

PLANNING BOARD

Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – June 20, 2024

Agenda- Roman Kuziomko R&H Realty Holdings Calkins Road (A), Crown Castle Model City Road (B)

Present: Burg, Baker, Conrad, Gallo, Lilly, Lattanzio, Taczak, Collister

Presiding: William Burg, Chairman

Burg: I'd like to welcome everybody to the Town of Lewiston Town Planning, Thursday, June 20, 2024.

Roll Call

A motion to approve the minutes of May 16, 2024, was made by Taczak, seconded by Lilly and carried.

Abstentions: Collister and Conrad

Burg: Ok first item on the agenda is R & H Realty.

Roman Kuziomko want me to come up here?

Burg: Yeah, please state your name for the record.

My name is Roman Kuziomko I own R&H Realty

Burg: Ok. Can you describe your project for us.

Kuziomko: Yeah, I have a parcel of property that I am selling. The individual wants to build a house there.

Burg: Ok. Everybody's reviewed the application.

Lilly: So, it's on one lot subdivision? 105 feet by 450 feet?

Kuziomko: Yes.

Lilly: Out of a parcel of what size?

Kuziomko: About 24 acres

Lilly: 24 acres.

Kuziomko: Well actually it's 19

Lilly: 19 Acres. Ok. Is there any wetlands on the property?

Kuziomko: Not that I am aware of.

Conrad: Do you know what the irregular shaped lines are?

Kuziomko: You know I was wondering that myself. I don't know.

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Conrad: I couldn't figure what.

Masters: All I could figure is that they were contour lines because I did just recheck it again right now and the map comes up clear for State, Federal.

Conrad: It's not like a wooded area or anything right.

Masters: Couldn't really tell by the pictures.

Kuziomko: No everything's good land. Its part of a drawing that was done for the other parcels that I broke down never found out what it is.

Conrad: Yeah

Kuziomko: Never checked into it.

Lilly: So, the acreage right now is vacant.

Kuziomko: Nothing on there.

Lilly: Mostly wooded or not wooded.

Kuziomko: Mostly wooded.

Lilly: Yeah ok. And you have a buyer/ respective buyer

Kuziomko: Yes.

Lilly: Ok.

Members talking

Conrad: I will make a motion to declare it a minor subdivision.

Lilly: I will second that.

Serianni: One moment you just have to do SEQRA first.

Burg: It's a type 2 action.

Serianni: No, it's not.

Lilly: I will make a motion to approve the SEQRA as a negative dec

Taczak: I will second it.

Burg: All in favor.

Members: AYE.

Burg: Need an approval for the minor.

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Conrad: Yes, I will make a motion to approve it as minor subdivision.

Lilly: I will second it.

Burg: All in favor.

Members: AYE.

Burg: Alright motion to approve.

Taczak: I will make a motion to approve the subdivision.

Burg: Second?

Lilly: I will second it.

Burg: All in favor

Members: AYE

Masters: It will go to the Town Board next but not Monday.

PB- 06-2024 (B)

Burg: Next item on the agenda is a colocation on a tower that Crown Castle owns. Basically, this is we just need to submit stuff for the record.

Serianni: Well, there's an application that is subject to Planning Board review. A checklist has been provided to each of you to review 7 criteria. 6 of which based on my review do not apply giving the suggested colocation not the insulation of the tower.

Burg: So, the Environmental commission checklist the Environmental commission has been disbanded. We have the Building Inspectors checklist and we got no problems there. We got the town Engineer checklist with the exception of a suggested that we have a \$50,000 removal bond.

Conrad: Adjustment to the removal bond.

Masters: Adjustment.

Burg: Adjustment.

Masters: Add \$50,000 to the existing

Burg: So, in the record Town Engineer is suggesting that we increase the removal bond by \$50,000. The Town Assessor checklist we got no problems there. Highway Superintendent checklist we got nothing there. Any other comments from the Board?

Masters: Just so you know even though our Town tower law call this a type 1 action and a long form SEQRA is required from what I understand talking to Al Bax and Bob Lannon they said that the federal communications law if it's a colocation on an existing tower calls it a type 2 action and no SEQRA action is required.

Burg: So, do we need to make a declaration that it's a type 2 SEQRA?

Serianni: Yes and no motion is needed.

Burg: Ok so we declare it a type 2.

Morreale: I got a question as far...I can ask now right.

Burg: Yeah.

Morreale: Is there an inflation on a bond or is that \$50,000 and 20 years down the road is there an inflation percentage?

Serianni: So, there is an existing bond which was not included in this part of the application. I believe the recommendation of the Engineer is just to increase the existing removal bond by \$50,000 flat which is the cost of construction of the colocation.

Conrad: The Town Board could probably make that adjustment if they wanted to.

Serianni: Town Board certainly can ultimately the Town Board is going to approve this.

Conrad: Right, we don't have the authority to really.

Taczak: Need a motion to recommend the \$50,000 here.

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Serianni: You would motion to approve.

Conrad: Support.

Taczak: Support ok.

Serianni: The application and then include in your approval a recommendation that the existing removal bond be increased by the construction cost of the facility which is \$50,000.

Burg: Ok. And we have no idea what the existing removal bond is, can we find that before the Town Board meeting so they have.

Masters: I can definitely request that if its not I didn't look for it in this book but this book has most of our tower information in it. If you give me one minute here.

Serianni: The other thing that I will add is that they did address in their application the removal bond question. And the applicant stated and I quote: Applicant is applicant is a collation tenant on an existing tower facility own/managed by Crown Castle existing colocation agreements includes obligations per removal of applicant's equipment if the event of the removal becomes necessary. The important piece is while the removal security bond is not reasonable related to determine whether the proposed scope meets the requirements of section 6409 A applicant will review a reasonable cost estimate. The applicants going to take the position that they are under no obligation to increase the removal bond. They may take that position if they are under no obligation so what I am essentially saying is there is no harm in making a recommendation regardless of what the bond... there is not an amount in here. Better to play it safe than sorry.

Lilly: I think maybe the other issue is that over the years does it increase for inflation that's what I think Rob was getting at.

Morreale: Not what it cost today.

Lilly: Right

Conrad: Just for their equipment that they are having in this tower their not responsible for the removal of the whole tower are they.

Masters: They would only be responsible for their equipment. The T mobile people. Crown Castle is the tower owner.

Baker: Did they state what the life of this equipment is?

Masters: No

Lilly: So, Crown Castle I would imagine or should have their own bond in place now so there's multiple levels of bonding going on.

Conrad: That's the existing bond.

Masters: Donna would have the document. I can certainly ask for that in the morning before it goes to the Town Board meeting.

Burg: I think just for the benefit of the Town Board.

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Masters: That's no problem.

Conrad: Because Tim, we can't change it right whatever Crown has as their removal bond is what it is correct.

Masters: Yeah, I think the only ability you have to change it would be because you are changing the rules right now by adding a different co location this would be your bite at the apple I would think.

Serianni: Your attempt

Collister: So, increasing the removal bond to Crown vs. making T mobile have a bond individually for just removing their equipment off the tower. So does Verizon have bond, the tower have a bond which would cover the removal of just the tower. The collocated corporation's equipment that are on there. So, T mobiles going to come in just remove their stuff off that tower that's one rate vs making Crown have a bond to remove absolutely everything. That's why I am confused about increasing the existing bond by 50 vs making t mobile carry the bond.

Serianni: I believe T mobile is the applicant on this co applicant on this request. It's T Mobile North East and Crown Castle USA. T Mobile would be...

Masters: So, the law in the tower law on that says the applicant shall further agree to continually renew the bond through the life time of the communication tower and or similar facility. The sufficiency of the tower removal bond shall be confirmed at least every 5 years by an analysis of the cost of removal and property restoration performed by NYS licensed engineer retained by the facility owner and or operator. The result of such analysis shall be communicated to the town building inspector. If the bond amount in force is insufficient to cover the cost of removal of the tower it shall be immediately increased to cover such amount. I have never received a... all the tower stuff goes to the Town Clerk. The town use to have a tower committee and the tower committee handled all this so everybody's responsibility that little piece of the puzzle was we sent everything we know to the tower Committee the tower committee handled all the details. The Town Board in years past has eliminated the Tower committee so this is the first senecio that we've gotten without the Tower committee and it has been a little bit of a cluster to say the least.

Baker: I see the Washuta Companies are mentioned in here. Do they have any obligation.

Masters: They are the property owners.

Baker: I know do they have any obligation, finical obligation like a bond to remove it from their property?

Master: I don't know the answer to that. We have one tower removed since I have been here and it is the one that was on Moore Road and that went off without a hitch.

Baker: I think they relocated it. Up above somewhere.

Masters: As long as its not in Lewiston I don't care. We didn't even have to worry about the removal bond they took care of everything. They left the driveway which the farmer wanted.

Baker: It really wasn't there all that long.

Masters: It was here when I started here and got taken out maybe 3 or 4 years ago.

Burg: Can we do an inflation area measure on bonds for solar farms do you know what that percentage is.

Masters: 2 percent. I think the last one we said 2.5.

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Conrad: Yeah

Taczak: I remember 2.5

Serianni: Is that set forth in the code?

Masters: Well, I can't remember if its in the code or not but it was something that they coughed up and then the last time when you guys mentioned it, they coughed up 2.5 and we said OK. That's been the standard 2 and then the last couple have been 2.5.

Burg: I mean that would be an established benchmark anyway if we can ask for it.

Serianni: To scale the bond on a periodic basis.

Masters: The code says they should be doing it every 5 years whether they have that documented in Donna's office I have no idea. I will have to check tomorrow.

Serianni: I guess to address Rob's question that's you scale up the inflation that is subject to review on a periodic basis that period be 5 years.

Morreale: If they haven't now would be the time to address that also if they have readjusted.

Masters: I got them and their attorney on the hot phone now. I can ask them for that when was your last send me all the reports from a qualified engineer you have done over the last 5 years now whether they come back some the FFC says we don't have to do that I don't know.

Serianni: They may.

Conrad: Its one report every 5 years right.

Masters: One report every 5 years and then if the qualified engineer report says its going to \$100,000 to remove it and you only have a \$10,000 bond you have to bring it up to \$100,000. And 5 years later you got to do the same thing again.

Conrad: And that's an engineer that they hire.

Members talking

Morreale: So how should they bring that motion to the board?

Burg: I guess I would need a motion recommending approval and recommending they increase their bond by \$50,000 with an inflationary measure of 2 percent per year.

Conrad: That would be a recommendation.

Burg: We can't do it on a conditional approval this is going to get approved.

Serianni: It's a recommendation and then another recommendation on this based on the engineers review of the application and the board is also going to recommend this separate increase in the removal bond.

Taczak: Which one do we do first?

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Conrad: I will make a motion to approve the application and I will add to that motion that we support the engineers review and adding a \$50,000 to the existing removal bond and that we also make a recommendation to the Town Board to have annual increase is it annual or every 5 years?

Masters: Well, the Town code says by the review every 5 years by determining what that cost would be. We should take into account inflation.

Conrad: What about asking them to

Lilly: Increase it now.

Masters: Cough it up.

Conrad: To cough it up and the report.

Masters: Don't say that in your motion.

Serianni: I will review the minutes don't worry.

Conrad: Then they should come up to

Masters: Provide documentation

Serianni: To be subject to an additional review based on the existing security bond that's on file with the Town of Lewiston pertaining to this tower that the application subject to.

Masters: Could you repeat that.

Serianni: So we have 3 resolutions here. They are all going to be included in one. First is to approve the application recommend approval of the application, two is to recommend an increase in the security bond by \$50,000 which is equal to the cost of construction of the collated facility and based on the recommendation of the Town Engineer three a recommendation that the applicant be subject to a review of the existing security bond pursuant to section

Masters: 320-5 G 2

Serianni: Of the Town code.

Taczak: I will second that motion.

Lilly: That's the code that address every 5 years

Masters: Yeah.

Taczak: I will second that motion

Burg: Does everybody understand the motion

Members: Yeah

Burg: And we have a second. All in favor

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Members: AYE

Masters: When I get that I will forward that to you guys through email.

Burg: That's it anything else.

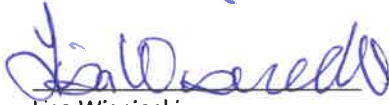
Taczak: Motion to adjourn

Conrad: Second

Burg: All in favor

Members: AYE.

Respectively submitted,



Lisa Wisnieski
Building Dept Clerk



William Burg
Planning Chairman

