VILLAGE OF EAST SYRACUSE

**ZONING BOARD OF APPEALS**

**March 24, 2016**

Chairperson Ellen Robb convened the hearing on the matter of an application by Verizon Wireless for Use Variance for wireless telecommunications facility as per §812.04 at 419 West Manlius Street (tax map #004-13-02.1) on Thursday, March 24, 2016 to order at 7:00PM.

Present: Zoning Board members: James Voodre, Robert Sweeney, and Chairperson Ellen Robb. Also present: Village Clerk Patricia J. Derby, Code Enforcement Officer Randy Capriotti, and Village Planning & Zoning Attorney John Marzocchi

On behalf of Verizon Wireless: Jared Lusk, Esq. from Nixon Peabody, and Robb Lubin from Aerosmith Development, Site Acquisition Specialist.

Two Village residents and guests attended.

Verizon Wireless

419 West Manlius Street

Tax Map # 004-13-02.1

Use Variance

Chairperson Ellen Robb read the Hearing Notice noting that §812.04 Towers Restricted to Southside states “no communications towers shall be used, erected or altered except in the area south of the Conrail yards. [ZO§®15.3.1]

Jared Lusk, from Nixon Peabody on behalf of Verizon Wireless began the presentation by referencing Exhibit E of the Application explaining that the proposal to add a micro cell facility

At 419 West Manlius Street is developing technology that supplements the tall towers that are usually though of when speak about telecommunications. Verizon Wireless operates on 4 separate frequencies (850, 1950, 2100 and 700 MHz) known as a 4G network. As use has expanded find that the antenna at Bridge Street tower is at full capacity. Approximately 400 separate events – calls, texts, internet – per sector is maximum capacity. After that call may be dropped or unable to reach signal. With Bridge Street tower at the max need additional capacity in this area.

Verizon has decided to build smaller micro network that can serve aa limited geographical area and operate on 1 or 2 frequencies. The unit is about the size of a five-gallon paint can, yet can free of traffic from the tower and provide relief. There are currently about 20 micro cell facilities in the Syracuse area acting as supplement and in lieu of another tower.

Chairperson Ellen Robb asked if the need is based on residential use or traffic traveling through the area. Mr. Lusk responded both. The amount of traffic in an area may be from area highways but the mirco cell will free space for other users.

Chairperson Robb asked if there were other plans for additional sites in this high concentrated area. Mr. Lusk reported he is unaware of any others in the Village. The Bridge Street Tower needs relief and this can provide that.

ZBA member Jim Voodre asked if other locations in the Village were explored. Robb Lubin noted that this was the only location scouted.

Director of Code Enforcement Randy Capriotti asked if the Bridge Street Tower is at capacity, does this mean that calls to 911 and others may not get through. Chairperson Robb noted that this Board will only address those issues related to application before it.

Mr. Lusk reported that call to 911 typically jump to the front of the line.

Mr. Lusk addressed the site specifications. The building at 419 West Manlius is of sufficient height. The antenna will be attached to the top of the chimney. The unit is 24” by 15” diameter. Exhibit L shows depiction of the proposed micro antenna. Behind the building will be the radio equipment cabinet.

ZBA member Jim Voodre asked about RF at ground level generated from the equipment. Mr. Lubin reports that there is no RF from this antenna. Mr. Voodre continued to ask about RF interfering with people and exposing to radiation. Mr. Lusk noted that it is not allowed to interfere and is regulated by Federal Laws.

Mr. Voodre noted that no studies or data was provided. It would have been nice if the application included such information.

Mr. Lubin stated that there are no radio emissions from the equipment.

Mr. Lusk reminded that Federal Law pre-empts which is why not included. The FCC regulates this industry as noted in Exhibit C of the application.

Chairperson Robb noted that while pre-empted by Federal Laws we can still enforce local issues. Mr. Lusk agreed.

Mr. Lusk continued with the presentation noting the location and placement of the antenna and the equipment at the rear of the building. Equipment will be painted to match the building, as will the conduit that runs mainly outside the building.

Chairperson Robb asked if the equipment will impact the parking for the apartment building. Director of Code Enforcement Capriotti reports that there is no loss of parking. Placement is in the courtyard where there is no parking.

Chairperson Robb asked if there were plans to improve the appearance back there – to make look less industrial in residential area. Mr. Lusk noted that it is all blacktop there and equipment will be fenced in. Chairperson Robb suggested that some of the black top be removed and adding some landscaping. Mr. Lusk agreed to speak with the property owners to see what could be done.

Chairperson Robb noted that the Code calls for landscaping for communication towers. Mr. Lusk pointed out that they are installing an antenna, but Chairperson Robb countered that by definition in the Code, the installation, which includes the pad and equipment is addressed as a Tower.

Mr. Lusk reports that this is new technology not addressed in the Code. He asked the Board to consider the limited size of the project. The equipment is contained in a 2’ by 5’ cabinet. Will need to open fence to access for maintenance and repairs. He asks that the Board consider the practicality of the situation.

Chairperson Robb acknowledged the new technology, but as the first ones in with such, have to look at this as a test case. This Board is charged with addressing what is best for the Village.

Chairperson Robb asked why this building was identified. Mr. Lubin reported that when scouting sites for capacity relief this building was sufficiently near the population area where relief was needed. He again referenced Exhibit E and the map showing the targeted area. Site searches are very specific. This building, with the chimney height, was the only site identified in the search.

Mr. Lusk reviewed the installation design as outlined in Exhibit J. All ties into the equipment cabinet in the rear. This will be set on a 5’ x 7’6” platform (raised to keep above snow) with a 46” x 26” wide cabinet.

ZBA member Robert Sweeney asked if there were lights. Mr. Lusk reported the lights are on a timer that remains on 30 minutes once the cabinet doors are open.

ZBA member Jim Voodre asked about the fencing. Mr. Lusk reports the fencing will be chain link/wire cage.

Chairperson Robb asked about the equipment location and if it obstructed any windows in the apartment building. Mr. Lusk referenced Exhibit L and photos 3 a and 3b to show the location of the windows but that the window is not covered. Mr. Lubin reported that the guardrail is being cut to accommodate this placement. It can be adjusted to assure is does not obstruct the window.

Chairperson Robb asked how the conduit will be attached to the building and if it is possible to run through the inside of the building instead of attaching to the building. Mr. Lubin reports that the conduit will connect from through the electrical source, as determined by the Utility. Design is shown on plan drawings.

ZBA member Robert Sweeney asked if this new design for smaller antenna “Cantenna” is in use anywhere else in the area. Mr. Lusk stated that there are approvals in DeWitt but are not in use yet at the Bargain Outlet store on Erie Blvd. and a Hotel. Mr. Lubin reports some in operation in Geneva at the Bellhurst Castle and the Veterans’ Building.

ZBA member Sweeney asked about safety provision for CNY winters or storms. Mr. Lusk reports that the units are mounted with clamps to withstand designed wind loads. The antenna weighs just 23 pounds and projects approximately 3 feet above chimney height.

Chairperson Robb reviewed the issues with the variance. Using definitions from the Code for Towers, the Building is already there, FCC and Federal Laws regulate telecommunications. This Board will consider the usual criteria for variance: character of neighborhood, hardship and if self-created and reasonable return.

Mr. Lusk pointed out the different standards for telecommunications again noted in Exhibit C.

Mr. Lusk reported that there are 30 or 35 units in the apartment building. They have placed in apartment buildings before. At Vine Street in Town of Clay there is a similar unit. When the RF Engineers identify in increased traffic they then set out to select a suitable location.

Chairperson Robb asked about requirement to submit a Co-location Letter of Intent. Mr. Lusk suggested that co-location is for Towers, and adding on to that. Not applicable in this situation. Mr. Lubin noted that difficult to have other co-locators on a 2-foot antenna.

Mr. Lusk noted this situation would have nothing to do with Verizon Wireless but instead with the property owner is they wanted additional users to locate on the building. They do not control the building. They do not care how many go on the building, but they could not co-locate on the equipment. Must have 360° range or the frequencies would be blocked. Mr. Lubin noted that he has never seen two in the same location.

Chairperson Robb cited the section of the Code (§812.35) that states must permit co-location. Mr. Lusk noted this was routine provisions for new Towers and was written in everyone’s Code, but is not reasonable in this case. This is a building already in place.

Village Planning & Zoning Attorney John Marzocchi opined that the co-locater letter of intent would be addressed to the Village Board and is not relevant to this Board.

ZBA member Voodre asked if the power supply and equipment could be located on the roof. Mr. Lubin stated that the Technicians need 24 hour access. Mr. Voodre noted then would not have to run lengths of conduit and could reach with a lift truck. Mr. Lubin noted would still have to run conduit from a power source. Mr. Sweeney suggested that this would inhibit access, especially in an emergency or severe weather situation.

Chairperson Robb returned to plans for landscaping. Mr. Lusk noted that they are proposing a chain-link fence. It is asphalt up to the building then all gravel.

Discussed the location of the gate and how opens for safety out of the right-of-way and vehicle traffic.

Mr. Lusk agreed to landscaping and placement as long as to not inhibit the reasonable use and access.

Village Planning and Zoning Attorney Marzocchi reported for the record that matter was referred to Onondaga County Planning Board. They find “no significant adverse inter-community or county-wide implications and may consequently be acted on solely by referring board.”

**Motion –** by J. Voodre, seconded by R. Sweeney – To close the hearing, at 8:20PM.

Polling the Board: J. Voodre – aye, R. Sweeney – aye, and Chairperson E. Robb – aye. Motion carried.

Zoning Board of Appeals members reviewed the testimony and discussed: use variance criteria, public utilities, FCC regulations, conditions for landscaping and fencing, site issues to be considered by Planning Board, placement of equipment, parking, and SEQR.

**Motion –** by J. Voodre, seconded by R. Sweeney – To accept the SEQR determination as an unlisted item with a negative declaration.

Polling the Board: J. Voodre – aye, R. Sweeney – aye, and Chairperson E. Robb – aye. Motion carried.

**Motion –** by J. Voodre, seconded by R. Sweeney – To grant the Use Variance for Verizon Wireless to construct a micro cell wireless telecommunications facility at 419 West Manlius Street (tax map #004-13-02.1) as per §812.04, with the conditions that: fencing and landscaping to minimize the view of the equipment and installation pad be included, and that the Planning Board should consider slow growing vertical evergreens.to achieve this purpose.

Polling the Board: J. Voodre – aye, R. Sweeney – aye, and Chairperson E. Robb – aye. Motion carried.

Applicant was advised that the next Planning Board meeting is Monday, April 11th at 4:30PM when they will consider the matter and make a recommendation for site plan approval to the Board of Trustees.

Meeting adjourned at 9PM.

Respectfully submitted by,

Patricia J. Derby

Village Clerk