on the corner of Lehigh Station Rd and Pittsford-Henrietta TL Rd. This five lot subdivision proposes a private road and four building lots plus one existing home. The applicant included a neighborhood context plan to compare lot sizes. Masonry walls were proposed on the subdivision plan, but after reviewing DRC report comments, the applicant will work for shorter walls or suggest berms in substitute. Existing vegetation is proposed to remain. A 20-foot wide private road with a cul-de-sac is proposed. A sewer extension is proposed to extend to serve the new lots. The existing water main is proposed for extension. The applicant has considered a storm water management facility. Mr. Shelley informed the Board that he has received the DRC report and agrees to label this project an unlisted action under SEQRA. The applicant has provided a short EAF. Monroe County Development Review comments were also received.

Chairman John Limbeck expressed concerns regarding the proposed 6-foot masonry wall. He stated that a berm may be better at the site. He also stated that the road should accommodate emergency vehicles. Chairman Limbeck asked Mr. DeRue if the Board should be taking trail connections into consideration. Mr. DeRue stated that trail connections do not need to be considered for this site, however, sidewalk easements will be required.

Planning Board Member Paul Alguire asked if the proposed new homes must be sprinklered. Mr. DeRue stated that the Fire Marshal and Pittsford Fire Department have requested it, but it is not required by code.

Planning Board Member Paula Liebschutz stated that the Design Review Board will likely favor a side load garage. She asked the applicant to adjust the proposed homes on the subdivision plan accordingly.

Planning Board Chairman John Limbeck motioned to open the public hearing, seconded by Planning Board Member Dave Jefferson. Following a unanimous voice vote, the hearing was opened.

Chairman Limbeck asked if anyone from the public was in attendance to address this application.

Jim Falcone, of 3 Summers Circle, expressed concern for any existing vegetation removal bordering his property. He stated that he would appreciate vegetation to remain. He also mentioned the existing stream located along the property line. He asked the Board to consider possible impacts to the stream. He stated that there have been numerous accidents at the

Lehigh Station Rd and Pittsford-Henrietta TL Rd intersection. He expressed concern for a 6-foot masonry wall on the corner, as it may further reduce visibility.

James Tacci, of 6 Summers Circle, expressed concern regarding the lot sizes as proposed. He agreed with Mr. Falcone that the intersection is dangerous to motorists and that masonry walls or berms would reduce visibility. He appreciated the interest in sidewalks along the intersection.

Robin Tacci, of 6 Summers Circle, stated that when purchasing the home, the developer required homeowners to sign covenants for deed restrictions. She asked if the same would be required for these lots. Mr. DeRue stated that a homeowner's association is proposed for the subdivision. The Town has not seen requirements for the association yet. The owners of the parcel will decide what deed restrictions will be enforced. Mr. Shelley stated that the builder for the subdivision has not been selected at this time.

Chairman Limbeck asked Mr. DeRue to clarify the minimum lot size in this location. Mr. DeRue stated that there is no minimum lot size requirement and that the Planning Board must determine an appropriate minimum lot size. Chairman Limbeck stated to the public that although the Board can determine minimum lot size, they cannot control minimum house size.

Mr. Tacci asked if the Town has an open space requirement for new developments. Mr. DeRue stated that zoning control the open space requirement. For example, the parcel that was developed into Summers Circle was zoned RRAA, meaning open space was required. The region was then rezoned to RN, meaning open space is not required.

Ms. Tacci expressed concerns about drainage and stated that anything upstream should be carefully watched.

Chairman Limbeck asked Town staff if the Planning Board can recommend a traffic light or four-way stop at the intersection of Pittsford-Henrietta TL Rd and Lehigh Station Rd. Mr. DeRue stated that these roads fall under New York State jurisdiction.

Mr. Falcone asked the applicant if the subdivision plan includes removal of existing accessory structures. Mr. Shelley confirmed.

Chairman John Limbeck stated that the public hearing will remain open at this time.

OTHER DISCUSSION:

The minutes of March 28, 2022 were approved following a motion by Planning Board Chairman John Limbeck, seconded by Planning Board Member John Halldow. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Limbeck asked Ms. Zurowski to look into ID cards for Planning Board members.

Planning Board Chairman John Limbeck motioned to close the meeting at 8:26PM, seconded by Planning Board Member John Halldow, and was approved by a unanimous voice vote, no opposition.

Respectfully submitted,

April Zurowski
Planning Board Secretary

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING
DEPARTMENT