

Chairman Larry Ruth called the meeting to order at 7:30 P.M. Members present were Gene Bavis, Elaine Leasure, Deb Amsler and Pete Schillaci. Also present was Phil Williamson, Norm Druschel and Brendan Bystrak.

Gene Bavis made a motion, seconded by Pete Schillaci, to approve the minutes of January 8, 2007 with the following correction on page 603, paragraph 2:

Tony Evans, replied, "two or three years".

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Abstained
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

**1. Discussion of Application of Cricket Communications, Inc. co-location of cell tower, located at 88 Bills Road. Property is zoned: R**

Attorney Karl Essler, of Fix, Spindelman, Brovitz & Goldman, Fairport was present representing Cricket Communication, Inc. Michael Wilson and Rick McKenzie of Cricket were also present to answer questions. Mr. Essler publicly thanked Phil Williamson for his assistance with the application process. He stated that Cricket Communications is expanding its service in the Greater Rochester market and is seeking a Special Use Permit and Site Plan Approval to co-locate its telecommunication antennas on an existing 250' guyed tower on property located at 88 Bills Road.

Mr. Essler explained that there are currently four carriers on the tower and that Cricket would be the fifth and lowest set of antennas on the tower, at 180 feet. There will be six antennas installed, along with a small equipment cabinet located on a metal platform at the base within the existing fenced compound. A structural report has been submitted which shows that the tower is capable of handling the additional installation. Brendan Bystrak, Town Engineer reviewed the application and documentation and in a letter dated, January 17, 2007 made several recommendations. There were a couple of minor discrepancies between the drawing and what is in the structural report and Mr. Essler stated that the documentation would be corrected prior to the public hearing.

The Planning Board was provided with photo simulations showing the existing tower and the proposed configuration looking south from Bills Road, south from Knollwood and east from Gloria. Mr. Essler stated that the photo simulations show that there will be minimal visual impact on the surrounding area. The tower complies with all FCC radio frequency emission standards.

Board members were also provided with colored maps of the existing and proposed sites within the Town of Walworth. Mr. Essler stated that Cricket is primarily looking to cover the major population areas and larger connecting road, which for this particular site are Route 286 and Route 441. Mr. Essler added that there are a few additional locations proposed, but Cricket is not proposing a large number of additional sites in the area.

Gene Bavis stated that this was the first telecommunication tower in the Town of Walworth and it was structurally designed to handle multiple co-locations so there would not be a need to erect additional towers. Chairman Ruth stated that it was his recollection that there was a limit on the number of co-location allowed on the tower? Phil Williamson stated that he would research the original resolution of August 1997 for clarification.

Chairman Ruth stated that the application should be forwarded to William Johnson, the cell tower expert. The application also needs to be reviewed by the County. The Board did not foresee any problems with the application and stated that Mr. Essler should keep in contact with Brendan Bystrak and Phil Williamson prior to the February 12, 2007 public hearing.

**2. Discussion of 3-Lot Realty Subdivision of Mayberry Properties, LLC located at 3300 Canandaigua Road (200' northeast of Canandaigua Road/Fairway 7 intersection). Property is zoned: PUD**

Thomas Mayberry property owner was present. Mr. Mayberry explained that he is seeking to subdivide the Commercial Retail Center that is currently one parcel into three separate lots. The first lot has the physical therapy building, the second lot has the dentist office/pharmacy and the third lot is presently vacant. Mr. Mayberry stated that there was site plan approval to the original lot and there would not be any changes, such a setbacks, etc.

Phil Williamson has spoken with Art Williams, Town Attorney and he did not have any legal concerns in regard to subdividing the property.

Parrone Engineering prepared the subdivision map, dated Jan 10, 2007. Phil Williamson stated that Robert Seeley of Shelley Associates is reviewing the subdivision map for the Town of Walworth to avoid any conflict of interest with Parrone Engineering.

The Gananda The Planning Board did not have any further concerns. The public hearing will be scheduled for February 12, 2007.

**3. Discussion of Application of Jim Bremer for Special Use Permit to erect a private, noncommercial antenna system for ham radio use licensed by the FCC. Property is located at 390 Hillside Circle. Property is zoned: R.**

James Bremer, property owner explained that he had been before the Board on two prior occasions and since that time there has been correspondence between his attorney, and Phil Williamson.

Chairman Ruth read a letter from the Arthur Williams, Town Attorney that stated:

"I have now had an opportunity to review the file and correspondence as it pertains to Mr. Bremer's special use permit application. In particular, you asked me to review the Federal Rules as it pertains to the regulations of radio frequency interference (RFI). While the Town may regulate antennas for health and safety issues like setback requirements, it is preempted from considering RFI issues pursuant to Federal Regulations. The FCC has exclusive jurisdiction over all RFI related issues. Accordingly, Mr. Bremer's application may be considered complete without having to submit RFI documentation and without having to refer the application to an outside expert."

Brendan Bystrak, Town Engineer has also reviewed that application and documentation and outlined his findings in a letter to the Planning Board, dated January 16, 2007. Mr. Bystrak recommended the following conditions of approval to include:

- Installation of an anti-climbing barrier.
- Relocation of the tower such that if a structural failure occurs, the tower would fall onto the applicants property only.
- Removal of the antenna if same is not operated or utilized for a continuous period of 60 days.

Pete Schillaci questioned if Mr. Brennan had spoken with his neighbors? Mr. Brennan replied that some of his neighbors had signed letters saying they had no objections, but others had voiced some concerns at the last public hearing. Mr. Brennan stated the neighbors to the west were originally concerned about the 40' setback, but the relocation of the tower to a 100' setback would resolve that issue. The neighbors to the south were concerned about the visual appearance. Mr. Bremer stated that the original proposal with the tower located 40' from the western property line provided some visual buffering because of a row of trees. Mr. Brennan expressed that while the relocation of the tower may make the visibility of the tower more obvious to the southern neighbors, the benefit would be to provide the fall zone that Town Code mandates.

Chairman Ruth questioned the size of the tower. Mr. Brennan stated that it would be a 12" triangular tower that would be 78 feet in height, with the antenna extending to an overall height of 93-95 feet.

There were no further questions from the Board.

Chairman Ruth stated that the Board was supportive of the concept. The public hearing will be held at the February 12, 2007 regularly scheduled Board meeting.

**4. Conceptual Discussion of 4-Lot Realty Subdivision of property located at 4605 Lincoln Road, south of Jacobs road owned by Frank Affronti. Property is zoned: RR-1.**

Mr. Frank Affronti was present to represent the application and showed a conceptual map of the property located at 4605 Lincoln Road to the Planning Board members.

Gene Bavis questioned if this was a three or four lot subdivision. Mr. Affronti stated that the property under consideration is now a 22-acre hayfield and he would like to subdivide off three parcels of 3.4 acres, 3.6 acres and 3.5 acres to be developed with approximately 11.5 acres remaining. The subdivision therefore would be considered a 4-lot Realty subdivision.

Discussion ensued in regard to the private drive and the necessity of the drive being constructed to Town standards. There would be a hammerhead on each end to provide a turnaround for emergency vehicles. Chairman Ruth stated that the Fire Department would need to review the plan as the driveway is over 200 ft.

Gene Bavis stated that in cases of a common drive it is important that a legal document is drawn up to protect all parties.

Mr. Affronti stated that perk holes have already been done on the property. Gene Bavis expressed concern that in the general vicinity of Jacobs Road there have been drainage issues on past projects and stated that the Town Engineer should review the drainage issues closely to make sure that development does not impact nearby properties.

Chairman Ruth stated that the Brendan Bystrak should review the plan and provide written recommendations and comments to Mr. Affronti, prior to scheduling the public hearing.

The Planning Board recommended that subdivision and site plan approval be done at the same time.

Chairman Ruth adjourned the meeting at 8:10 PM.

Gail Rutkowski, Clerk