

## RESOLUTION PB 18-

### RESOLUTION CONDITIONALLY APPROVING VERIZON SITE PLAN REVIEW APPLICATION AND ISSUING SPECIAL USE PERMIT FOR 197' CELL TOWER MODIFICATIONS AND RELATED IMPROVEMENTS

**WHEREAS**, an application was made by Bell Atlantic Mobil Systems of Allentown, Inc. d/b/a Verizon Wireless, through Robert J. Brenner of Nixon Peabody, agent, for a site plan review approval and a special use permit for the improvement and upgrade of the tower and an upgrade of antennae arrays upon an existing 197' communications tower and previously approved site improvements located upon a portion of land at 425 Conlon Road, Lansing, New York, being TPN 28.-1-1 (75.3 acres) in the Rural Agriculture (RA) Zone, with the specific existing site and access roads and easements as set forth in the project site plan mapping; and

**WHEREAS**, more particularly, the proposal is to make structural improvements to an existing 197' tall lattice communications tower to colocate and upgrade antennae arrays to improve cell phone access and network reliability, while also fulfilling infill and local coverage gap needs, all of which needs were duly documented and proven to the satisfaction of the Planning Board, all together with related electrical equipment, antennae, and tower bracing and infrastructure; and

**WHEREAS**, the developer has estimated 0 acres of disturbance will be the result of the proposed project, which is below the 1 acre minimum threshold for a Full SWPPP, and this project is in otherwise in compliance with current stormwater regulations, and such proposed tower and land use is a permitted use under the Land Use Ordinance in the Rural Agriculture (RA) Zone, subject to obtaining site plan review approval and a special use permit from the Planning Board; and

**WHEREAS**, the Planning Board has considered and carefully reviewed the requirements of the Town's Laws relative to site plan review and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man-made features upon and surrounding the area of the proposed site plan, and the Planning Board has considered the Town's Comprehensive Plan and compliance therewith, and the Planning Board has also duly considered the tower's siting and design under Local Law #7 of 2015, including a review under the criteria of Article IV, entitled "MODIFICATIONS OF EXISTING TOWERS AND FACILITIES," and this application meets the requirements of § B therein and is an "eligible facilities request" under the federal Spectrum Act and its implementing regulations, and the review criteria of Article V, § E of the Town's local law require adherence with the Spectrum Act, such that this review is ministerial and an approval is recognized as required, subject to public safety verification as to the structural changes and capacity of the tower (which is related to the ministerial review under the building permit needed to so construct the tower and colocate the antennae array proposed); and

**WHEREAS**, this action was and hereby again is classified as a Type II Action under the State Environmental Quality Review Act ("SEQRA"), such that no review is herein required as this is a colocation request, qualifies as an eligible facilities request, and no substantial changes to the site are proposed as would alter the prior environmental review or conclusions from when the tower was first sited and the negative declaration is thus continued; and

**WHEREAS**, General Municipal Law § 239 referrals were duly delivered to the Tompkins County Planning Department of the revised plans and such Department responded by letter dated January 2, 2018 stating that the project will have no negative inter-community or county-wide impacts; and

**WHEREAS**, a public hearing was duly held upon January 22, 2018 and the public was duly allowed to speak upon and address the communications tower and the site plan and special permit application, and all input and comments, if any, were duly considered, whereafter the Planning Board began consideration of the terms and conditions of approval or denial of the site plan and special use permit; and

**WHEREAS**, upon due consideration and deliberation by the Town of Lansing Planning Board, *now therefore be it RESOLVED as follows:*

1. Final Site Plan approval be and hereby is issued for this project for the proposed site area improvements as located upon the afore-described 75.3± acre parcel, TPN 28.-1-1, as shown in and on updated Site Plan Sheets dated 11/29/2017, drawn and sealed by Eric Kenna, P.E. of C&S Engineers and visualization materials as submitted by the applicant to this meeting (together, the "Site Plans"), all *subject to the following conditions:*

i. Developer maintain its road access and culvert for the previously approved access way to Conlon Road as indicated in said site plan, with license or easement therefore to be duly filed as a land record with the Tompkins County Clerk's Office.

ii. All new construction must meet the requirements of the New York State Building Codes and a building permit must be duly obtained for all project improvements. Any fill material if brought to the site shall require fill compaction testing, and verification of proper completion of compaction and compaction testing shall be delivered to the Town's Code Enforcement Officer prior to the close-out of any building permit(s).

iii. Completion of the site plan improvements as shown upon the Site Plans, and specifically including the installation of vegetative buffering as meets the following goals: (a) all buffering shall be designed to provide both visual cover buffering and sound baffling features, and thus emphasis shall be placed upon solid cover barriers, such as hedges and offset rows of evergreen trees, or large or densely placed deciduous trees with variable heights and interspersed with evergreens or other plants as provide for such cover and buffering; and (b) developer and landowner(s) (and their existing and future tenants), as an express condition of site plan and special use permit approvals (the violation of which shall be a violation of the Land Use Ordinance and Town Law § 135, and enforceable as such), shall hereafter and at all times: (1) properly protect and maintain such trees and other vegetative buffers as healthy and natural non-invasive vegetation designed to provide both visual and sound buffering; (2) promptly remove and replace any dead, diseased, or dying trees or plants; (3) promptly replace, supplement, enhance, or otherwise effect changes in buffers whenever such buffers, or any plants therein, whether singularly or in combination due to lack of growth, death, recession, disease or other cause, cease to function as buffers as afore-required; and (4) effect such maintenance in a manner as promotes the goals of such buffers as stated in this site plan approval.

2. A Special Use Permit be and is hereby issued and approved for the site plan and rehabilitation of the 197' communications tower, subject to the following conditions:

- i. That substantial construction be undertaken within one-year of the date of the approval of the site plan approval.
- ii. Prior to the issuance of any building permit, a review to be undertaken by an independent structural engineer selected by the Town that verifies: (i) the proper design of the Tower and its supporting structures; and (ii) that the material and structural designs proposed are properly designed and have the potential to reduce the risks that potentially arise upon tower failure within a reduced and approved fall zone.
- iii. Submission of an indemnity and defense agreement or statement and submission of a decommissioning plan and security therefor in a form as approved by the Town Board.

Dated: January 22, 2018

Motion by:

Seconded by:

**VOTE AS FOLLOWS:**

**Sandra Dennis Conlon -  
Norman L. Davidson -  
Al Fiorille -  
Larry Sharpsteen -  
Deborah Trumbull -  
Dean Shea, Alternate Member -  
Jerry Caward, Vice Chairman -**