

Minutes

Zoning Board of Appeals

October 30 2014

A meeting of the Village of Horseheads Zoning Board of Appeals was held on the above date at 3:00 p.m. in Village Hall. Present were:

Board Members

Chairman Dave Radin
Louise McIntosh
Tony van Dinther
Hank Corp
Lew VanDuzer
Dave Helsing

Village Staff

Village Manager Herbst
Village Atty. John Groff
Trustee Ron Swartz
Code Enf. Bob Young
Manager's Asst. Rachel Baer
Fire Chief Arthur Sullivan

Others

Bob Burgdorf, Nixon Peabody
John Engleberg, Verizon

NYNEX, Verizon - Cell Tower Application - 130 N. Main Street

Chairman Radin - not going to decide today. Just discuss what we need to understand. We are the deciding board. Planning Board recommends to us. This board typically deals with porch add ons, sheds, etc. I think this will come down to several issues. We need to hear in laymen's terms what future will look like if they don't get this. Also, how high does it really have to be. Where can it be besides where you proposed. As far as the aesthetics, my first reaction was bad. More I think about it and more I talk to people I've tempered that. I don't want us to say no to technology. But we want to be sure what we hear from Verizon is the absolute truth.

Lew VanDuzer - everyone checks their phones to see how many bars it shows for service. It's really about data. I know there are times when I do have problems with my cell phone. But with all the data I can see how the system is not going to cut it for the future. As for historic, the Do It Center is not historic. I had considered that the holding point may be better. However I would rather see the lease money going to someone locally than some owner who isn't even here. Like anything else there will be people against it, but it's only going to effect a small number of homeowners. We have to assume this is the best spot and I don't have a problem with it.

Louise McIntosh - I went with our consultant last week. My question is, does it have to be a tower. Could it be something different. Also the day you did the balloon test, I don't think it will be noticed except at first. I totally agree with keeping the money here for local people.

Atty. Groff - you should keep in mind that the money is not an issue for this Board to consider. You should discontinue considering that.

Tony van Dinther - I didn't get to see balloon test. My concern about whether it's solving a current problem, or for future anticipated demand. If it's more for future, based on what. Are you projecting need. Want clarity on that. When will this one become obsolete.

Hank Corp - I came here in 1942. Main thing I'm concerned with is preserving the integrity of Village, and people who live here. We have to be careful and take care of this so future generations come out ok.

Bob Burgdorf - a lot of what you've asked is already in materials provided. Verizon doesn't care where it goes as long as it works. We explained that this is incredibly location sensitive, and its two-way communication. Topography effects it. There is limited flexibility. In this case, the search area, everything within that area should work. We are putting together another comprehensive response to recent questions. But let's start with the standard for this area is the 95 signal strength with sufficient 4G capacity for data. The nationwide system has got to be able to deal with data. Not a luxury anymore. Far more than voice. Cell comm is used by EMS workers. All kinds of applications, meter readers, etc. There is a microcell very close by near the mall. We need that to adequately cover this area. Loss of capacity is coming.

How high - there is no desire to build this higher than necessary. If 10' would work we would do that. Has to clear the trees at a minimum. RF engineers are not comfortable with less. Propagations demonstrate that.

Where can it be - we've been given a total of 8 alternate sites. But a lot are pretty far outside search area.

Does it have to be a tower. If there was something in the search area that was tall we'd grab that. You've got the minimal tower type here. Disguising it can encourage co-locating. Monopoles are best option, they blend.

Current or immediate problem. We will be submitting responses to that.

Two way comm. - Two way means each user has to have their own dedicated communication signal. Over the years cell areas have shrunk and gotten shorter. We will be submitting wide area map showing other cells.

Atty. Groff - inadequate signal? Please explain what that is.

Mr. Burgdorf - keep in mind this is in lieu of an RF engineer who couldn't make today's meeting. If tower is not getting strong enough signal then it is inadequate. Part of adequate service is having it in the right spot and proper signal strength located so it hands off to neighboring cells, talks back to the tower properly, and capacity is balanced based on traffic in neighboring cells. So it goes to dominant server.

Tony van Dinther - what % are the other two towers operating at now.

Burgdorf - will get that data for you. Those other two cells are needing relief of capacity.

John Engleberg, Verizon - distance from user to site drives the search area. As capacity gets worse, coverage pulls in to handle it. Then you lose service at the margins resulting in slower data rates.

Atty. Groff - do you have data to support that.

Mr. Burgdorf - coming in our next submission. If we've done our job right, we get to the lowest needed mono pole. Try to find best location.

Chairman Radin - what do you think of our consultant, CMS.

Mr. Burgdorf - I encourage you to hire a qualify engineer. We feel CMS, Dick Comi, he is not qualified. He is not an RF engineer. Has no education in this area. Doesn't understand RF system. We would ask you look at resumes of both Dick Comi and Sue Marino.

Chairman Radin - what about liability insurance. Are there conditions where we can require that.

Mr. Burgdorf - we have done removal bonds in other places. That is so if company ceases use they have to remove it. Happy to do that. Indemnity insurance - The company has done that. But I don't think it can be a requirement. Why would you single this out and treat it differently than other commercial projects.

Atty. Groff agreed.

Mr. Burgdorf - does the village want us to look at other alternate sites.

Discussion ensued.

Village staff agreed we do want Verizon to look at the alternate sites presented: feed mill, Village garage on Thorne St.

Mr. Burgdorf - we'll do all of them.

John Groff - Part of your answer was anticipated customer use. Do you take into consideration existing populations, etc.

Mr. Burgdorf- want to get adequate service to entire cell, but sometimes it's hard. They will try to do it so that if something is there - ravine, field, etc. - it's not what are we trying to cover anyway, it's what can we live with uncovered.

John - talked about property east of the village - no population. Flashlight analogy.

Mr. Burgdorf - a road, route 13, important coverage objective. The fact that its land or a roadway doesn't mean we don't want to have it covered. Land lines are going away. This is the infrastructure.

SEQR - John said we can't do resolution on SEQR lead agency because we're considering alternate sites. Once the site is decided, then we can complete SEQR.

As there was nothing further to bring before the ZBA, the meeting was adjourned at 4:15 p.m.

/rmb