

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED MEETING MINUTES

December 14, 2010

PRESENT: Dave Hanoute, Steve Hasbrouck, Ed Kempisty, Deb Lee, Mark Meisel, Laurie Radcliffe

ABSENT: Brandon Peabody

CALL TO ORDER: 7:00 p.m. by Chairman Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

Moved by Meisel, seconded by Lee, to approve the Agenda as presented

APPROVAL OF THE MINUTES:

1) November 9, 2010 Regular Planning Commission Meeting

Moved by Kempisty, seconded by Radcliffe, to approve the minutes as corrected.
The motion carried by unanimous voice vote.

Footer - November 9 12 2010

Page 3, Line 29: (...two story building, allowing a 1200 square foot building)

2) November 9, 2010 PIRO Zoning Ordinance Public Hearing

Moved by Radcliffe, seconded by Meisel, to approve the Minutes as presented.
Motion carried by unanimous voice vote.

3) November 9, 2010 General Ordinance Revisions for the PIRO and PCS Zoning Districts

Moved by Meisel, seconded by Kempisty, to approve the Minutes as presented.
Motion carried by unanimous voice vote.

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Parking Space Dimensional Discussion and Recommendations

Ms. Hodges reported that she had compared parking dimensions in Tyrone Township with other communities and found Tyrone's requirements a bit smaller. Our Ordinance requires an 18 foot long parking space while others typically require 20 feet in length. Our aisle requirements are 24 feet which is typical while our parking bay width is 9 feet with an average width of 9 to 10 feet in similar communities.

The Planning commission commented that:

- Smaller parking areas create less run off;
- Narrower parking spaces allow more vehicles per acre;
- Cars are getting shorter but wider;
- Door swing contacts are a parking consideration;
- Marking parking spaces with double lines aids in spacing;
- Separate large and small vehicle parking areas might be helpful in some situations;
- Maintaining the Township's current standards would conserve green space; and
- The size of the parking spaces could be based on the number required for the specific use.

Mr. Hanoute asked Ms. Hodges to prepare some recommendations for review at the January Meeting.

2) Discussion of Sign Ordinance Articles to be revised (Article 27.00)

Ms. Hodges recalled that there had been some discussion of signs ordinance revisions in conjunction with the general PIRO and PCS Ordinance amendments in regard to the types of signage we should permit and revision of the billboard regulations based on recent changes to the state's sign regulations..

Mr. Meisel said that part of the discussion during the general review of the PIRO and PCS amendments related to electronic sign standards in order to insure appropriate sign references for the new zoning districts including a review of billboard spacing and billboard lighting.

Mrs. Hodges said she would prepare some recommendations for discussion at the next meeting regarding the sections which might need to be revised.

Chairman Hanoute suspended the Order of Business to begin discussion of Item 5, Clarification of Primary Roads, prior to the Public Hearing

5) Clarification of Primary Road Designations

The Planning Commission reviewed the road designations shown on the Essential Services map provided by the Livingston County Geographical Information System which classified Township roads as Major or Minor Roads. They observed that the the criteria used by GIS to classify the roads was not provided; the amount of traffic on

the various roads was not referenced, and the Township needs a primary road definition to use in connection with future commercial and industrial development.

Ms. Hodges explained that the primary and secondary road classifications referenced in her report were derived from the Township's Master Plan. She also consulted the national functional classification for roads. Primary or major roads include Faussett Road west of Old US 23, Bennett Lake Road, White Lake Road from Bennett Lake Road to the east Township border, Denton Hill Road, and Old US 23. Mr. Hanoute asked if there was a way to get Road Commission verification for some roads, especially Linden Road.

The Planning Commission commented that:

- Linden Road was probably not considered as a major road because of lack of paving rather than use;
- Planning and evaluation of roads should be based on the potential for development and increased traffic;
The new PIRO and PCS Zoning Districts establish certain use limits based on road definitions and classifications;
- Primary roads serve as major urban roads, carry heavy volumes of traffic between cities, or act as rural collector roads in the Federal functional classification system;
- The Federal classification system is the basis for road funding and improvement planning classifications;
- The Township ordinances allow certain types of development on certain kinds of roads;
White Lake Road can be classified as a primary road even though truck traffic is restricted in certain areas, and
- The Livingston County Road Commission has the authority to regulate the use of primary roads within the county.

The road discussion was recessed at 7:30 p.m. for the Fortune - AT&T Wireless Public Hearing and reconvened at 9:18 p.m.

Mr. Hanoute explained that roads need to be defined in the Zoning Ordinance because of their association with certain types of development and during discussion, and the Planning Commission observed that:

- Primary and secondary roads need to be identified within the Township;
- Primary road use depends on the Zoning District;
- Management of access from primary roads is important;
Smaller lot sizes would be allowed with frontage on secondary roads than would be allowed on primary roads;
- Primary Road classification does not have to be restricted to paved roads;
- The Planning Commission's intent is to provide more specific references to primary roads in the Zoning Ordinance;
There is a difference between the County list of primary roads and GIS list of major roads;
Traffic impacts and capacity considerations related to the roads are used to consider for future zoning and planning classifications;

The Livingston County Road Commission gets more money for maintenance of major roads than minor roads based on the national functional classification system;

Even if White Lake Road is classified as primary road there would be no intent to establish a PIRO development there;

The intent is to classify the roads and determine where developments would best be located in relationship to the existing roads; and

Determine if there are minor roads which could be improved to major road status.

Mr. Meisel said that if you want to plan a development in an approved location, you would have to bring the road standard up to the requirements of the Zoning District. Ultimately, the decision about the road classification and construction will be determined by the Livingston County Road Commission.

Because of time constraints, Mr. Hanoute scheduled continuation of the primary road discussion and review of the fee schedule at the January meeting in or order to take up the Old Business, Item.3

3 Recommendation regarding the Fortune Wireless - AT&T Tower

Mr. Meisel recommended carrying the item over to the January meeting with a request for additional propagation information. Technically, we have 150 days to make a decision. Ms. Hodges reminded Mr. Meisel that the time period begins when the plan is submitted.

Mr. Hanoute said he was told that the Recording Secretary had requested additional funds and was refused. The Recording Secretary explained that review fees and a preliminary escrow fund were requested at the time of initial application. Following the preliminary Planning Commission review to establish a Public Hearing date, a request for additional escrow funds to cover the cost of a professional site plan review was made upon advice of the Township Clerk following the Board's authorization of CMS as a expert review service provider. The request for additional escrow funds was referenced in the letter informing Mr. Mondrella of the Public Hearing date established by the Planning Commission.

Mr. Meisel commented that Fortune Wireless submitted a request prior to the Board's adoption of the CMS review requirements. Mr. Hanoute said his concern was who would compensate for the reviews if we needed them. Mr. Meisel's concern was whether we needed to request additional consultants and recovery of fees versus implementation of a new standard which mandates an upfront escrow and if they should be bound by virtue of the fact that they submitted their application before that policy was adopted. We need some engineering consultation, but we already have that as part of our Fee Schedule.

Ms. Hodges said that the Fee Schedule does not include professional consultation fees, but the Planning Commission has the ability to charge a fee to provide the services of an expert to conduct a specialized review separate from the basic services contract the Township Board approved. Mr. Meisel felt that once we go into the fee schedule, we have the ability to identify the need for additional consultant services and if we identify

that need, then we have the right to request that cost payment from the applicant. He didn't think we had the right to force someone into an escrow unless we want to identify what consulting services we need, get estimates, and request the escrow as appropriate.

Mr. Hanoute recalled that the Planning Commission discussed their respective qualifications to evaluate the material being submitted during the last meeting. He didn't feel that he was qualified to evaluate their propagation maps anymore than he could evaluate propagation maps from their competitors. Mr. Meisel said he was qualified to do the propagation review if we could get Steve Nagy (the Township Engineer) to review the structural analysis. Mr. Hanoute said the Township Engineer didn't specialize in that type of structural engineering.

Mr. Hasbrouck commented that we have private tower plans from a certified Engineer that builds towers all over the world. To do another structural analysis is overkill. Mr. Meisel said he and Steve (Nagy) could review the structural analysis if it was signed and sealed by a licensed professional engineer.

During additional discussion of the review process, Planning Commission comments concerned:

- A final statement from the applicant regarding the number of providers that can be accommodated by the proposed tower;
- Information showing that the proposed design will accommodate co-location;
- Agreement between the documents and the drawings regarding the tower loading limits relative to the number of users and construction of the tower;
- Review of the structural analysis based on the number of proposed co-locators; Evaluation of the design requirements for the proposed antennas included in the tower analysis;
- Requesting a review cost estimate from CMS prior to setting an escrow amount;
- Forwarding information to the consultant which accurately describes the request including a propagation map, the frequency basis for the models, tower alternatives that might be considered, documentation of need, and justification of the height needed to provide location for one or more service providers;
- Height justification information relative to reasonable industry standards and designs;
- Minimum and maximum projection functions of AT&T's equipment based on frequency and tower height;
- The proprietary nature of the information associated with individual service providers;
- The level of service currently available from Verizon and other providers;
- The affect of the time of day, weather conditions, and tower height on transmission and reception;
- Comparison of propagation maps currently on file at the township for the proposed service area, and
- The level of service in the target area currently provided by other carriers.

Ms. Hodges told the Planning Commission that the information regarding other carriers was proprietary. Mr. Hanoute said he was interested in determining the level of service within the proposed service area. He gets good service from his provider in that

location, which may indicate there are other service providers in the area that can provide co-location capabilities for AT&T.

Mr. Meisel suggested substantiation from the applicant regarding co-location information from other carriers. If there isn't a need for more service, they might not bother with pursuing co-location or the cost of a structure that provides co-location capabilities. He suggested substantiation from the applicant regarding other carriers.

Mr. Hanoute said the Planning Commission should decide if they were going to do their own evaluation or seek professional assistance. If we do our own, we will have to establish a list of requirements and supplemental information required in addition to what has already been provided.

Mr. Hasbrouck commented that we might not know what we want, but we know what we don't want and that is multiple towers over there. They might tell us that AT&T only needs a 120 foot tower, but that doesn't tell us who would be able to locate on a site below that height. What good would that be.

Mr. Hanoute asked Ms. Hodges to get a price for a review and a list of the information they would specifically review. Once we receive a proposal, we could evaluate the product related to the fee charged and go forward if it seems reasonable or not. Ms. Hodges said she would request a proposal from CMS.

Mr. Hanoute then asked Ms. Hodges to address a letter regarding a law suite which was drawn against the city of Mount Vernon, NY by Metro PCS and presented to Mr. Hanoute and Mr. Meisel at a private meeting. He asked if she was aware of the law suit. From his reading, it appeared that the party at fault was the City of Mount Vernon for establishing fees in a discriminatory manner.

Ms. Hodges said she was not involved in the suit, but it was her understanding that CMS was not part of the law suit. It appears that the conclusion of the judge was that the community established a fee schedule higher than their reasonable cost. Mr. Meisel said the other thing was they did not effectively respond and did not provide a reason for denial of the application until well past the expiration time. The community didn't follow their Ordinance and then charged unwarranted fees

Mr. Hanoute said that once we received a review proposal, we could evaluate the product of the fee charged and go forward if it seems reasonable or not. Mr. Meisel said he would prepare some notes from an engineering point of view. The applicant provided a lot of information, but much of it will depend certified engineering analysis. If they provide a signed and sealed PE structural analysis of the facility, just as with the soil analysis, we should just accept it as we do from other agencies. Mr. Hanoute said we would still have to look at the design criteria to determine what the tower is really designed for.

Mr. Peitz commented that the Planner provided a list of things related to the application that we should look at for ourselves. Someone who understands propagation should look it, and Mark has said he would call other contractors so you might be able to approve it in an hour. Mr. Meisel suggested generating a group discussion for material to cover at the January meeting and forwarding it to Ms. Hodges.

- 3) Recommendation regarding the proposed PIRO Zoning Ordinance
Rescheduled by Chairman Hanoute for the January meeting
- 4) Review of the proposed Dog Kennel Classification (Article 22.05.G)
Rescheduled by Chairman Hanoute for the January meeting.

NEW BUSINESS:

- 1) Fee Schedule Consideration

ZBA REPORT:

TOWNSHIP BOARD REPORT:

FUTURE AGENDA ITEMS:

Mr. Hanoute told Mr. Mondrella that the AT&T request would be tentatively rescheduled for the January 11, 2010 Planning Commission Meeting depending on the status of the review information.

ADJOURNMENT:

NEXT MEETINGS:

January 11, 2011 - Regular Meeting

February 8, 2011 - Regular Meeting

March 8, 2011 - Regular Meeting



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission