

Village of Cayuga Heights Planning Board
Meeting #88
Thursday, May 23, 2019
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni
R. Segelken
Code Enforcement Officer B. Cross, Attorney R. Marcus, Clerk J. Walker, Trustee M.
McMurry
Adam Wolfrey, Centerline Communications
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:02 pm.

Item 2 – April 22, 2019 Minutes

- The Board reviewed the minutes of the April 22, 2019 meeting.

Motion: E. Quaroni

Second: R. Segelken

RESOLUTION No. 300
APPROVING MINUTES OF APRIL 22, 2019

RESOLVED, that the written, reviewed and revised minutes of the April 22, 2019
meeting are hereby approved.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken
Opposed – None

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 – Site Plan Review – Dish Wireless

- Chair F. Cowett stated that Dish Wireless wishes to collocate new equipment on the telecommunications tower located at 186½ Pleasant Grove Road; prior to 2012, the installation of new equipment on an existing telecommunications tower was regulated by the Village's Zoning Law and Local Law 3 of 1998; in 2012, Congress passed the Middle Class Tax Relief and Job Creation Act; § 6409(a) of that law mandates that a State or local government approve certain requests for modifications and collocations of wireless transmission equipment on an existing tower or base station within 60 days of the State or local government receiving an application as long as this does not result in a substantial change to the physical dimensions of the tower or base station; substantial changes defined by § 6409(a) include but are not limited to increasing tower height by more than 10% or 10 feet whichever is greater and ground construction at the tower site; it is his understanding that the applicant does not propose any increase in tower height or ground construction.
- Chair F. Cowett further stated that, on the advice of Attorney R. Marcus and Code Enforcement Officer B. Cross, the Board will proceed under § 17.2.A.1 of the Village's Zoning Law to conduct site plan review of Dish Wireless's proposal to collocate new equipment on the telecommunications tower; in its review, the Board will consider whether or not the proposal results in a substantial change to the physical dimensions of such tower or base station; the Board will also declare itself lead agency for SEQRA and schedule a public hearing; it is expected that the public hearing and site plan review, including a SEQRA determination, will conclude at the Board's June 24, 2019 meeting which would satisfy the 60 day requirement for approval in accordance with § 6409(a) as stated above.
- A. Wolfrey, Centerline Communications, stated that 3 antennas, 8 radioheads, and 1 hybrid cable will be added to the tower in order to provide local cable TV service; there will not be any increase in tower height or ground construction.
- E. Quaroni asked if Internet service will be included.
- A. Wolfrey replied that for now only cable TV service will be provided, but wireless Internet service may be provided in the future.
- E. Quaroni asked who owns the tower.
- Code Enforcement Officer B. Cross replied that Verizon owns the land and American Tower owns the tower; any party that wishes to collocate antennae on the tower must negotiate with American Tower.
- E. Quaroni asked who is liable if the tower were to fall over.
- Attorney R. Marcus replied that such liability would be defined in contracts between the parties, but this issue is irrelevant from the Village's perspective.
- Code Enforcement Officer B. Cross stated that security is typically provided in case the tower were to be abandoned.

- E. Quaroni asked about the extent to which the tower can accommodate additional antennae and equipment.
- Code Enforcement Officer B. Cross replied that the engineer’s report indicates that the addition of Dish Wireless antennae and equipment will increase tower use to 22% of full capacity.
- E. Quaroni asked what steps are being taken so that frequencies do not interfere with each other.
- A. Wolfrey replied that each carrier has a different signal frequency.
- R. Segelken asked about other Dish Wireless installations in Ithaca.
- A. Wolfrey replied that this is the only Dish Wireless installation in Ithaca so far.
- R. Segelken asked about the reach of the Dish Wireless signal.
- A. Wolfrey replied that the Dish Wireless signal reach will be a 4 to 5 mile radius.
- Code Enforcement Officer B. Cross stated that AT&T and Verizon have equipment located in two small buildings within the fenced-in tower compound; Dish Wireless will not locate any equipment in these buildings, but some equipment will be located in weather-tight cabinets within the fenced-in compound, slightly elevated off the ground on an open grate floor platform.
- Code Enforcement Officer B. Cross further stated that all equipment is located within the fenced-in compound and is therefore compliant with Village zoning regulations for lot coverage and setbacks.
- J. Leijonhufvud asked about any potential human health effects associated with frequency emissions.
- A. Wolfrey replied that frequency emissions are regulated by the FCC and the project is compliant with those regulations; a report on this project’s frequency emissions can be provided if desired.
- J. Leijonhufvud and Code Enforcement Officer B. Cross requested that such a report be provided.

Motion: G. Gillespie

Second: J. Leijonhufvud

**RESOLUTION No. 301
TO ACCEPT THE PROPOSED PROJECT AT 186½ PLEASANT GROVE ROAD FOR
SITE PLAN REVIEW**

RESOLVED, that the Planning Board accepts the proposed project at 186½ Pleasant Grove Road for site plan review.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken

Opposed – None

- The Board discussed the project in relation to the State Environmental Quality Review Act (SEQRA) and whether to categorize the project as a Type 1, Type 2, or Unlisted SEQRA action.
- Chair F. Cowett stated that, in an initial iteration of recent amendments made to SEQRA, collocation of telecommunications tower antennas was reclassified as a Type II action which would be exempt from SEQRA review, but that reclassification was removed and collocation of telecommunications tower antennas remains an unlisted SEQRA action; therefore, the Board will conduct SEQRA review for this project.

Motion: J. Leijonhufvud

Second: G. Gillespie

**RESOLUTION No. 302
SEQRA REVIEW OF THE PROPOSED PROJECT AT
186½ PLEASANT GROVE ROAD**

RESOLVED, that the Planning Board declares itself lead agency for SEQRA review of the proposed project at 186½ Pleasant Grove Road which the Board categorizes as an Unlisted SEQRA action and the applicant is to complete Part 1 of the Short Environmental Assessment Form.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken
Opposed – None

Motion: R. Segelken

Second: J. Leijonhufvud

**RESOLUTION No. 303
TO HOLD A PUBLIC HEARING ON THE PROPOSED PROJECT AT
186½ PLEASANT GROVE ROAD**

RESOLVED, that a public hearing will be held on June 24, 2019 at 7:10 pm regarding site plan review for the proposed project at 186½ Pleasant Grove Road.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken
Opposed – None

Item 5 – NCRE Project Update

- Chair F Cowett stated that, as a condition of site plan of approval by the Town and City of Ithaca, the Cayuga Heights Fire Chief is required to confirm that the proposed fire access plan shown on Sheet L0.03 and the fire access-truck turning plan shown on Sheet L0.04 are both adequate for emergency response purposes, and that the Village of Cayuga Heights and City of Ithaca have coordinated emergency responses to the project site; Village Fire Chief G. Tamborelle confirmed in an April 30 email that the fire access plans are adequate and that the Village of Cayuga Heights and the City of Ithaca have coordinated emergency responses to the project site such that the City of Ithaca will provide fire and EMS services.

6/27/2019

RE: NCRE: Site plan Review requirement

From: Tamborelle, George [mailto:tamborelle208@chfd.net]

Sent: Tuesday, April 30, 2019 3:38 PM

To: Brent Cross; Linda Woodard; Randall Marcus

Subject: Fwd: NCRE: Site plan Review requirement

Good afternoon.

I spoke with Kim, Tom Parsons and Bruce Bates today about this request. I am good with the access plan as it stands now and have confirmed with the Ithaca Chief that the access roads and sidewalks are adequate and I would be comfortable with the planning board giving approval for this part of the project.

I also spoke to the current plan for the TOI to enter into an MOU with the COI for fire and EMS protection. Buildings 3 and 5 are in both districts and it would make sense for the city fire department (who will be handling the code enforcement) to cover them with emergency services as well.

I wanted to get the o.k. from this group before I send the email stating that it looks good.

Thanks for you attention to this.

g

From: Kimberly Michaels <kam@twm.la>
Sent: Tuesday, April 30, 2019 10:44 AM
To: Tom Parsons <TParsons@cityofithaca.org>; George Tamborelle <gtamborelle@cayuga-heights.ny.us>;
Bruce Bates <BBates@town.ithaca.ny.us>
Cc: Herman Sieverding <hermans@inteprop.com>
Subject: NCRE: Site plan Review requirement

Tom, George, Bruce,

The city and town of Ithaca have made the following a requirement for final site plan approval:

"Submission of written documentation from the Village of Cayuga Heights and the City of Ithaca Fire Chiefs, confirming that the proposed fire access plan shown on Sheet L0.03 and fire access-truck turning plan shown on Sheet L0.04 are both adequate for emergency response purposes, and that the Village of Cayuga Heights and City of Ithaca have coordinated emergency responses to the project site"

There are two parts to this:

1. provide, in writing, approval of the plan. Tom has already done this (attached). **George, can you provide something in writing as well?**
2. provide, in writing, a statement that emergency response to the site has been coordinated. **Tom and George, can you provide this please?**

- E. Quaroni asked why the City of Ithaca will be responsible for fire and emergency services when the Village's fire department is closer.
- Code Enforcement Office B. Cross replied that the City of Ithaca is already responsible for all emergency services pertaining to North Campus buildings located in the City; the project's first year student building straddles the City and Town of Ithaca boundary; because the Town has asked the City to handle all building code enforcement, and the Town may not be willing to pay more money to the Village for responding to fires in the Town, it seemed logical that the City should be responsible for all emergency services pertaining to the first year student building.
- E. Quaroni asked about the distance to the nearest City fire station.
- Code Enforcement Office B. Cross replied that he does not know the distance, but the City fire department is already covering other buildings on North Campus.
- J. Leijonhufvud asked whether this means that in the event of an emergency the Village's fire department will not respond.
- Code Enforcement Office B. Cross replied that this needs to be worked out between the Village and the City.
- J. Leijonhufvud stated concern if the Village fire department were to provide emergency services on North Campus associated with a NCRE building located in the Town and then not receive additional compensation from the Town.
- Code Enforcement Office B. Cross stated that this is an issue to be considered when the Fire Aid contract with the Town is renegotiated, which occurs periodically.

- Chair F. Cowett asked Code Enforcement Office B. Cross to update the Board regarding the NCRE road use agreement.
- Code Enforcement Office B. Cross replied that a road use agreement is still being negotiated; Cornell wanted to employ computer modeling based on a life cycle analysis of Village roads to estimate potential damage to be done to Village roads from NCRE construction traffic; the Village did not agree to this and wishes instead to document pre-project and post-project road condition via hands-on inspection and then calculate compensation to the Village accordingly.
- Code Enforcement Office B. Cross further stated that, given that the lack of a road use agreement between Cornell and the Village and Cornell's desire to start construction as soon as possible, Cornell will temporarily use City streets instead of Village streets for construction traffic until a road use agreement with the Village is formalized.
- J. Leijonhufvud asked what will be done during the project if a Village road starts to fail due to construction traffic.
- Code Enforcement Office B. Cross replied that Cornell proposed sending out a crew to fix the road at their cost; the Village did not agree to this because it puts the Village at some risk for future liability; instead, the Village will pay to fix the road and then bill Cornell for repayment.
- J. Leijonhufvud asked if the Village paying to fix a road in this scenario will place a financial burden on the Village.
- Code Enforcement Office B. Cross replied that the financial component of the road use agreement has not yet been worked out, but there will be some form of financial security to guarantee compensation.
- Attorney R. Marcus stated that the Village would likely submit a bill to Cornell upon job completion and that there would be little risk of the Village not being paid.
- E. Quaroni asked about the age of Village roads.
- Code Enforcement Office B. Cross replied that the exact age is not known, which is one reason why the Village did not agree to the life cycle analysis favored by Cornell; also, NCRE construction traffic will introduce a level of structural load higher than the load to which Village roads are accustomed and it is likely that there will be road base failure as a result; therefore, a life cycle analysis predicated on steady state traffic would not be appropriate.
- E. Quaroni asked if the Village repairs the road base when it repaves Village roads.
- Code Enforcement Office B. Cross replied that the Village typically only overpaves and does not do road base repair.
- R. Segelken asked about road cleaning and NCRE construction traffic.
- Code Enforcement Office B. Cross replied that road cleaning will be covered in the road use agreement, but that it is also covered in the project's stormwater permit.

Item 6 – New Business

- Code Enforcement Office B. Cross informed the Board he has received some raw data associated with the traffic study of the Community Corners area intersections, but analysis of that data has not yet been provided.
- Code Enforcement Office B. Cross also informed the Board that M. Mecnas made a presentation to the Village’s Board of Trustees at their May 20, 2019 meeting about his Upland Heights project on East Upland Road and applied to the Trustees for the creation of a Planned Development Zone (PDZ) in association with that project; the Trustees were troubled by the project’s proposed four-story tall buildings and deemed the application for the PDZ to be incomplete.
- The Board’s next meeting is scheduled for Monday June 24, 2019 at 7:00 pm at Marcham Hall.
- Clerk J. Walker stated that the Village’s Board of Trustees wishes to move its July 2019 meeting from July 15 to July 22, and suggested that the Planning Board move its July 2019 meeting from July 22 to July 15.
- The Board agreed to move its July 2019 meeting from July 22 to July 15.

Motion: J. Leijonhufvud

Second: R. Segelken

**RESOLUTION No. 304
TO RE-SCHEDULE THE PLANNING BOARD’S JULY 2019 MEETING
FROM JULY 22 TO JULY 15**

RESOLVED, that Planning Board’s July 2019 meeting will be held on Monday July 15, 2019 at 7:00 pm at Marcham Hall.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken

Opposed – None

Item 7 – Adjourn

- Meeting adjourned at 8:22 pm.