

Minutes

Village Planning Board

September 23, 2014

A meeting of the Village of Horseheads Planning Board was held on the above date at 5:15 p.m. in Village Hall. Present were:

Board Members

Chairman Mike Stenpeck
Doug Baker
Bill Goodwin
Dave Helsing
Bob Young
Tom Rupp - Alternate - ABSENT

Village Staff

Village Mgr. Walt Herbst
Manager's Assistant Rachel Baer
Trustee Ron Swartz
Trustee Mike Skroskznik
Trustee Caitlin McGurgan
Village Atty. John Groff
Louise McIntosh - ZBA
Lew VanDuzer - ZBA
Hank Corp - ZBA

Motion by Dave Helsing, seconded by Bob Young, that the minutes of the March 25 and April 29, 2014 Planning Board Meetings be received and approved as submitted.

Roll Call Vote:

Doug Baker	Aye
Bill Goodwin	Aye
Dave Helsing	Aye
Bob Young	Aye
Chairman Stenpeck	Aye

Application of NYNEX Mobile d/b/a Verizon Wireless - Cellular Tower

Village Manager Herbst noted that the Village has hired an atty. who specializes in this so he can guide us through possible new legislation.

Bob Young - they say they need this for the 4G network. Right now we have LTE. 4G is upcoming. It's to bring the 4G coverage to this area.

Atty. Groff - applicant isn't coming tonight because I had presented them a lot of questions on this application. They want more time to gather the info so they can respond. I wanted to talk about when would you like to schedule a meeting within the next two weeks for them to come down and explain their app. Also we asked for them to redo the balloon test. Their request is for both variances. Our Zoning Board of Appeals has final authority. There will be a SEQR review by the ZBA. ZBA will become lead agency for that purpose. Cell towers are treated differently than ordinary variances. Telecomm facilities are considered public utilities which are

treated preferentially. Less rigorous review. Aesthetics can be considered but not solely. Cell towers by federal legislation are entitled to "shot clock" treatment. You have to act diligently and efficiently. If there is a perception of delays then it can be construed as a violation of this. Denial has to be supported by substantial evidence. Village asked them to consider alternate locations. One on Mill street near water wells seeing as that would be less offensive visually. That is part of what is going on right now. Their engineer is reviewing this location.

Chairman Stenpeck - this is a wetland area - the current requested location.

Atty. Groff - doesn't preclude it. You can build in a flood plain if you do it correctly. They claim they have scientific evidence that there is a gap in service. They are required to prove that. Part of the process could be the retention of people to evaluate the science. But at this point we haven't rec'd their scientific data. If the Village retained an engineering consultant to analyze then that person could request the data and do their own analysis. The applicant can be required to pay for services like that. The Board of Trustees has to indicate that it wants to retain that kind of expertise. As a board you can ask, or the ZBA can, the village board to retain this person.

Dave Helsing - is there a distance or range issue where it can interrupt or effect other frequencies - like FD, etc.

Atty. Groff - don't know. There are RF factors. There are some people who think that these kinds of transmissions can be harmful. Basically feds say it's not within your control. That's not on the table. As far as interference with others, the FCC does require the applicant to establish that what they are doing is not going to adversely affect other users. Competitive users.

Dave Helsing - in the balloon test it will show the location on a calm day, the height. But on the maps the top looks like a big triangle. Maybe the balloon will not be that big, but the actual structure is larger.

Atty. Groff - just photo simulations in the application. You could ask them if that is representative.

Chairman Stenpeck - some start out small then end up bigger. Leasing out to others. We could put a condition on it.

Atty. Groff - if they felt a need to modify in the future they would have to come back before you. Could be adding antennas, or additional height. Co-location is possible.

Atty. Groff - Do you as a board want any other specific information that we haven't already asked.

Dave Helsing - John's letter was very thorough. Everyone agreed.

Discussion on asking the Village Board for a specialized engineer to help us.

Motion by Chairman Stenpeck, seconded by Bill Goodwin, that the Board formally requests the Village Board of Trustees to retain professional expertise to assist in review.

Roll Call Vote:

Doug Baker	Aye
Bill Goodwin	Aye
Dave Helsing	Aye
Bob Young	Aye
Chairman Stenpeck	Aye

After brief discussion the Planning Board agreed to set another meeting for Tuesday, October 14th at 5:15 p.m. By then the additional information requested by Atty. Groff will be in.

Adj. at 5:50 p.m.

/rmb