

Town of Manchester Planning Board Meeting Minutes

September 17, 2024 – 7:00pm

Present: Board Members Jefferey Flower, Steve Buerman, Tammy Worden, Lee Sander, Christine Ciardi, and Pauline DeCook; Chairman Scott VanAken; Code Enforcement Officer Steve DeHond and Secretary Laurel Pitcher.

Absent: None

Also Present: Jeremy Boldt, Marc Carrier, Brett Morgan, Jared Lusk, Todd Cummings, Christie Cummings, Courtney Gardner, Steven Gardner, William Young, and Mary D'Amico.

Application #4658-24: Consider Final Siteplan – Use Variance #4658-24 submitted by Steven Gardner who is requesting to operate a used car sales business on property located at 1022 State Rt 21, tax map no. 20.00-1-47.111 in an A-1 district pursuant to Chapter 325 Section 325-62.1-325-65.3-Table 25-2 permitted uses.

Chairman Scott VanAken briefly reviewed the history of this application and asked for questions from the Board or public. There were no questions.

A motion was made by Tammy Worden to approve Final Siteplan – Use Variance #4658-24 submitted by Steven Gardner who is requesting to operate a used car sales business on property located at 1022 State Rt 21, tax map no. 20.00-1-47.111 in an A-1 district pursuant to Chapter 325 Section 325-62.1-325-65.3-Table 25-2 permitted uses. Motion seconded by Lee Sanders. All voted “Aye.” Motion carried.

Application #4660-24: Consider Site Plan – Special Use Permit #4660-24 submitted by Bell Atlantic Mobile Systems who is requesting to install a 195’ cell tower on property located at 3139 Bird Rd, part of tax map no. 12-1-11.1 in a AG district pursuant to Chapter 325 Sections 325-40.31; 325-64.1; and 325-62.1.

Jared Lusk of Nixon Peabody began by introducing the project. He also noted that Brett Morgan is a representative of this project too. Jared Lusk gave a detailed history of many things including the parcel details, cell tower anatomy, and how Verizon Wireless determines the locations of new towers. He said that the proposed 195’ tower would serve to improve service in the Eastern portion of the Town of Manchester including on Armington, Bird, Bedette, Field, Larue, and several other roads in the area. Mr. Lusk said that Verizon analyzes how much usage is happening in certain areas and which locations need more towers. He said that this proposed tower will serve to lighten the load of four zones that are already overloaded, thereby improving service and increasing speed in those areas. Mr. Lusk said that an overloaded tower can cause dropped calls and text messages that take a long time to send, among other things. This is one reason for introducing new towers to improve the service they’re already offering. A neighbor asked if an increased demand for cellular coverage will increase the frequency or power being put out by the towers, and Jared Lusk said that is not the case. He said that the outputs stay the same, but the response times are slower if the demand is higher than the tower’s capacity.

Board Member Jefferey Flower asked how close other carriers can be to this cell tower. Mr. Lusk said that they can be on the same tower. He said that the carrier that originally built the tower is at the top of it, and any carriers that add on afterwards are generally below the original. Brett Morgan said that in places like Florida where the sandy soil cannot support the weight of large towers, they’ll have “tower farms”, or spaces with multiple towers clustered together rather than multiple carriers on the same tower, but Mr. Morgan said that’s not something that’s seen around here.

Jared Lusk continued his presentation by talking about other towers in the area. He said that there’s one on County Road 27 and one on Garnsey Road, but both of those are about 2 miles from the ideal location, so they wouldn’t be much help to the overloaded section. Mr. Lusk said that when they were selecting this proposed location, they had five potential properties, but three of them would not provide adequate cell coverage, and the other landowner did not respond after initially showing interest. The fifth potential property is the one detailed in this application.

A neighbor questioned the proposed location. He was concerned about the proximity of the tower to property lines and structures, but after reviewing the maps, it was determined that the proposed location is sufficient to satisfy setback requirements. There is also additional space beyond the required setbacks. This same neighbor then asked if Verizon would be adding anything on top of the tower in the future (making the tower taller). Jared Lusk said that it would be very unlikely to add onto it, and if they decided to, it would need to be approved by the Town of Manchester Planning Board again as well. He said that towers taller than 200’ would need to have a light on the top which requires additional maintenance from

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Verizon technicians. Jared said that the company would rather make a tower shorter if needed rather than having to make it taller and maintain a light on the top.

Board member Christine Ciardi reviewed the details of the lease with the applicants. The lease is a 5-year lease and 25-year rental that is renewable with the landowner. Christine asked if the tower would be replaced at the end of that 25-year rental, and Brett Morgan said that it will likely not be replaced, just renewed if the landowner wished to do that. Christine then asked how old towers normally get, and when do they need to be replaced? Brett responded that he hasn't really seen towers being replaced. He said they're built to last a very long time, and they don't break like one might expect. Jared Lusk added that the towers are made of the same materials as traffic light poles and are very sturdy. Board member Tammy Worden asked if the Verizon engineers take recent weather events into consideration. She referenced the recent tornado warnings in this area and tornado touchdowns in neighboring communities. Brett said that they do updates every 4-5 years to reflect changing weather patterns and events.

Brett Morgan briefly discussed tower failures. He said that the Town of Manchester Code setback requirements are in place in the event of a tower failure. Brett said that it would be very unlikely that a tower would break off at the base here. He said in places with less soil stability like Florida, that might be a concern, but not in Upstate New York. Mr. Morgan also said that there is more than enough room surrounding the tower, in the unlikely event it should fall, to not fall on or interfere with anything in the area.

Mary D'Amico expressed concern for this project. She said that her family has experience with cell towers because her family has one on a property out of state. Mary also said that after having a cell tower for 30 years, her family will not be renewing their lease, and she has concerns about this one going up. Mary said she has concerns about health implications, light pollution, damage to buildings if anything were to fall in the future, and concerns about visual impacts. Jared Lusk said that the tower most likely will not have a light at the top. He said that the decision is ultimately up to the FAA, however they don't anticipate it needing a light because the tower will be less than 200' tall. Mary D'Amico said she is strongly against a light at the top of the tower. She also asked what will happen to the tower once it's no longer in use. The applicants did submit a thorough decommissioning plan with their application, and the land will be returned to its former state if the tower becomes unused in the future. Jared Lusk addressed Mary's concern about damage to buildings by saying that there are no buildings in the fall zone, and nothing should be impacted in the unlikely event that the tower should fall. Mary also asked what kind of tower will be going up, and Jared said it's a lattice tower.

Neighbor Marc Carrier said he is not in favor of this project. He said that he has been the sole caretaker of the Hammond property for many years. He said he's very opposed to the visual effects that the tower will have. He said that he has "one of the most beautiful views of the Finger Lakes", and that will be heavily impacted by this tower. He also mentioned concerns about health impacts and a decrease in property value from the construction of a tower. The Board later mentioned that property values typically increase with the addition of a cell tower because there's a lease income that wasn't there before. Marc also mentioned a Massachusetts lawsuit over the health effects from a cell tower, however all available information from the federal government indicates that there are no adverse impacts.

Board Member Lee Sanders mentioned that many advancements have been made in recent years with farm equipment and GPS. One of the neighbors that was present at this meeting is a farmer, so Lee wanted to verify some information on this topic. The neighbor confirmed that they're using more technology in the fields than ever before, including cell phones and other devices that rely on cellular networks. The Board discussed how the Town of Manchester is a community that has a lot of agricultural land in it.

Chairman Scott VanAken made note that the Town of Manchester Planning Board does not have the power to deny this application so long as it meets code requirements. He said that this Board has the power to oversee the site plan, but they cannot make determinations on whether the tower can be constructed or not. Some neighbors felt that the tower should not be built, but the Town of Manchester Planning Board cannot rule on that. One neighbor suggested moving the proposed tower to the East side of the property, however that location would not meet all setback requirements and would be detrimental to the landowner who would lose farmable land.

Jared Lusk addressed the concerns about health effects by saying that the Federal government sets allowable limits, and the amount put out by Verizon is well below that limit. Brett Morgan also mentioned

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that a cell phone being placed near someone's head for a phone call causes more radiation exposure than a cell tower would because the emissions from a tower happen at a taller height and dissipate by the time they reach the ground.

Tammy Worden said that she has reviewed the decommissioning plan provided by the applicants and feels that it is reasonable and adequate.

Code Enforcement Officer Steve DeHond asked the applicants when they will submit the bond information, and they said they plan to turn it in with the building permit application. The applicants also said that they predict construction would begin next spring, but it ultimately is determined by how long the federal regulatory process takes. Steve DeHond also asked how frequently antenna updates should be expected, and the applicants said they usually happen every five years or so, depending on updates in technology.

A motion was made by Tammy Worden to close the public hearing for Site Plan – Special Use Permit #4660-24 submitted by Bell Atlantic Mobile Systems. Motion seconded by Jefferey Flower. All voted “Aye.” Motion carried.

The Planning Board then reviewed part 2 of the Short Environmental Assessment Form. Their decisions are as follows:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
 - a. The Board answered “No, or small impact may occur.”
2. Will the proposed action result in a change in the use or intensity of use of land?
 - a. The Board answered “No, or small impact may occur.”
3. Will the proposed action impair the character or quality of the existing community?
 - a. The Board answered “No, or small impact may occur.”
 - i. Note, there was public unhappiness with this answer, but the Board made this decision because the community at large will have no or small impact.
4. Will the established action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
 - a. The Board answered “No, or small impact may occur.”
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
 - a. The Board answered “No, or small impact may occur.”
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
 - a. The Board answered “No, or small impact may occur.”
7. Will the proposed action impact existing (a) public/private water supplies? (b) public/private wastewater treatment utilities?
 - a. The Board answered “No, or small impact may occur.”
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?
 - a. The Board answered “No, or small impact may occur.”
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)?
 - a. The Board answered “No, or small impact may occur.”
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
 - a. The Board answered “No, or small impact may occur.”
11. Will the proposed action create a hazard to environmental resources or human health?
 - a. The Board answered “No, or small impact may occur.”

The Planning Board followed this by reviewing part 3 of the Short Environmental Assessment Form. They determined that the proposed action will *not* result in any significant adverse environmental impacts.

A motion was made by Jefferey Flower to adopt a negative declaration for the Short Environmental Assessment Form Part 3 Determination of Significance for Site Plan – Special Use Permit #4660-24 submitted by Bell Atlantic Mobile Systems. Motion seconded by Tammy Worden. All voted “Aye.” Motion carried.

A motion was made by Tammy Worden to approve Site Plan – Special Use Permit #4660-24 submitted by Bell Atlantic Mobile Systems who is requesting to install a 195' cell tower on property located at 3139

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Bird Rd, part of tax map no. 12-1-11.1 in a AG district pursuant to Chapter 325 Sections 325-40.31; 325-64.1; and 325-62.1. Motion seconded by Steve Buerman. All voted “Aye.” Motion carried.

The Town of Manchester Planning Board took a moment at the end of the meeting to acknowledge that there are undesirable effects for some residents. They acknowledged that there are residents who will be able to see the tower from their property or a property they maintain, and that is unfortunate. These visual detriments may impact nearby landowners and prospective future landowners; however, this is not a community-wide impact. Unfortunately, the Planning Board is not able to deny the application because of undesirable views for a small group of residents.

Previous Minutes:

A motion was made by Lee Sanders to approve the July 16, 2024 meeting minutes. Motion was seconded by Tammy Worden. All voted “Aye.” Motion carried.

A motion was made by Christine Ciardi to approve the August 20, 2024 meeting minutes. Motion was seconded by Pauline DeCook. All voted “Aye.” Motion carried.

Meeting adjourned at 8:45pm.

Respectfully submitted,

Scott VanAken

Chairman, Planning Board

Laurel Pitcher

Recording Secretary