

**JOINT MEETING AND PUBLIC HEARING
PLANNING BOARD AND ZONING BOARD OF APPEALS
OCTOBER 10, 2012**

PRESENT: Planning Board – Jon Hotaling, Chairman
Brian Carmer
Chris Czelusta
Gary Few
James Hoffman
Norman Jansen
James Trinder, Alternate

Zoning Board of Appeals –
Herbert Linderman, Chairman
Scott Ecker
Frederick Leuer
Joseph Provencher, Alternate

Morgan Jones Jr., Counsel
Andrew Reilly, Engineer

Absent: Norman Atwater and Kent Wakefield, Zoning Board of Appeals members

Attended by: 5 people

Notice of said meeting duly published in the Lockport Union-Sun & Journal on September 29, 2012 with same notice being posted at the Town Hall and on the website on the same date.

PUBLIC HEARINGS

Zoning Board of Appeals Hearing:

NEW YORK STATE ELECTRIC AND GAS, 400 West Avenue, Rochester, NY 14611 to allow applicant to install a 300 foot utility communications tower at the existing substation located on the North side of Lake Road west of Hosmer Road, Barker, NY, Tax Map # 7.00-3-26 pursuant to Article XIII §205-43.1E (2) and Article XVIII §205-72 of the Code of the Town of Somerset.

Planning Board Hearing:

NEW YORK STATE ELECTRIC AND GAS, 400 West Avenue, Rochester, NY 14611 to allow applicant to install a 300 foot utility communications tower at the existing substation located on the North side of Lake Road west of Hosmer Road, Barker, NY, Tax Map # 7.00-3-26 pursuant to Article XIII §205-43.1; Article XVA §§205-57.2B, 205-57.3A., B., & C; and Article XX §205-82C of the Code of the Town of Somerset.

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Chairman Linderman called the joint meeting to order at 7:30PM and invited Joseph Provencher to participate due to the absence of regular members.

Clerk Connolly read the notice of public hearings that were duly published in the Lockport Union-Sun and Journal on September 29, 2012 with same being posted at the Town Hall and the website on the same date.

Chairman Linderman opened the floor to public comment at 7:31PM.

Thomas Kernan, Attorney with the Murray Law Firm, introduced Kenneth Curley, Engineer for Infinity Engineers. He stated they are here for three applications that have to do with one project. He said the proposed project is a 300 foot public utility telecommunications tower that will employ technology for communications and will further two objectives including the United States Department of Energy Smart Grid Initiative. He said the proposed tower will backload information on the health of the grid to the Lockport Service Center. He said it will detect problems before an outage occurs and will help NYSEG integrate renewable energy resources as they come on line. He said the tower will have microwave antennas that will be used to transmit information from the substation site to Lockport along with land mobile radio antennas that will allow real time communications with personnel in the field. He said this project will help modernize the electricity grid in the area and provide better service for the customer. He said the facility proposed is on the current NYSEG substation and is surrounded by the power plant. He said the only feasible place for the tower is in the Northeast quadrant of the lot and is located in an area where the fall zone is of no concern. He said the tower needs to be in this location to be effective for the 'Smart Grid' and there is no other alternative.

Attorney Jones said the property is owned solely by NYSEG within the power plant property.

Kenneth Curley, Engineer, went through the maps showing where the antenna and microwave dishes will be placed. He said there are also homeland security cameras being placed on the tower as required by the Federal government along with the flashing red and white light required by FAA (Federal Aviation Agency).

Chairman Linderman asked what his definition of close proximity to the grid is.

Mr. Kernan said as you increase distance you have difficulties of monitoring and disruption of service. He said they considered co-locating the antenna on the power plant chimney but neither the owner of the power plant nor NYSEG thought this was a good idea due to the number of cables that would have to be placed to get to the grid.

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Mr. Curley said it became a security concern as NYSEG wants to control the tower. He said because of the data that is being processed through the microwave dishes, the government has classified this as critical infrastructure and needs to be secured.

Chairman Linderman asked how far the transmission lines are from the tower.

Mr. Curley said about 160 feet. He said the tower is constructed with break points so if the tower failed it would fall within itself.

Mr. Kernan said the tower is being designed to withstand 90 MPH winds and 40 MPH winds with heavy ice conditions. He said it is designed with the load capacity and will be structural designed to support co-location.

F. Leuer said the application states there will be 100 tons of material removed and asked where that will go.

Mr. Kernan said it will be moved on site.

Chairman Linderman asked what other users could be located in the future.

Mr. Kernan said if AT&T or Verizon determined they had a coverage gap, this tower would be available pending terms being negotiated.

Mr. Curley said they would have to have a 10 foot gap in-between each other and said most of the carriers would have to come in at 230 foot or below.

Attorney Jones asked if it could be demonstrated where the fall zone is.

Andrew Reilly provided pictures depicting the fall of the tower.

Jack White, Plant Manager, Somerset Power Plant, stated his only concern would be the damage that can be caused to NYSEG equipment. He stated the tower will provide more efficient communications.

Chris Czelusta asked if the tower could fall towards the power lines.

Mr. Curley said the tower would fall at the break points.

Chairman Linderman asked what the elevation of the power lines are.

Mr. Curley said he did not know. He said the tower is very secure and will be designed to the RVG standard.

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Andrew Reilly said Town Law requires that they do an annual structural inspection by a licensed professional engineer.

Mr. Kernan said the infrastructure is a huge investment and NYSEG will protect that investment.

F. Leuer stated that tornado winds are higher than 90 MPH.

J. Trinder asked if the foundations will be constructed to a higher standard.

Mr. Curley said they have done soil borings and the foundations will be designed based on the soil condition.

Attorney Jones asked what the color will be.

Mr. Curley said galvanized gray.

J. Hoffman asked what kind of lighting.

Mr. Curley said it is red and white and FAA may require more lighting.

S. Ecker asked if the tower could be less than 300 feet.

Mr. Curley said the reason of the height is for the path that the microwave has to shoot to get to other elevations to Lockport and Medina.

Chairman Linderman asked where other towers in place are located.

Mr. Curley said there will be an antenna dish on the roof of the Lockport Service Center on Lincoln Avenue. He said the microwave is point to point and if they do not line up it will not work.

J. Hoffman asked if interference with other paths has been considered.

Mr. Curley said each path is on a different frequency and licensed with FCC. He said no one can build within the line as the path cannot be blocked.

J. Hoffman asked if a bond for removal at a future date will be provided.

Mr. Curley said NYSEG will agree to post a bond.

F. Leuer said under your SEQR application, it said that no public funds are being used. He said in the letter it says there are two grant agencies.

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Mr. Curley said a grant is given by the federal government for critical infrastructures to upgrade the systems.

Discussion ensued regarding some clarification of the SEQR. Andrew Reilly went over a few areas of the application that need to be clarified. Mr. Kernan said they will amend the SEQR and get it to the Town.

F. Leuer asked what the frequency will be.

Mr. Curley said 5.7285 GHz.

F. Leuer asked if Mr. White was for or against the project.

Mr. White said he supports the project and it will help with the transmission system.

Andrew Reilly said the criteria for granting a variance needs to be reviewed. He said the issue of hardship is not an issue as they have proven need and the benefit cannot be achieved by any other placement of the tower. He said it is substantial but weighing against the other things that is not an issue.

Attorney Jones said there is no undesirable change in the neighborhood as it is in the industrial zone.

Mr. Kernan said it is consistent with the area and there is a strong public good associated with the project mainly improving the efficiency and reliability of the grid and it will allow NYSEG to transition provisional electric services to the 21st century.

Attorney Jones said the proposed tower is 1800 feet from the road.

Chairman Linderman asked Mr. White how high the main building at the plant is.

Mr. White said about 300 feet.

Chairman Linderman asked why the antenna cannot be put on that building.

Mr. White said that is ½ mile away from the grid.

Mr. Kernan said they would have to run the associated cables across a significant amount of the plant facility and the cables could be damaged.

Mr. Curley said you have to consider the actual structure of the building and if it would be capable of holding the antennas.

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Chairman Linderman said you are putting them on a building in Lockport.

Mr. Curley said there is only one going on the building in Lockport.

F. Leuer asked if the signal from Medina would come to Barker then to Lockport.

Mr. Curley said yes. He said it will create a ring around the state and if one would fail, the other would pick it up and continue to send the signal.

Chairman Linderman asked if there is a problem with weather with the microwave transmission.

Mr. Kernan said the microwave technology is designed to provide reliable transmission during horrible weather. He said it is different technology than a satellite dish. He said the same type of system is going to be used in Essex County in the Adirondacks.

Andrew Reilly said the Board has to consider the public health and safety. He asked if the site is completely secure and fenced.

Mr. Kernan said yes it is.

Jon Hotaling said it is secured with the power plant which is completely enclosed.

F. Leuer stated the microwave radio frequency at that height is not a health hazard.

J. Hoffman said there are some attachments missing and asked when they will be available.

Mr. Kernan said the visual analysis will be done on October 11th and the manufacturing specifications and microwave path report will be available shortly.

With all persons desiring to be heard, Chairman Linderman and Chairman Hotaling closed the hearing at 8:29PM.

Respectfully submitted,

Rebecca A. Connolly, MMC
Town Clerk
Planning Board/ ZBA Secretary