

**TOWN OF POMPEY PLANNING BOARD MINUTES
NOVEMBER 20, 2017**

The Town of Pompey Planning Board meeting was held on Monday, October 16, 2017. In attendance: Chairwoman Sue Smith. Members: Dan Bargabos, Roy Smith, John Shaheen, Carl Fahrenkrug and Kevin Coursen. Attorney Jeff Brown and Town Engineer Steve Snell were also in attendance.

Chairwoman Smith called the meeting to order at 7 pm followed by the Pledge of Allegiance.

John Shaheen had some corrections for the October minutes. Motion by C. Fahrenkrug, seconded by R. Smith to approve the October minutes as revised/corrected. All in favor.

SCOTT SCHAAL: Public Hearing for Site Plan approval for landscaping/farm/nursery business at 3210 Gardner Road. Chairwoman Smith advised those in attendance that they would not be on the agenda tonight. They were not ready for the meeting, but would be on for the December meeting.

BELL ATLANTIC MOBILE SYSTEMS OF ALLENTOWN, INC., D/B/A VERIZON WIRELESS: Public Hearing for Site Plan Approval for a micro cell wireless telecommunications facility on property located near 8144 Indian Hill Road. The Zoning Board of Appeals was the lead agency for SEQR and the Planning Board is charged with the Site Plan review. The ZBA has approved the SEQR for a negative declaration.

Jared Lusk, Esq. was present at the meeting on behalf of Verizon. He stated that this project was started in 2014. On August 10, 2017 application was made for the Site Plan review at the Planning Board's meeting on August 21, 2017. Site Plan was revised for 105 foot tower with mono-pine at the top. It is the same design as all locations. They don't need a big hut to store equipment. Negative declaration has been approved for this location.

He has provided stimulation, tab 4 of the submission which has been revised. It will be monopole and mono-pine. There are renderings for various locations with the same mono-pine vendor used for years. We've never had any problems.

Kevin Coursen asked where Verizon is with the appeal?

Jared said that the Notice of Appeal is pending. A negative declaration required stealth if court approved 100', it would go on like a Christmas tree.

Chairwoman Smith asked for clarification of the 105 foot includes 100 foot from the top?

Jared Lusk said it is 100 foot with 5 foot of added steel pole to make the top of the tree. Branching goes a little higher, 110 foot. Ten foot of branching.

Chairwoman Smith asked if the lightning rod is included?

Jared Lusk then provided photos (tab 5), lower right corner shows what it looks like now. Also there is a generator that operates when the power is out. It is a manually operated dial switch. The exterior lights are only on when someone is there (mostly during the day). It is for the safety of the people working on the platform and is diesel.

John Shaheen asked how big is the tank?

Jared Lusk said 500 gallons.

Chairwoman Smith asked if it is above ground?

Jared Lusk stated that it is above ground.

John Shaheen then asked who the vendor is for mono-pine?

Jared Lusk stated Savor Tower. They usually send specs out for bid. Savor Tower usually gets the bid.

Chairwoman Smith stated that Lyndon Corners looks very weathered.

Jared Lusk stated they are all installed by approved vendors. He then showed a picture of mono-pine in the Town of Saratoga. The key is context. In a wooded area would be the best option.

He then stated that they did notify the neighbors and responded to the Town Engineer. Mr. Falcone has to have the deed notarized as a condition of the approval. It will not be filed with the County until they receive approval.

Woods surround it all. ZBA Chair Tessier suggested that it be put in a strand of trees. There will be a chain link fence around it.

The curb cut has the Highway Superintendent's approval. Certification Federal omission is standard. The tower is shorter, equipment is upgraded. Updated certification and updated equipment was requested.

If they did not maintain under Federal regulations, they would lose their license. A third party does the testing with periodic updates to make sure it is only operating per the regulations.

Attorney Jeff Brown stated he has received e-mails from residents asking about the environmental impact. He reached out to the consultant and he has sent back a reply.

This Board cannot necessarily mandate continuous RF testing, but can require Verizon to be in compliance with the FCC. He advised Mr. Lusk that this is something the Board will look into.

John Shaheen stated that we can't deny the application, but can require more testing.

Jared Lusk stated it is not uncommon for towns to require EF emission reports/documentation.

Chairwoman Smith stated that the Zoning Board of Appeals is the lead agency. They did the SEQR. To be clear, the height approved was 100 feet and 110 feet will be the over all height of the tower with the branching extending up to 110 feet. If a monopole was used, it would stay at 100 feet with a 5 foot lightning rod and the mono-pole would be 110 feet with the lightning rod and branching. The steel and branching portion at 105 feet with 5 feet additional steel to accommodate the branches.

Attorney Jeff Brown said they do have the ability to have an additional carrier. They would have to come back to the Planning Board if they did that.

Kevin Coursen asked if the co-location company is held to the same standards as Verizon.

Jared Lusk stated that AT&T and T Mobile have similar equipment.

Attorney Jeff Brown said that the Zoning Board of Appeals attempted to put in restriction not to allow any other carrier. It was overturned by the court. Verizon advised that they haven't had any contact from other companies to add to the tower.

Attorney Jeff Brown asked who gets to move up to the top of the tower? Verizon or the new company? Do both companies go to the meetings?

Jared Lusk said that on the AT&T tower Verizon went to the top. Verizon gives letter of consent and they would take care of it.

Attorney Jeff Brown asked does the law push co-location on the communities. Does it limit the number of additional companies or is it carte blanche

Jared Lusk said that our code prefers co-location. Add 20 feet instead of a new tower. Verizon has no plans of any co-locator or to extend it. They just want to get it built and operational. There is a substantial gap coming up Rt. 92. The goal is to pursue another location if need be.

Attorney Jeff Brown said that it will be turned on, see if there is an issue or if it meets its goals.

Jared Lusk stated that the area will be better than most, but there will be a hole and will have to decide what to do then. We could come back for another tower if coverage is not sufficient.

Carl Fahrenkrug asked is it possible to come back and request to add an extension?

Jared Lusk said it will operate at 4G , then will go to 5G. In meeting talk about 5G, most are close to people. The demand on wireless network, internet is for more and more. The internet where 5G antennas are on buildings. It needs to be where people are, smaller antennas, closer to people. Every wireless carrier is doing this.

Chairwoman Smith asked will there ever be less macros?

Jared Lusk said that the macro networks can't operate on just little towers. If you don't have coverage, now trying to provide more coverage, not expand the network.

Motion by K. Coursen, seconded by J. Shaheen to open the public hearing.

Chairwoman Smith asked that you speak one at a time and give your name and address. Approach the Board and talk to the Board. The Board has received two letters from residents. One from Mark Elaine Quick and Chris & Richard Moseson.

David Peckham, 4110 Gibbs Road. He had been out of touch. The ZBA gave approval formulating 100 foot, now it is up to 110 foot. It is now in appeal court. What happens if the appeal is granted?

Attorney Jeff Brown stated that the appeal has not been perfected. It hasn't been before the Appeals Court. Verizon has reserved the right to file an appeal.

David Peckham asked the location of the tower.

Attorney Jeff Brown said that the issue was resolved by the ZBA. Verizon applied for a 120 foot tower. The notice of appeal stated it shouldn't have been denied the 120 foot tower. The fact that Verizon is going ahead with the Site Plan at 100 foot is an indication that the appeal won't be perfected.

Jared Lusk said that if the Planning Board was not cooperative, they would likely perfect their appeal. The goal is to get it done at the 100 foot approved.

Mark Quick, 4114 Pompey Center Road. He wrote the letter to the Planning Board. The last sentence requests that the applicant submit to the Town of Pompey, for public review, a pre-construction report showing the anticipated radiation levels of a mature facility, meaning fully constructed, with 4 full service carriers on the tower.

Jared Lusk stated that if it doesn't operate within FCC rules, they could lose their license.

It is tested every six months, maximum power on all four frequencies at the tower. It is self reporting. Many municipalities require 3rd party.

Mark Quick asked how is it really verified?

Kevin Coursen asked who would do the monitoring?

Mark Quick said as long as it is calibrated equipment, it would be by a third party.

Carl Fahrenkrug suggested discussing with our consultant on what is done.

John Shaheen said what they are saying is they would like to see the actual data.

Mark Quick said it is done quarterly.

Kevin Coursen asked isn't Verizon providing the information?

Jared Lusk said he has never heard of this other than that the certification is required.

Kevin Coursen said asking the 3rd party to test to make sure they are not exceeding what they are licensed for.

Mark Quick said that the calculations, loss of cables, out put tell the affected at the tower. Applicant makes sure the FCC license regulations are followed.

Attorney Jeff Brown will talk to Town's cell consultant. Verizon not inclined to provide specific data, just following the FCC license. Will see what he comes back with.

Richard Moseson, 8202 Indian Hill Road. He had a letter and some pictures. This is a quiet road, ride bikes, horses and walkers will all see the tower. We need to have it look like a tree. The tower at Lyndon Corners, you can see the antennas. Recommend a mono-pine made by Larson Camouflage. It needs to look good.

The second paragraph deals with lights and should utilize minimal lumens, to be shielded from the night sky and only be used when necessary. The preference would be a natural wooden fence. Need to keep people out of the area.

Jared Lusk said that the gate will be by the road. They will put the fence wherever the Board wishes it to be. It will be galvanized and painted.

Richard Moseson said that at the ZBA meetings Chairman Tessier said that he was involved with the tower in Clay. He drove up there and it is already losing some branches. He hopes the Planning Board will insist the right to say "tower no longer looking acceptable" and has a timely time to get it repaired.

Jared Lusk said that just to be clear, it is not a condition of approval to maintain the tower. Verizon has no interest to go to court. They will maintain the tower. They have never had a town say it needed to be maintained.

Richard Moseson said that the Planning Board should have a say if it is not acceptable. If the site stops being used, can there be something in approval that it needs to be removed if Verizon loses the appeal?

Krista Sweetser, 8071 Indian Hill Road. You said it is a chain link fence. At the ZBA meeting they said it would have razor ribboning on the fence.

Jared Lusk said that it is a gravel road and fence. The gate will be at the front. There will be barbed wire on top of the fence. The fence is 6 feet with 2 feet of wire on top.

Krista Sweetser asked if the Town Board would maintain? Does Verizon maintain to their height?

Jared Lusk said it has co-location rules for other carriers. It is extended and cannot defeat the stealth purpose. The Board approves. The Board requires maintenance of stealthing. The branching is continued.

Attorney Jeff Brown said the question is who maintains?

Jared Lusk said the new owner.

Mark Underwood, 4113 Pompey Center Road. During the Zoning Board of Appeals meetings, it was brought up that if Verizon sells the tower, would the Board be made aware of the change?

Attorney Jeff Brown asked if Verizon ever sells their towers. Would it be applicable to the new owners?

Jared Lusk stated he has never heard of Verizon selling mono-pines.

Two schools in Fayetteville-Manlius School District, Eagle Hill and Wellwood are rented to Verizon. They were asked to go to Wellwood to install a micro' cell. They are doing a study to see if they want to do it. It is the size of a 5 gallon pail. It goes 500 feet in each direction.

Lou Litchison, 8701 Indian Hill Road. He wants to ask about the cell tower at Lyndon Corners. At the moment it looks like a Charlie Brown Christmas Tree.

Jared Lusk stated he does not have anything to do with that one.

Lou Litchison said that it looks like it has not been maintained.

Attorney Jeff Brown said that if the Town goes to Verizon, we will require them

to fix it.

Jared Lusk said to make it a condition of the approval to maintain, if it is not done, you have removal approval.

He would urge Jeff to call the Adirondack Park, Rick Weber, regarding the tower that is there.

Kevin Coursen said that Larson on the internet said fake Christmas Tree. He doubts if a tower disguised as a tree would be considered a real tree.

Jared Lusk said it is a lot cheaper to do a mono-pole. The mono-pine is what the Board wanted. It is more expensive than the mono-pole. It is a matter of personal preference.

Chairwoman Smith feels the tower blending in is better than the mono-pole and mono-pine.

Attorney Jeff Brown said to look at tab 4, picture 2C.

Jared Lusk said the definition of stealth, can paint it.

The Board compared two pictures, one with tree and the other with just the mono-pole .

Elaine Quick asked if we didn't do the camouflage, the tower would be 100 feet.

It would be 100 feet with lightning rod.

Lou Litchison said on the computer generated picture, the sky line real antenna would be 25 feet above the trees. The trees would be 10 feet more. Twice as much above the trees.

Jared Lusk said that they did take a picture and added mono-pine tower.

Kevin Coursen said they all like the mono-pine.

Chairwoman Smith asked about the picture coming from LaFayette. What will hit you first? Will it be the tower pole or the mono-pine? Everybody is in favor of the tree.

Jim Falcone, 8144 Indian Hill Road. The trees are just off the road. If it sits back in you won't see it.

Elaine Quick asked where is the dead zone? Could Verizon do some high landscaping with trees so you don't see it?

Kevin Coursen said there will be a cell tower. People will know it is there. You will see the gate. To completely hide, it isn't practical.

Elaine Quick asked if at the driveway is there a shrub line?

Kevin Coursen said for the cost and effort to do that, how many people would it affect?

Chris Moseson said to picture a beautiful vista. Her suggestion is that the tower be nestled in evergreens. If it can't be moved, could they add more screening? It is more visible in the winter.

Jared Lusk said it can't be moved.

Chris asked how do you ask the Board to have Verizon do this?

Jared Lusk he is telling you that he has walked it. There are trees there. What if we agree to put trees around the platform? The property she is talking about is Falcone property.

Chairwoman Smith said that because it is wetland, you are limited to what you can do.

Attorney Jeff Brown said we will get information from our consultant.

Motion by S. Smith, seconded by C. Fahrenkrug to close public hearing.

Kevin Coursen asked who bears the cost of testing the equipment? If the consultant said we could do test, we would need to get permission.

Jared Lusk said that Verizon provides the certification and that is it.

John Shaheen asked if by providing certification there is no testing?

Jared Lusk said Verizon does the certification as required. He will check with the techs to see how they do it.

Kevin Coursen said that we are in agreement with camouflage tree. The only remaining issue is some sort of testing to see if it meets FCC requirements.

Kevin Coursen asked then everyone is in agreement with the mono-pine. At the next meeting, what is left for us to do?

Attorney Jeff Brown said that the residents seem to be very knowledgeable. Do we want to leave the public hearing open? Listen to the consultant with more information available.

Motion by S. Smith, seconded by K. Coursen to adjourn the public hearing until the next meeting. All in favor.

Motion by C. Fahrenkrug, seconded by K. Coursen to adjourn the meeting at 9:30 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary
Town of Pompey Planning Board