

## PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York  
Thursday – March 15, 2018  
PB 2018-3

Present: Burg, Conrad, Craft, Lilly, Taczak

Absent: Casale

Presiding: William Conrad, Chairman

Conrad: Good evening everybody. Welcome to the March Town of Lewiston Planning Board.

The first item on the agenda was a collocation for T-Mobile on Seton Hall, Niagara University.

Conrad: Please introduce yourself and describe your project a bit for us please.

Jeff Szkolnik, I work for a company called NB&C. We are the authorizing agent for T-Mobile. We are helping them across Upstate New York site new locations. We are here to present a proposal for a collocation for a new antenna facility on the top of Seton Hall Building on the campus of Niagara University. It's a needed location to fill a gap of coverage in the network that's lacking at the moment. We looked at existing towers in the area. There was a tower over on National Grid behind the campus. We talked to them. They would not allow us to locate on that tower due to homeland security issues. There is an SBA Tower to the south of the University that is fairly close to an existing on air site that T-Mobile already has. That was not looked at as well. There is another tower over by the reservoir which has the Coast Guard on there. They didn't really look kindly on us either. This is the only option of doing this new location with the exception of building a new tower which is costly and time consuming. I don't think anybody wants to do that. This is where we are today. The lease is in the final process of negotiation. We're in the red line stages with both parties. We expect to have that executed probably in the next month or less fully executed. Both parties will be ready to go. The cd's were in your package and we can certainly answer any questions on those tonight. The height of the antennas are proposed to be at 97'. The center line of the antennas which is just a little under 10' above the top of the building. There are 9 antennas with the auxiliary equipment that goes with it. There is a back-up natural gas generator which is a DC generator so they are quiet. It's not diesel, its natural gas so there's no noise or fumes or anything. That's only for back-up power outage purposes. Everything is on the roof. There is no ground design or equipment going on the ground. There is no landscaping or any buffering or fencing necessary.

There was in your package the photo sims that basically show....you really can't see these antennas from 1,500' away. Verizon is on the adjacent building on the campus already. They were installed in 2008 and we're pretty much mirroring what they installed on the other building with the exception that we don't do a shelter. Verizon puts up a fairly large concrete structure which they actually tied in to the structure of the building because of the weight. We just put up a small metal platform with a couple of cabinets in there, a couple hook ups. All the utilities including the fiber, the natural gas are coming through the building on meters. We're leasing just under 200 square feet of space on the roof top on the platforms. I think that's pretty much it in a general sense. There are 9 antennas. We are proposing a microwave dish as a back-up. We expect to be able to hook-up....with Time Warner Spectrum. As a back-up we always include a dish just to make sure that we can always hook in to the network one way or the other. All the engineering was taken care of. The structural....that was in your package as well. Tonight we are just looking for a final approval to send this to the Town Board and a negative declaration on the SEQRA. I will be glad to answer any questions you may have.

Conrad: I'll go last. Any questions from the Board?

Masters: Just so you are aware this did go to the Environmental Commission last night.

Conrad: Did we get a letter back from them? Do you know what they said?

Masters: It was negative. They said it was fine. Jerry came in today and signed his checklist.

Conrad: I went over this thing pretty thoroughly. I have a number of questions. The first thing it's just a pet peeve of mine. I used to do this when I was in an engineering firm, the same thing collocations. Is this actually a collocation? You're not putting it on an existing tower correct?

Szkolnik: Correct.

Conrad: It's actually not a collocation, it's a new installation.

Szkolnik: It's a new installation but it's on an existing structure.

Conrad: An existing structure does not...

Masters: That's how the application came through just so you're aware. They paid for a new tower not a collocation.

Conrad: I just want to make sure the paperwork backs what the actual project is. In the letters its collocation, it's confusing.

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Szkolnik: We questioned that in conversation with Tim and Chris. The code is written most as a collocation for new towers.

Conrad: Is that something on our end the code is messed up that it came out that way?

Masters: We ran it through as a brand new tower application. Even though some language in there might say collocation here and there, we ran it through as a brand new tower, the full tower price.

Conrad: The checklist, that's significant on how we proceed with this. One thing that again is this is a pet peeve of mine; it's collocation with one L. If you use 2 L's it's some sort of a grammatical term. It's 1 L. It's just me. A couple of things with these other checklists that we receive as a Planning Board, there is a Building Inspector Checklist and the removal bond, has anything been done with that?

Szkolnik: I just got that last week with Mr. Parisi. He's also looking and you may be asking that as the next question for a copy of the lease. Right now as we are only, like I stated we haven't fully executed the lease yet. T-Mobile's policy is once they get a full executed lease they will issue the bond. I know that the Code says you can grant that as a condition before a building permit is issued. That is our intent. Once we get the lease fully executed we will send a copy to Mr. Parisi and we will do the bond before a building permit is issued.

Conrad: The notifications letters, I know they weren't part of this packet but you did send them out or Chris did? I didn't print them out.

Szkolnik: I don't have extra copies with me.

Masters: The NFPA, the Air Base, Niagara Falls Airport.

Conrad: Have we gotten any feedback from them? Do we require them? We should have feedback from them at some point right?

Masters: All the Code says are they need to notify them.

Conrad: Their obligation is complete.

Masters: Correct.

Conrad: The visual impact statement, this is something the Town Engineer noticed is there is no, there is supposed to be a professional stamp from an engineer or whoever on that visual impact study.

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Szkolnik: We were under the impression there was.

Conrad: Not on our copy anyways. Environmental Commission is done.

Szkolnik: The engineer stamp, is that something you will need? I don't see them on mine. The Carpenter Consulting Group out of Rochester is the one that did it. They do a lot of these. I know they usually stamp it.

Conrad: Maybe just get a letter from them. We require it of everybody else. We need to be consistent with that.

Szkolnik: I apologize for that.

Conrad: From our checklist the documentation of the notification of Town of Lewiston installation and communication providers, normally any time one of these new cell towers go up we notify the agencies, you guys would notify any other carrier correct that you guys are setting up shop.

Masters: I want to say that it was in there .....

Szkolnik: The way we read the .....Chris and I talked, the waiver for that requirement for the collocation notice was to let others know that there's a new tower going up and that collocation and that tower could be in the future. But this is not being a tower that is why we asked for the waiver on that. On the interference side of things there is a letter in the packet that says this installation will not interfere with existing facilities in the Town.

Conrad: That letter came to the Town. It didn't go out to other carriers correct?

Szkolnik: Nothing was sent to other carriers because there's no collocation here. As far as frequency interference, all carriers operate on a separate proprietary frequencies. There would be no interference with existing carriers.

Conrad: That will be your call. I'm just going by the checklist and by the things that I always request from everyone else.

Szkolnik: A week and a half ago I thought all the waivers had been accepted with the exception of the letters for the Air Base by the airport.

Masters: That will be the Tower Committee's call.

Conrad: The long range market plan, I know you said you're not a franchise but I don't know that a franchise is a requirement to provide a long range market plan.

Szkolnik: The waiver for the long range market plan, I think....

Conrad: Do we normally do all these waivers Tim?

Masters: This one is a little bit of an unusual scenario because it's not a straight up tower. It's not really a collocation but it's not really a brand new tower either. It's not going to have collocations on it. We didn't feel everything applied like it would on a new one.

Conrad: Sounds like we might need a new section of the Code.

Masters: We have a couple of these. We have 2 at Niagara University and we have a couple on some existing National Grid towers.

Conrad: With things getting smaller too I'm sure it's going to be even more common. It's convenient to put it on a building than it would be to on a tower. All the hardware is getting smaller and smaller.

Szkolnik: That's the next whole other; Verizon and other carriers .....T-Mobile really doesn't have done a lot of.....

Masters: As some point you might have one on St. Mary's Hospital, they might be the next available roof top that is that high.

Szkolnik: The long range market plan again we didn't submit that and asked for a waiver because it is a brand new tower.

Conrad: You're okay with that Tim?

Masters: I'm okay with it. I filled out my checklist what I did and that goes to the Tower Committee to vet.

Conrad: The letter addressing the general welfare of citizens regarding the tower installation and removal. These are things on our checklist that we're looking for and again I didn't see that.

Szkolnik: I didn't see that either. I went down the overall checklist that was provided. I'm not sure I saw that when I got here tonight. I'm not sure what that is or what it's for, this being on a private building and not a tower.

Conrad: It could be another gray area.

Szkolnik: I didn't see it on the master checklist I guess.

Masters: For example this isn't going to have a fall zone we have to worry about.

Conrad: We will wait for the Tower Committee to meet and see what comes of that. They are meeting next week. These are things that I noticed. I went through the entire packet again, I was pretty bored. A Full EAF Part 1 Section E-1D as far as .....Tim I think this is something that you noted, the question was, are there any facilities serving children, elderly people or people with disabilities, i.e. schools within 1,500'? It should have been marked yes. Tim I think you noted that? That is page 10 of 13.

Masters: I called the engineer about that. We had GHD review the SEQRA. I asked them why they said that and they said because it's not 12<sup>th</sup> grade and under. In their view they're adults, they're not children and they're not a school. I said well I'm putting it in my notes anyway that I'm saying potentially there are children there, potentially there are people that are pregnant, potentially they are disabled people. I'm noting it on the SEQRA, not that it's going to change anything in the grand scheme of things.

Conrad: Page 10 of 13, Part 1.

Masters: The other one that was messed on that was they put it wasn't located adjacent to anything on a National Historic Registry. The Niagara Power Authority is on the National Historic Registry. So I just put a notation on there saying it was. It's not going to affect anything but I think the form should be correct.

Conrad: The only thing, this one I noted the Part 1, the only thing I was looking at that for was the radio microwaves. I don't know if that would come in to play down the road.

Masters: I brought it up at the Environmental Meeting last night but they didn't latch on to that so.....

Szkolnik: The EME report for the emission leads is part of the package which basically says T-Mobile is compliant with this design based on FCC regulations. The FCC regulates all those requirements for the emissions and things. Again all the carriers are individual proprietary frequencies. There are big nationwide fines if any of these carriers step out of the parameters that the FCC set for emissions and frequencies.

Conrad: Tim I guess this is something you can take up with the engineer the EAF Part 11, Section 9 and Section 14. Both of those were checked yes, but there are all the blocks that need to be checked, significant impact, and minor impact. None of those blocks were checked so I don't know. Maybe when it printed it didn't come out.

Masters: I thought they were checked? Appendix B, the visual EAF addendum?

Conrad: This is in the EAF, page 8 of 10; this is the engineer's stuff.

Masters: The land use of the proposed action is obviously different or is in sharp contrast to current land use patterns between the proposed project for esthetic resource.

Conrad: It's checked as yes, so those boxes should be checked.

Masters: I'll check with Camie. 10 of 10 is also the one that it is next to Historic Registry. I have a note on Part 1.

Conrad: The next thing is the RF Site Compliance Report. I went through this thing pretty thoroughly and I was getting a little confused as whose doing what. Your engineer who sealed the site compliance report Dennis Abel works for FDH Engineering Services, you have your engineer certification letter that states I am an employee of Velocitel Inc. which Mr. Dennis Abel is not. He does not work for them. The engineer's certification letter is signed by Mr. Klaus Bender who is a professional engineer but he does not work for Velocitel either. He's a principal engineer for Site Safe. That same fellow, the certifying engineer Klaus Bender is not licensed in New York State.

Szkolnik: The certification is in the back. We do these all the time.

Conrad: I know and like I said I used to do this myself so that's why I'm familiar with some of these things.

Szkolnik: I guess that's why they have a relationship with Dennis Abel who stamps these because he's not.

Conrad: Right, but do you understand what I'm saying that the certifying engineers letter, he's an engineer, he's not an engineer of New York State. He's saying he works for Velocitel but he does not. He's a principal engineer in another firm. You have 3 different entities there vouching for each other and the one who is vouching the most isn't even licensed in New York State, Klaus. If you can just look in to that and figure out if it's something that's cut and paste.

Szkolnik: I've done a couple of hundred sites with T-Mobile in the last 3 years and they require one of these for every site. This is the company that we use and have done it. There is a regulatory process that T-Mobile goes through internally with the legal department and engineer and things and we submit this and it's been accepted for everyone.

Conrad: Unless someone really looks hard at it.

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Szkolnik: The guy that's stamping it in theory is the professional engineer.....

Conrad: Why would the certifying engineer who should be the guy who is stamping it.....

Szkolnik: If he's not licensed in New York State then he's got to find an engineer to co-partner with right. That's the way I read it.

Conrad: When you actually read it, it doesn't make any sense saying that I am an engineer, I work for Velocitel and then when you read down through the thing and see who signs it and find out that that fellow does not actually work for Velocitel. It's not written well and it's confusing. It needs to be tightened up a little bit.

Szkolnik: I'll ask some questions and see.

Conrad: If you could clarify and get back to Tim.

Szkolnik: What do I need to clarify exactly?

Masters: Are you going to the Tower Committee meeting? Maybe you could have those answers by that Tower Committee meeting. That will be the last piece before it goes to the Town Board.

Conrad: The first thing is you have your guy here, he works for FDH Engineering, and so he's the guy who is stamping it. Then you have the page 13 the engineer certification for Site Safe and when you read the second paragraph there it says I am an employee of Velocitel Inc. in Raleigh North Carolina, and then it's signed by Klaus Bender. Klaus Bender is a principal engineer at Site Safe. I am an employee of Velocitel, it's inaccurate. Do you see my point?

Szkolnik: Site Safe is a national company. I'll find out how Velocitel correlates to Site Safe. I think that is the question.

Conrad: I could understand if it says Velocitel is our client and we do these things for Velocitel. But it says I am an employee of Velocitel and he is not. There are some inconsistencies there. I don't like to nit pick.

Szkolnik: It's technically on his shoulders because he stamped it. I'll try and see what I can find.

Conrad: Maybe nobody ever noticed it.

Szkolnik: I'll see what I can find out for you.



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Conrad: On the same document there, the executive summary which is page 3, it lists the diagram of the site and theoretical MPE based on modeling are included in this report. I did not see a diagram of anything.

Szkolnik: There are more pages to it. T-Mobile did not want to submit some of that because it had proprietary information on it relating to certain equipment and the frequencies. This report was, it was skimmed down to take out the proprietary information and just the general information was submitted. The most important part of the report...

Conrad: Again, I understand.

Szkolnik: There are several pages that are not in this report.

Conrad: I understand that. Don't say in the report in another section of the report that these things are part of the report because they are important we received and it's not in there. Now this report can't stand on its own. It's inaccurate when it's presented to us and we're reviewing it. Those things should be stricken from the document or whatever. If they're not part of it and we're looking for it. I looked all through this thing.

Szkolnik: I apologize. We just took out what we thought was pertinent information.

Conrad: I understand that but someone should go back through this document that you're giving to us to review and make sure that it's consistent with what we receive.

Szkolnik: At the same time we didn't want to demonstrate that the full report was done because we were trying to meet the spirit of the code.

Conrad: So are we. Just to be fair to us I'm chasing my tail trying to find this. Give me the benefit of the doubt and when it's not actually been submitted. It's a little frustrating.

Szkolnik: I'm sorry about that.

Masters: Part of that might have been our office to because I know Chris talked to you before about it.

Szkolnik: We were trying to figure out.....meet the requirement and still keep the.....

Masters: It was a little bit of a gray area and we elected to move it through....that was a conscious decision.

Conrad: You guys are killing me. What you said there may answer this next question. In Appendix A, Site Safe has provided a computer generated models in the site compliance report to show approximate dimensions of the site.....I'm thinking that's proprietary?

Szkolnik: We gave you as much as we could to try to meet the requirement without....the original request from T-Mobile was to just give you the first page and we thought well....

Conrad: Appendix D, general safety recommendations. I don't know why this would be proprietary but on the bottom of the page it's all the notices and warning. An analysis provided here to illustrate the various colors depicting 4 safety levels; there are actually 5 safety levels with different colors. Gray, green, blue, yellow and red but there is no analysis. Again another one of those things that it's in here but it's not in here.

Szkolnik: I believe this is the last page; this is appendix D which was in your package.

Conrad: Page 19.

Szkolnik: That's the last page of the report I believe.

Conrad: It describes that there's 5 colors but my major point is it says there is an analysis provided and illustrated the various colors. Is that your analysis?

Szkolnik: I believe this would be the analysis.

Conrad: So just a description of the colors? Isn't there a map or something?

Szkolnik: A map of where the signs would go?

Conrad: I guess I don't understand what the gray; we have a black and white copy, so I don't know when you're saying, gray, green, red, is that referring to the signage colors?

Szkolnik: I believe so yes.

Conrad: Again it's hard to...

Szkolnik: I apologize we took this requirement .....stamp that the engineer was .....the important part.....

Conrad: Again, just for clarity. I looked at it and didn't understand it that was what it was. If it were in color it probably would have caught on. Back to the waivers now, operating revenue is that something we're not going to require?

Szkolnik: The way the Code was written it was asking for that if you were going to build something in the Town right-of-way. Since we're not building anything in the Town right-of-way and T-Mobile is not a franchise that was the reason for the waiver request.

Conrad: When you say it's not a franchise?

Szkolnik: Like Niagara Mohawk and National Grid is a franchise. They have an agreement with the State of New York. T-Mobile and other carriers don't have that. All they have are licenses through the FCC.

Conrad: Is the term franchise in our Code?

Szkolnik: I asked this question and I was told no.

Conrad: I just don't know where the word franchise came from?

Masters: Franchise is in our tower law.

Conrad: Is that an issue for us?

Masters: It's never been an issue before.

Conrad: If he's using the term....

Masters: The Cable Commission pays a franchise fee, but the towers don't pay a franchise fee.

Conrad: Ryan can you look in to that to see if that term in this industry is restricting us from implementing this the way we are trying to do please?

Parisi: Sure.

Conrad: Air traffic impact; now you sent your letters out you said. As far as the FAA regulations I know you're saying that it's only 10' above the top of the building so it's not a requirement. Do you have any obligation to notify or get any type of okay from them at all?

Szkolnik: No, typically those height requirements start at 190'.

Conrad: Like the collocation search ring data you provided that so you don't really need a waiver for that. Wind resistance data, you provided that. It was in with the structural analysis; you don't need a waiver for that. Collocation notification, it's not a collocation so you don't need a waiver for that. Long range market plan, we already talked about that. You did talk to

other carriers and other people who have towers about possibly collocating. You said they didn't want to talk to you.

Szkolnik: One of the very first things we do when T-Mobile says we need coverage in a certain area is we look at existing towers. There is an American tower to the south; there is an SBA tower to the south. Those are both master lease agreement partners with T-Mobile so we always prefer to look for them, but they were too far out of the ring and too close to existing sites.

Conrad: If you're not going to do the notarized collocation letters could you just put a letter together saying that you looked at these towers and they either weren't amicable to collocation or they're not in an area that.....

Szkolnik: I can give that to you tonight.

Conrad: Just make it part of the package. I want the Tower Committee to get a copy of that.

Szkolnik: It has a map of the towers.

Conrad: So you're going to be coming to the Tower Committee meeting. I'll make, I was taking notes as we were talking so I'll make those notes to you Sandy.

Szkolnik: Can I get a copy so I'm prepared when we come to the meeting.

Conrad: Do we need to take action on this Tim?

Masters: Yes

Szkolnik: Which board in the Town actually does the negative declaration for the SEQRA?

Masters: The Environmental Commission did it last night.

Szkolnik: I just want to make sure it's done.

Lilly: The Verizon Tower that's on top of the roof, how long ago was that put in Tim?

Szkolnik: It was 2008.

Lilly: How was your different or similar to what they put up?

Szkolnik: We are going to be similar in sense that its antennas are mounted to the building. We are different where we have less equipment on the roof, less cables, less cabinets, no structure.

They have a very big structure 10'x20', like a mini a storage trailer square. They actually mounted it on the building.

Lilly: How about the weight of your equipment on your roof?

Szkolnik: That was part of the structural analysis. The engineer stamped it.

Masters: Everyone's checklist is different. Your checklist and my checklist, they all have different questions, then the Tower Committee takes everybody's checklist and makes sure everything is done and then makes a recommendation to the Town Board. Everybody's checklist doesn't have the same questions on it.

**A motion to recommend approval of the tower was made by Taczak, subject to the checklist that was stated on the record and responded to by the T-Mobile representative,**

Masters: Do you remember it all?

Taczak: He has it written and they are going to get his copy and everybody was to agree on it. Bill is giving a copy to Sandy. It would be a matter of record then and the representative would reply to it.

Masters: As long as it's in writing so we're all on the same page.

Conrad: I'll try to list it:

**Conditions: The removal bond is required after the lease is signed and prior to a building permit being issued and subjected to attorney approval. The engineer stamp is required for the visual impact study. The gray area to be addressed by the Tower Committee. Engineer certification letter clarification on who is stamping and certifying. A list of towers that were looked at and considered for collocations. Motion seconded by Lilly and carried.**

Szkolnik: I felt your Board is a lot more organized than some of the other Towns.

The next item on the agenda was the review of the proposed updated subdivision law for the Town of Lewiston.

Rob Morreale would like to see a sunset clause in the law. The language could be added. Tim Masters talked about all the existing subdivisions in the Town. Going forward all subdivisions phases need to be stand alone. The Town Attorney has to do a thorough review of the proposed law. A lot of time was spent reworking page 14, F regarding recreation space and the recreation fees. A definition for "dwelling units" should be added. The fee is currently \$250. per lot. It is proposed to be \$400. per lot. Bill Conrad would like to see what other Towns do.

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Tim will check with different Towns to see what their fee is. The country curbs are falling apart. The Town will now be requiring up-right curbs. The language has changed so that final plat review will come back to the Planning Board for recommendation of approval. Special Use Permits are now done by the Planning Board solely. If it is not listed in the Town Code, it does not exist. That changed in 2012.

**A motion to table the discussion for a work session was made by Taczak, seconded by Lilly and carried.**


**A motion to approve the minutes of February 2018 was made by Craft, seconded by Taczak and carried. 1 abstention**

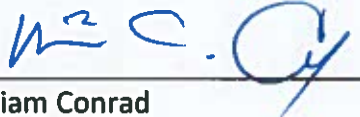
The Chairman stated that if any member would like to attend the upcoming New York Planning Federation Conference in April to let him know. There is money in the budget to send 1 person.

The next meeting will be April 19, 2018, at 6:30 P.M.

**A motion to adjourn was made by Taczak, seconded by Craft and carried.**

Respectfully submitted,

  
Sandra L. VanUden  
Planning Secretary

  
William Conrad  
Planning Chairman