

Town of Manchester Planning Board Meeting Minutes

December 17, 2024 – 7:00pm

Present: Board Members Steve Buerman, Tammy Worden, Lee Sanders, and Pauline DeCook; Chairman Scott VanAken; Code Enforcement Officer Marty Barnett; and Secretary Laurel Pitcher.

Absent: Board Members Christine Ciardi and Jefferey Flower.

Also Present: Pat & Patti Buttacio; Mark Donahue; Jason Frost; Rob Kornbau; Steve Fantuzzo; Will Grover; Bev Coryell; Janice & Dave Shannon; Jamie Buttaccio; Carl Adams; Gary Vogel Jr; Lee Bohlman; Emily Hotchkiss & Andrew Ogradowski; and Garrett Vogel.

Note: Many residents did not identify themselves when speaking, so they are referred to in these minutes as “Residents #1-6. Numbers were assigned in the order in which they first spoke.”

Application #4661-24: Consider subdivision #4661-24 submitted by Gary Vogel Jr. who is requesting to subdivide 83 acres into two lots – Parcel 1 would be 65.668 acres – Parcel 2 would be 17.562 acres on property located at 3456 Manchester/Hopewell Townline Rd, tax map no. 45.00-1-54.110 in an Ag district pursuant to Chapter 275 Section 1-46.

Gary Vogel Jr. started by giving an overview of the property and application. He said he wants to subdivide the property because he cannot afford the taxes. Mr. Vogel said that his son, Garrett, will keep the parcel with the house, and the other will be sold. The Town of Manchester Planning Board reviewed the maps with the applicants and a neighbor for clarification. The Board noted that there is already one easement including the property’s driveway, and another would be needed to access the new parcel, if the subdivision is approved.

Neighbor Jason Frost expressed concern about accessing the back properties. He said that there’s already a shared driveway. He then asked if this would set a precedent for future subdivisions of the same property. The Board responded that any future subdivisions would still need to go through the formal review process. Board member Tammy Worden said that the specifics of Mr. Frost’s concerns would be something for lawyers to discuss when negotiating easements. Jason Frost asked the Board if a new easement would be drawn up if the subdivision is sold. Chairman VanAken said that there would have to be a new agreement, but that’s not for this Board to negotiate.

Applicant Gary Vogel Jr. said that he thought a new easement would be coming from this meeting, and board member Steve Buerman said that easements are not something the Planning Board can speak to. Easements are something that must be discussed with lawyers. Gary Vogel Jr. then asked when he can sell this property and what his next steps are. He said that he already has a buyer and wants to sell it right away. Again, the Board said that they do not get involved with the sale of properties, as that is also something for lawyers to discuss.

A motion was made by Steve Buerman to close the public hearing for subdivision #4661-24 submitted by Gary Vogel Jr. who is requesting to subdivide 83 acres into two lots – Parcel 1 would be 65.668 acres – Parcel 2 would be 17.562 acres on property located at 3456 Manchester/Hopewell Townline Rd, tax map no. 45.00-1-54.110 in an Ag district pursuant to Chapter 275 Section 1-46. Motion seconded by Lee Sanders. All voted “Aye”. Motion carried.

A motion was made by Steve Buerman to approve subdivision #4661-24 submitted by Gary Vogel Jr. who is requesting to subdivide 83 acres into two lots – Parcel 1 would be 65.668 acres – Parcel 2 would be 17.562 acres on property located at 3456 Manchester/Hopewell Townline Rd, tax map no. 45.00-1-54.110 in an Ag district pursuant to Chapter 275 Section 1-46. Motion seconded by Tammy Worden. All voted “Aye”. Motion Carried.

Application #4662-24: Consider Site Plan – Special Use #4662-24 submitted by Verizon Wireless who is requesting to install a 125’ telecommunication tower on property located at 4307 Shortsville rd, tax map no. 44.00-1-23.112 in a RR district pursuant to Chapter 325 Section 40.31- 325-64.1.

Steve Fantuzzo of Nixon Peabody began by giving an overview of the application. He said that Verizon will be installing a cell tower that’s 125’ tall. He said they’ll also be fencing a 100’x100’ area around the tower. He said that it’ll be accessed by a gravel driveway, and Mr. Fantuzzo referenced graphs in the application that he says signify a need for this tower. He also said that this is the only property in the area that could be used for this project.

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Chairman Scott VanAken asked why this is the only viable property, and Steve Fantuzzo said that it falls within the area that Verizon has identified has a coverage gap. He also said that this property had landowner interest and the right topography. Mr. Fantuzzo said that there are tall trees on this property to help reduce visual impacts of adding the tower.

Board member Steve Buerman asked if the tower will only accommodate one antenna, and Steve Fantuzzo said it will be able to fit three colocations. Board member Lee Sanders also asked if there will be any lighting at the top of the tower. Mr. Fantuzzo said that there will not be lighting at the top; he said that is typically only required for towers that are 200' or taller, and this one is going to be 125'.

Chairman VanAken referenced the provided maps when asking "Will the tower be accessed through a gravel driveway?" Mr. Fantuzzo said yes, they'll use the preexisting path, and Janice Shannon said the path used to be a driveway when they bought the property.

Board member Steve Buerman asked if it will be a freestanding tower, and Steve Fantuzzo said it will be. Resident #1 from Latting road asked who would be responsible if the tower fell. He specifically mentioned natural disasters like tornadoes in this question. Steve Fantuzzo said that Verizon Wireless is responsible. He also said that the fall zone is 1.25 times the height of the tower to make sure that no structures would be damaged, and the tower would stay within the property boundaries if it did fall. Resident #1 then asked about the value of the tower going up. Mr. Fantuzzo said that he's not sure and that the question wasn't relevant. Resident #1 responded that he feels the question is relevant because it would affect the tax base for surrounding properties. Property owner Janice Shannon said that Verizon is leasing the land, and she said that the tax is separate and will have no impact. Board member Steve Buerman asked if the tower is taxable, and Steve Fantuzzo said that it is. During this discussion, Resident #2 asked if the Town of Manchester will get a franchise fee from this project. The Board answered that they do not believe so, however that would be a question better directed to the Manchester Town Board.

Resident #3 asked how many other properties were considered, and Steve Fantuzzo said that there were 7 other possibilities. Resident #3 then asked if his assumption was correct that none of the other property owners were interested in the proposal, and Mr. Fantuzzo said yes, that's correct. He said that the others either said no or did not respond. Chairman Scott VanAken asked if any of these other property owners were in attendance, and there was one (Resident #4). Resident #4 was asked why he turned down the offer, and he said that the money offered was not worth it to him. Resident #4 said that he felt that the tower would have immense detrimental effects to his neighbors and would hinder plans that he has for his own property in the future. He then said that he believes that property values decrease with proximity to cell towers and reiterated the impact to neighbors. He said the money wouldn't have been worth it.

Neighbor Emily Hotchkiss spoke up to say that she's very concerned about detrimental health impacts and decreased property values because of the proposed introduction of the cell tower. Steve Fantuzzo responded to her concerns saying that the FCC regulates RFs, and that each tower produces less than 5% of the federal limit of these RFs, so there isn't anything to be concerned about. He also said that the Planning Board doesn't have jurisdiction over these regulations. Ms. Hotchkiss mentioned a statement that she says was released by Verizon and addressed to their shareholders. She said that Verizon acknowledged potential health impacts from RF waves in this statement. Mr. Fantuzzo responded by saying that people can google anything, but that doesn't make it true. Emily said this letter came straight from Verizon Wireless. Resident #5 asked if there can be any assurances or guarantees that there won't be any negative health impacts, and Mr. Fantuzzo did not respond. Chairman Scott VanAken said that the Manchester Town Planning Board can not make any such assurances as they are only authorized to make determinations on the zoning code. Emily Hotchkiss reiterated her concerns about future generations, health concerns, and property values.

Board member Lee Sanders brought up a recent application for another cell tower that came before the Town of Manchester Planning Board. He talked about farmers that were present for that public hearing and how they're using more technology than ever before. In that public hearing, they talked about how much the added cell towers are benefiting farmers specifically. Jamie Buttaccio jumped in to say that she finds it interesting that the Board is arguing in favor of the project, and resident #2 said he'd like more time to examine the information before the Board makes a decision. Chairman VanAken reminded

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everyone that the Planning Board can only make determinations on the site plan and code requirements. He said that they do not have the authority to say no, so long as the proposed tower meets code requirements, which this one does. Resident #6 asked when the variance will be reviewed, and Steve Fantuzzo said that no variance is needed since it is considered a special use and site plan application.

Resident #6 also asked if this will look like a normal cell tower, and Mr. Fantuzzo said it will. He then asked what would have happened if the Shannons had not wanted the tower, and Steve Fantuzzo said he didn't know. He said that isn't his department, but that Verizon would probably offer more money to eligible properties within the desired area.

Jamie Buttaccio asked the Board if this project is a done deal. Chairman VanAken said that since the application meets all code requirements, the Planning Board cannot deny it, even if they wanted to. Jamie Buttaccio then asked where she should direct her concerns to, and Scott said Verizon and the FCC would likely be the best recipients. Jamie Buttaccio began expressing her frustrations with the company. She said that Verizon had a situation in Massachusetts in which there were health concerns caused by Verizon, however the company has not removed the tower there. She says that nothing has changed with the Massachusetts situation, and that she believes once the towers go up, they never come down. Steve Fantuzzo responded by saying that there is a decommissioning plan in the application for this tower, and Scott VanAken also said that the company must supply bonds for decommissioning before the application is approved. These bonds cover the cost of removal if it is decided in the future that the tower needs to come down.

Jamie Buttaccio gave detailed information to the Board about other health concerns that have been seen in the last hundred years. She mentioned lead, mercury, and other contaminants that were believed to be harmless and turned out to be harmful. She urged the Board not to ignore the cell towers in the same way. Board member Tammy Worden took a moment to address Jamie Buttaccio saying that the Board recognizes these concerns. She said that these points are valid and wants residents to know that they are being heard. Tammy also said that the Town of Manchester Planning Board only has so many scopes, and they can only work within the code. She said that the Board members cannot make decisions outside of that scope, even if they wished to. Jamie Buttaccio asked board member Worden where the residents should go with these concerns, and Board member Lee Sanders recommended reaching out to assemblymen, legislatures, and other elected representatives at the Federal and State levels. He said that a lot is regulated at State and Federal levels that local Boards just don't have much control over.

Resident #2 asked Mr. Fantuzzo if the proposed tower will interrupt other networks and signals. He also asked how the Board will prevent Verizon Wireless from making the tower taller in the future. Steve Fantuzzo said that there will be no interruptions to other networks since they're on different frequencies. Board member Scott Buerman said that the applicant would need to go through this same review process again if they'd like to extend the tower in the future.

Andrew Ogrodowski asked the applicant how far the proposed tower will be from the road, and Mr. Fantuzzo said it will be about 600 feet away. The public was then welcomed to approach the Board and review the maps and proposed tower location. This review was for familiarity and accuracy when discussing the tower's proposed location.

Jamie Buttaccio wanted to know what the next steps will be. Steve Fantuzzo responded that they'll begin clearing any necessary trees and get building permits. Resident #6 asked if the variance was approved by Ontario County, and Steve Fantuzzo said that this kind of application doesn't need a variance. The Ontario County Planning Board did review and approve the application with comments.

The Board returned to the discussion of the tower's location by asking the applicant how close the tower will be to the nearest house. Mr. Fantuzzo said it's set to be 688 feet away, and someone asked if it can be pushed any further back. Steve Fantuzzo said that it cannot be without getting closer to other properties. Chairman VanAken considered asking Verizon to find a more centrally located spot for this tower, and Board member Steve Buerman mentioned that the code requirements are based on the property lines, not the building locations. He said that this is because future landowners may build in other parts of the property, not just where current structures are. Steve Fantuzzo also said that they're limited by the existing forested area on the Shannon's property.

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Jamie Buttaccio asked Mr. Fantuzzo if Verizon offers compensation to neighbors for decreased property values, and he said they do not. Following this, there was a heated discussion amongst neighbors about visual disturbances and property values. Neighbor #2 reiterated that he doesn't feel that this application should be approved tonight. He said that more time is needed to review the information. Jamie Buttaccio asked the Board if they were waiting for the applicant to submit any other information, and Chairman VanAken said they were not. Jamie Buttaccio then asked how quickly the tower will be constructed, and Mr. VanAken said that will depend on Verizon.

A motion was made by Tammy Worden to close the public hearing on Site Plan – Special Use #4662-24 submitted by Verizon Wireless who is requesting to install a 125' telecommunication tower on property located at 4307 Shortsville rd, tax map no. 44.00-1-23.112 in a RR district pursuant to Chapter 325 Section 40.31- 325-64.1. Motion seconded by Steve Buerman. All voted "Aye". Motion carried.

A motion was made by Lee Sanders to approve Site Plan – Special Use #4662-24 and negative SEQR declaration listing Verizon Wireless as lead agency submitted by Verizon Wireless who is requesting to install a 125' telecommunication tower on property located at 4307 Shortsville rd, tax map no. 44.00-1-23.112 in a RR district pursuant to Chapter 325 Section 40.31- 325-64.1. Motion seconded by Scott VanAken. All voted "Aye". Motion carried.

The Town of Manchester Planning Board thanked the public for their comments, questions, and engagement throughout this meeting.

Previous Minutes:

A motion was made by Tammy Worden to approve the November 19, 2024 meeting minutes. Motion was seconded by Lee Sanders. All voted "Aye." Motion carried.

Application #4657-24: Consider Final Siteplan, Use Variance #4657-24 submitted by James Lynch who is requesting Siteplan – Use Variance for a library on property located at 1777-1779 State Route 21, tax map no. 44.03-1-26.000 in an Ag district.

The Town of Manchester Planning Board reviewed the history of the application, including the December 2024 ZBA meeting minutes which indicated the ZBA's approval of the use variance. The Planning Board questioned whether they could action this application without the applicant in attendance. There were no known changes to this application from the previous meeting, and nothing was outstanding from the applicant, so the Board decided it was okay to proceed. Steve Buerman and Lee Sanders expressed their desire to have the library be more centrally located but noted that there aren't any viable properties. Code Enforcement Officer Marty Barnett referred to the December 2024 Zoning Board of Appeals Meeting Minutes noting that landscaping had been a concern.

No further concerns were raised, so the Planning Board went through Part 2 of the Short Environmental Assessment Form. Their responses are as follows:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
 - a. 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. No, or small impact may occur.
3. Will the proposed action impair the character or quality of the existing community?
 - a. No, or small impact may occur.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
 - a. 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. 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. 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. No, or small impact may occur.

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8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?
 - a. 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. No, or small impact may occur.
10. Will the proposed action result in the potential for erosion, flooding or drainage problems?
 - a. No, or small impact may occur.
11. Will the proposed action create a hazard to environmental resources or human health?
 - a. No, or small impact may occur.

A motion was made by Tammy Worden to close the public hearing for Final Siteplan, Use Variance #4657-24 submitted by James Lynch who is requesting Siteplan – Use Variance for a library on property located at 1777-1779 State Route 21, tax map no. 44.03-1-26.000 in an Ag district. Motion seconded by Pauline DeCook. All voted “Aye”. Motion carried.

A motion was made by Tammy Worden to approve Final Siteplan – Use Variance #4657 submitted by James Lynch who is requesting approval for a library on property located at 1777-1779 State Route 21, tax map no. 44.03-1-26.000 in an Ag district. Motion seconded by Lee Sanders. All voted “Aye.” Motion carried.

A motion was made by Steve Buerman to adjourn the meeting at 8:46pm. Motion seconded by Tammy Worden. All voted “Aye”. Motion carried.

Respectfully submitted,

Scott VanAken
Chairman, Planning Board

Laurel Pitcher
Recording Secretary