



THE MURRAY LAW FIRM PLC

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December 27, 2018

VIA OVERNIGHT MAIL

Mr. Eric A. Cooper
Zoning Inspector
Town of Canandaigua
5440 Route 5 & 20
Canandaigua, NY 14424

Re: Rochester Gas & Electric Application for Special Use Permit and Site Plan Approval 5850 Monks Road, Canandaigua, NY (Tax Map No. 153.-1-35).

Dear Mr. Cooper:

We represent Rochester Gas & Electric ("RG&E") with regard to their pending applications for an area variance, special approval, and development review to install a 100-foot tall public utility communications mast (the "Mast") at an existing substation that serves current and future electricity demands for the residents of the Town of Canandaigua.

Per the questions and requested corrections raised by Lance S. Brabrant of MRB Group in their letter to Doug Finch, Town Manager, dated October 19, 2018, we submit the following answers and revisions in response:

1. All "Canandaigua" references will need to be revised to "Canandaigua".

- *All references to "Canandaigua" have been revised to "Canandaigua" throughout the updated One-Stage Site Plans submitted herein.*

2. The 'Driving Directions' will need to be revised by replacing "Utica" with "Rochester".

- *The 'Driving Directions' have been revised by replacing "Utica" with "Rochester" on Drawing Number T1 of the updated One-Stage Site Plans submitted herein.*

3. The horizontal and vertical datum should be noted on the plans.

- *The horizontal and vertical datum has been noted on the updated One-Stage Site Plans submitted herein.*

4. Please provide a structural analysis, design calculations, and drawings that shall utilize and reference ANSI/EIA/TIA-222-G (2006, with annexes and addendums) as the



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most current standard. Loading parameters/load cases shall include the above Town required loading, but also applicable TIA-222-G loadings. Please note that the structural analysis report and design drawings shall be provided in connection with the building permit application.

- *The information requested above will be provided in connection with RG&E's building permit application.*

5. A geotechnical engineering analysis/investigation of the soil conditions and bearing capacities may be required to obtain soil parameters necessary for design of the foundation. The report and the foundation design drawings and calculations should also be submitted in connection with the building permit application.

- *The information requested above will be provided in connection with RG&E's building permit application.*

6. It is recommended that a FCC Compliance Report be prepared to determine if the proposed subject property is in compliance with Federal Communications Commission (FCC) Rules and Regulations for RF emissions.

- *A completed FCC Compliance Report is attached herein as Exhibit A.*

7. The Applicant should provide a Tower Design and Specification documentation and a Tower Maintenance and Inspection Procedures.

- *A Mast Design and Specification and Mast Maintenance and Inspection Procedure is attached herein as Exhibit B.*

8. Pursuant to Section 220-60 (A) (21) of the Zoning Ordinance, the Planning Board shall request an automatic renewing security bond to the Town of Canandaigua to ensure the tower and facilities are properly constructed, maintained and in the event, the facility is abandoned and have to be removed by the Town.

- *RG&E agrees to comply with the requirements stated above under Section 220-60(A) of the Zoning Ordinance.*

9. It is our understanding that the proposed tower is not subject to FAA's lighting requirements, since it's less than 200' in height; however, Mercy Flight Central should be coordinated with and review the proposed tower location to determine if lighting is warranted.



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- *Historically, Mercy Flight Central has not required lighting on similar projects however RG&E will contact Mercy Flight Central to confirm this position and will provide documentation to that effect. RG&E will make efforts to comply with Mercy Flight Central's position.*

10. There appears to be a discrepancy between the latitude and longitude coordinates provided on the Title Sheet (T1) and the Site Survey (Sheet C-1). Please update accordingly.

- *The above noted discrepancy has been corrected. Please see Drawing Number T1 and Drawing Number C1 of the updated One-Stage Site Plans submitted herein.*

11. The height of the existing transmission tower should be noted on the plans.

- *Please see Drawing Number C2 of the updated One-Stage Site Plans submitted herein for the requested information.*

12. The Project Summary table located on the Title Sheet (Sheet T1) should be provided on the Overall Site Plan (Sheet C2). It should be updated to provide required and proposed zoning data pertaining to dimensional and zoning requirements, including requested variances if applicable.

- *Please see Drawing Number C2 of the updated One-Stage Site Plans submitted herein for inclusion of the requested Project Summary and information.*

13. How will the proposed 12' wide double swing access gate be accessed with the existing site? Will the two towers and accessory structures be separated by the chain linked fence? The access route to the proposed tower should be shown on the plans.

- *Please see Drawing Number C2 of the updated One-Stage Site Plans submitted herein for the requested information.*

14. The existing transmission tower is enclosed with a chain-link fence with a gravel surface. The site plan does not show the proposed surface material that will be used within the 40' x 40' fenced compound.

- *Detail 1 which illustrates the requested information has been added to Drawing Number C6 of the updated One-Stage Site Plans submitted herein.*



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15. In accordance with Section 220-60 (A) (4) of the Zoning Ordinance, the minimum setback for a communication tower from any property line shall be the height of the tower, plus 20 feet. The proposed tower fails to comply with this requirement and should be review by the Planning Board.

- *RG&E requests the Town Planning Board, under Section 220-34(C) of the Town's Zoning Ordinance, to utilize the authority granted therein to waive the requirements of Section 220-60(A) of the Town's Zoning Ordinance to permit the construction of the Mast at RG&E's existing electrical substation located at 5850 Monks Road, Canandaigua, NY.*

16. The two (2) federal wetland areas located to the east of the subject parcel should be depicted on the Site Survey, Overall Site Plan and detailed Site Plan.

- *Drawing Number C2A has been added to the updated One-Stage Site Plans submitted herein for the requested information.*

17. The Elevation View (Sheet C4) should be updated to include the MW Orientation Plan and MW Details.

- *Drawing Number C4 has been revised accordingly in the updated One-Stage Site Plans submitted herein.*

18. Please update the drawings to include erosion and sediment control measures. These measures shall be designed, installed and maintained per the requirements set forth in the latest edition of the New York Standards and Specifications for Erosion and Sediment Control. A detailed construction sequence should also be added to the plans.

- *The updated One-Stage Site Plans submitted herein have been updated to include the information requested above.*

19. The site plans should be updated to include proposed contours. In addition, the limits of disturbance should be provided and include the areas associated with the proposed grading.

- *The updated One-Stage Site Plans submitted herein have been updated to include the information requested above.*

20. A stabilized construction entrance, construction staging area and topsoil stockpile area should be identified on the plans. The topsoil stockpile is to be wrapped with silt fencing 10' from the toe of the slope.



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- *The updated One-Stage Site Plans submitted herein have been updated to include the information requested above.*

21. For those requirements of the Special Use Permit which the applicant is requesting a waiver from the Planning Board, shall be provided on a separate document to the Town for their review.

- *The requirements of the requested Special Use permit will be provided to the Town Planning Board on a separate document for review and attached herein as Exhibit C.*

In addition to the above the answers to the questions posed by MRB Group, RG&E provides the following answers to the further questions posed by the Town's Engineer relative to the installation of the Mast at an existing RG&E electrical substation located at 5850 Monks Road, Canandaigua, NY.

1. Structural design of the tower, taking into consideration adding a fault so of the tower fails it stays within the site property lines.

- *The structural design of the Mast does not allow for a fault to be included in its construction.*

2. Explain why this location was selected instead of other substations.

- *The Monks Road location allows for a complete direct line connection with a Mast currently located at the Bristol Mountain substation.*

3. Explain the coverage percentage noted on our August submission relative to mast size.

- *The taller the Mast the better the coverage percentage. The coverage percentages listed in the August submission only target distribution poles and other distribution equipment in the vicinity of the Mast and substation.*

4. Future build out plans for other substations in the Town and elsewhere in vicinity.

- *There are future plans for infrastructure build outs and improvements to other substations and distribution infrastructure in the Town of Canandaigua, but it is unclear at this time whether additional Masts will be needed. Future build outs are necessitated*



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by the needs of the distribution infrastructure in the area to increase electric reliability to customers.

5. Explain why this particular technology is being used.

- *The type of technology infrastructure utilized in this Project is an approved solution under the Smart Grid Initiative and is federally regulated private network infrastructure. While other technology infrastructure is available and approved under the Smart Grid Initiative, those solutions (traditional copper service or fiber linked service) are either not available in the vicinity of this Project or not a cost effective solution for RG&E and its customers.*

6. Explain whether modernization is mandatory or not under the Smart Grid Initiative.

- *Currently, the Smart Grid Initiative is not mandatory in New York State, but all indications point towards the NYS Public Service Commission making it mandatory in the future for regulated utilities in NYS. Recently, the NYS Public Service Commission and the NYS Governor have been mandating compliance with several portions of the Smart Grid Initiative to increase electric reliability for consumers. Through this Project and other similar projects across NYS, RG&E is seeking to increase electric reliability to its customers while at the same time preparing for a potential mandate by the NYS Public Service Commission for mandatory compliance with the Smart Grid Initiative.*

Pursuant to the requirements of the Town Planning Board, we submit seven (7) copies of the of this responsive document and the updated One-Stage Site Plans for review by the Town Planning Board and its additional personnel. We plan to attend the next meeting of the Town Planning Board on January 8, 2018 to continue the Public Hearing on this Project and answer any further questions of the Board and its personnel.

Please let us know if you have any questions regarding the above. Thank you for your cooperation in this matter.

Very truly yours,

Scott D. Marchant, Esq.
Attachments & Enclosures