

**Town of Charlton
Saratoga County
Town Board Meeting**

January 13, 2020

The Regular Meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall, 758 Charlton Rd, Charlton, NY and called to order by Supervisor Grattidge at 7:04 p.m.

Supervisor Grattidge led the pledge of Allegiance.

*Present: Councilman Grasso, Councilwoman Heritage, Councilman Robbins, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Craig.

2020 ORGANIZATIONAL RESOLUTIONS

Supervisor Grattidge said that the Board has had an opportunity to review Organizational Resolutions 1-45 ahead of time. He read the title of each resolution and then asked the Board if they had any questions, concerns or changes regarding the resolutions.

*Councilman Ranaletto entered the meeting at 7:10 p.m.

Councilman Grasso asked that on page 18, the Deputy Supervisor position be moved from the Elected Officials section and put under Appointive section.

RESOLUTION #1 - 45

Approval of 2020 Organizational Resolutions

Motion by Councilwoman Heritage

Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has approved Resolution Numbers 1-45 as presented in the 2020 Organization Resolution.

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grattidge: Aye. **CARRIED.**

Councilman Grasso said that when he was reviewing the Organizational Resolutions, he was reminded of well over 100 residents that volunteer their time to serve on the Town's Boards and Committees, many at no pay, and give a lot of time and commitment to the Town. He gave thanks for their service.

APPROVAL OF MINUTES

RESOLUTION #46

Approval of Minutes

Motion by Councilman Grasso

Seconded by Councilman Ranaletto

BE IT RESOLVED that the Town Board has approved the minutes of the Town Board Agenda Meeting Minutes on December 30, 2019.

Vote: All Ayes, No Nays. **CARRIED**

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

No one chose to speak.

TOWN CLERK'S REPORT

The Town Clerk's office took in \$432.75 for the month of December. \$370.58 was paid to the Supervisor, and \$62.17 was paid to other Governmental agencies.

Town Clerk's Annual Report: The Town Clerk's Office took in \$11,053.22 in 2019, of which \$6,314.91 was paid to the Supervisor's Office as revenue. \$3,676.31 was paid to DEC for 145 Hunting and Fishing licenses. \$702.00 was paid to NYS Animal Control Population Fund for 623 dog licenses, and \$360.00 was paid to NYS Dept of Health for 16 marriage licenses. The Town Clerk's office also issued 99 Handicap parking tags, 37 Certificates of Residency, 137 certified copies of Vital Records, 13 Death Certificates and 13 Burial Permits.

RESOLUTION #47

Acceptance of the Town Clerk's Report

Motion by Councilman Grasso

Seconded by Councilwoman Heritage

BE IT RESOLVED that the Town Board has accepted the Town Clerk's reports as read.

Vote: All Ayes, No Nays. **CARRIED**

SUPERVISORS REPORT

For the month of December, I attended 3 Town meetings and 5 County meetings.
Some of the highlights of the month:

- Attended normal Town and County meetings

Supervisor Grattidge confirmed that the Board received the bank reconciliation and financial reports, as well as and Updated Fund Balance report and a Budget Close-out report from the bookkeeper.

(see financial report on next page)

MONTHLY REPORT OF SUPERVISOR

TO THE TOWN BOARD OF THE TOWN OF CHARLTON :

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of December, 2019:

DATED: January 6, 2020

SUPERVISOR

| | Balance 11/30/2019 | Increases | Decreases | Balance 12/31/2019 |
|----------------------------------|-----------------------|-------------------|-------------------|-----------------------|
| A GENERAL FUND - TOWNWIDE | | | | |
| CASH - CHECKING | 28,775.15 | 69,634.12 | 69,768.37 | 28,640.90 |
| CASH - SAVING | 180,808.78 | 154,004.37 | 69,633.37 | 265,179.78 |
| PETTY CASH | 500.00 | 0.00 | 0.00 | 500.00 |
| Park Fees Reserve | 43,050.08 | 18.10 | 0.00 | 43,068.18 |
| TOTAL | 253,134.01 | 223,656.59 | 139,401.74 | 337,388.86 |
| DA HIGHWAY FUND | | | | |
| CASH - CHECKING | 301.40 | 61,015.39 | 61,015.39 | 301.40 |
| CASH - SAVINGS | 111,612.96 | 51,677.23 | 61,015.39 | 102,274.80 |
| CASH, SPECIAL RESERVE | 15,500.35 | 3.90 | 0.00 | 15,504.25 |
| TOTAL | 127,414.71 | 112,696.52 | 122,030.78 | 118,080.45 |
| F WATER #1 FUND | | | | |
| CASH - CHECKING | 33.54 | 6,172.30 | 6,172.30 | 33.54 |
| CASH - SAVINGS | 293,875.41 | 116.37 | 6,172.30 | 287,819.48 |
| CASH, SPECIAL RESERVES | 200,074.93 | 2,240.75 | 0.00 | 202,315.68 |
| TOTAL | 493,983.88 | 8,529.42 | 12,344.60 | 490,168.70 |
| SW WATER #2 FUND | | | | |
| CASH - CHECKING | 0.00 | 119.89 | 119.89 | 0.00 |
| CASH - SAVINGS | 27,229.09 | 10.34 | 119.89 | 27,119.54 |
| TOTAL | 27,229.09 | 130.23 | 239.78 | 27,119.54 |
| TA TRUST & AGENCY | | | | |
| CASH - CHECKING | 13,707.34 | 40,392.86 | 44,642.86 | 9,457.34 |
| TOTAL | 13,707.34 | 40,392.86 | 44,642.86 | 9,457.34 |
| H CAPITAL PROJECTS | | | | |
| CASH - CHECKING | 91,217.00 | 41,042.00 | 25,336.00 | 106,923.00 |
| SAVINGS | -42,746.00 | 0.00 | 39,513.00 | -82,259.00 |
| TOTAL | 48,471.00 | 41,042.00 | 64,849.00 | 24,664.00 |
| TOTAL ALL FUNDS | 963,940.03 | 426,447.62 | 383,508.76 | 1,006,878.89 |

ANNOUNCEMENTS

The Town offices will be closed January 20th for Martin Luther King Day.

County Tax bills can now be viewed on the Town of Charlton website. The Tax Collector is working on getting the credit card payment option up and running.

COMMUNICATIONS

A flyer was received for the Cornell Cooperative Extension and Saratoga Plan's Farmland Access Programs regarding the programs that they are putting on in January. The next program is at the Ballston Town Hall on January 16th. The flyer with additional information is available on our website.

DEPARTMENT, COMMITTEE & COUNCILMAN REPORTS

Highway – Superintendent Heritage gave the report for the month of December:

1. 811 Dig locations 10
2. Set up the Christmas tree in the gazebo
3. Cutting brush
4. Snow plowing
5. Cleaning the shop
6. Truck maintenance
7. Cleaning trucks
8. Mix sand salt
9. Patched pot holes
10. Cleared fire hydrant's
11. Maintained town walkways
12. Cleared catch basins
13. Put together road work plan for year 2020
14. Started picking up Christmas trees
15. Having safety meetings

Town of Ballston Library – Colleen Smith gave the following report:

The library applied for a Southern Adirondack Library System (SALS) Challenge Grant in December to receive \$5000 to be used toward painting the library's second floor main room and stairwells. The upstairs main room hasn't been painted since the library was built in 2001. If the grant is received, the project would be completed during first or second quarter 2020. Library Mini-Golf will take place on Friday and Saturday February 21 and February 22. This event is a fundraiser for the Friends of the Library and welcomes golfers of all ages and abilities! Twenty-three people attended an Active Shooter/Stop the Bleed program at the library last Saturday presented by the Saratoga County Sheriff's Office and the Albany Med Trauma Program. Attendees reported that they enjoyed and learned a lot from this important workshop.

Historian - Marv Livingston said he found a resolution from 1792 that prohibited the running loose of pigs in Town from April to November. He also shared some trivia facts about some of the 116 car manufacturers that once operated in the State of New York.

Charlton Seniors – Marv Schorr reported that the Seniors had 202 members at the end of 2019. It is their biggest membership ever.

Founders Day and Party in the Park – Councilwoman Heritage said that Founders Weekend will be June 6th and 7th. The Party in the Park Committee meeting to begin the event planning will begin soon. Any resident that would like to get involved is welcome.

Constables – In December, there were 30 patrols, 14 complaints, 12 911 calls, 8 accidents & 6 EMT calls responded to. 2,900 miles were traveled, and 31 tickets were issued (12 issued on Route 67).

Dog Control – In December, there were 5 calls received, one pertaining to other animals, 4 expired licenses followed up on, and 1 dog returned to owner.

Zoning – For the month of December, there was \$858.16 in fees collected and the permit value was \$523,965.00. Terry Anthony took over as the new Zoning Administrator on January 1st.

ZBA – The Board will meet on January 14th to deliberate on a ground mount solar application.

Supervisor Grattidge said that he spoke to the Kim Caron, Town Assessor and a decision was made to postpone the Town Revaluation until 2021, as the County will be getting a program with updated pictometry later in 2020, and this program will be very useful for the revaluation.

Supervisor Grattidge said that he attended the Burnt Hills Business and Professional Association’s annual meeting where they invited the Supervisor’s of Charlton, Ballston, Glenville and Clifton Park. It was noted that the Town of Glenville will be celebrating their 200th anniversary of being established in 1820. Glenville was originally part of the City of Schenectady which they called the Pastures or the Woodlands. When the city occurred financial problems in the 1800’s they sold off Glenville and Rotterdam.

MOTIONS, RESOLUTIONS, AND AUTHORIZATIONS

RESOLUTION #48

A RESOLUTION FOR BUDGET TRANSFER – GENERAL FUND 2019

Motion by Councilman Grasso

Seconded by Councilman Ranaletto

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grattidge: Aye. **CARRIED.**

01/13/2020

Resolution # 48

Resolution for Budget Adjustments/Transfer of Funds

To cover the cost of additional Town Clerk – Staff expense:

For Budget Year 2019, General Fund,

Increase expenditure account, A1410.11, Town Clerk-Staff, by \$131.50

Decrease account, A1990.4, Contingent-Contractual, by \$131.50

| | | | |
|-------------|----------------------|---------------------------|-----|
| Moved by | Councilman Grasso | Voting: Councilman Grasso | Aye |
| | | Councilwoman Heritage | Aye |
| Seconded by | Councilman Ranaletto | Councilman Robbins | Aye |
| | | Councilman Ranaletto | Aye |
| | | Supervisor Grattidge | Aye |

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: January 13, 2020

Brenda Mills, Town Clerk

Supervisor Grattidge asked Attorney Craig to give an overview of Resolution of #50 regarding the cell tower application. Attorney Craig said that the resolution is eleven pages long. The first few pages include the history of the project, and then it has a section of what the Board considered including, the purpose, project need, environmental impacts, and a detailed listing of the impracticality of use of the water tower for this project. There are 10 conclusions, and it goes over the criteria of what is covered in the Charlton Zoning Ordinance regarding Exceptional Use Permits. It includes a discussion of Local Law # 1 of 2015, which is entitled " A Local Law Relating to Telecommunication Towers in the Town of Charlton". It ends with a motion to approve the application with conditions. Attorney Craig read the conditions (included at the end of the resolution below). The Attorney said that because the Board has had the opportunity to review this resolution, he suggested that they waive the reading of the document.

RESOLUTION #49

A MOTION TO WAIVE THE READING IN ENTIRETY OF RESOLUTION #50

Motion by Councilwoman Heritage
Seconded by Councilman Ranaletto

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grattidge: Aye. **CARRIED.**

RESOLUTION #50

A RESOLUTION GRANTING AN EXCEPTIONAL USE PERMIT TO CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS TO PLACE A CELL TOWER AT 764 CHARLTON ROAD

Motion by Councilwoman Heritage
Seconded by Councilman Robbins

Discussion: Councilman Grasso said that the Board has been working on getting a cell tower for over 4 years. There have been tremendous comments provided to the Town Board regarding both locations, both for and against, regarding the need for improved cell service for the Town, the pros and cons of the various sites, and the process that the Town Board should take into consideration. Over the past year there has been a lot of input from the Cell Advisory Committee, which we decided to form from the requests of the public. They have done a tremendous job, putting in a lot of effort, helping the Board review the merits of the application. He thanked the Committee members present. He thanked the previous Town Board members for their efforts through the years and he thanked the residents for their patience over the years. It has been a topic in Town, with a need for improved coverage. He thanked Verizon for sticking with the Town and for putting through an application that the Town Board could get behind. He thanked Attorney Craig for his efforts and time that he put in to making sure that the Town had the right documentation in supporting their decisions. He said that this was a tremendous amount of effort on everyone's part. At the last meeting, the Board approved the Negative Declaration saying that this application and the construction of a cell tower on Charlton Road will not have a significant impact on the environment. That was a unanimous decision on the Board's part and that laid the ground work to be able to vote on approving the Exceptional Use Permit application tonight. This will be the last decision of the Town Board. The next step is for the applicant to apply for a building permit and then the construction of the tower sometime later this summer. The record is clear, and it shows the benefits and all of the impacts considered by the Town Board. He is fully in support of the application and moving forward with it.

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grattidge: Aye. **CARRIED.**

**TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK**

**RESOLUTION NO. 50
January 13, 2020**

**A RESOLUTION GRANTING AN EXCEPTIONAL USE PERMIT TO
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS TO PLACE A CELL TOWER
AT 764 CHARLTON ROAD**

WHEREAS, the Town Board passed a Resolution, on September 23, 2019, acknowledging receipt of a revised telecommunications tower Exceptional Use Permit (EUP) application from Cellco Partnership d/b/a Verizon Wireless to place a cell tower at 764 Charlton Road; and

WHEREAS, the Town Board accepted primary jurisdiction of the EUP application as authorized by the Zoning Ordinance of the Town of Charlton; and

WHEREAS, the Town Board further declared itself as lead agency with respect to all matters involving the requirements of the State Environmental Quality Review Act (SEQRA) with respect to this application; and

WHEREAS, the Town Board, the Charlton Planning Board, the Charlton Zoning Board of Appeals, the Charlton Environmental Conservation Committee, the Charlton Historical District Commission, the Cell Services Advisory Committee, the Saratoga County Planning Board, the Town Engineer, and the Town Attorney, were provided the documentation presented by the applicant regarding this matter for review and comment; and

WHEREAS, on October 30, 2019, the Planning Board submitted to the Town Board its advisory opinion regarding the EUP application; having reviewed fully the project and proposed site plan which is the subject of the EUP application, setting forth comments and suggestions which have been addressed to the satisfaction of the Town Board by the Applicant in subsequent submissions and its' letter of November 22, 2019; and

WHEREAS, the Town Attorney provided his opinion regarding the EUP application, with particular reference to New York State Town Law Section 274(b), indicating that all issues appear to have been properly addressed and reviewed; and

WHEREAS, the Town Engineer, the Environmental Design Partnership, did submit a detailed opinion letter to the Town Board, the Planning Board and the Town Attorney, on October 22, 2019, a copy of which is annexed hereto, and incorporated as part of the approval, regarding the revised EUP application, with particular focus and identification of items needing to be addressed and an extensive analysis of the issues to be considered in reviewing the application and approving the exceptional use permit; and

WHEREAS, the Town Board did receive and consider input from: the Saratoga County Planning Board on October 18, 2019; the Town of Charlton Historic District Commission on October 19, 2019; the Town of Charlton Zoning Board of Appeals on October 28, 2019; and the Town of Charlton Cell Tell Service Advisory Committee, last revised November 4, 2019, along with public input provided at the Public Hearing and by written submission thereafter, as well as numerous documents provided by the Applicant, including appraisal information, showing very little if any change in the value of the property associated with the addition of a cell tower; a Phase I Archeological Survey dated October 8, 2019; and a letter from the United States Department of the Interior- Fish and Wildlife Service dated October 23, 2019; and

WHEREAS, the Town Board did authorize the Town Clerk to submit a legal notice for a public hearing, to be held on November 25, 2019, which legal notice was properly and timely published in the official Town newspaper as is required by law; and

WHEREAS, the Town Board did receive a letter from counsel for Cellco Partnership d/b/a Verizon Wireless dated November 22, 2019, responding to all concerns and issues raised by all entities that responded to or provided comments on the application and supporting documents,

properly addressing the various outstanding and remaining issues, a copy of which letter is considered part of the application; and

WHEREAS, the Town Clerk was provided an affidavit of mailing notices regarding the proposed public hearing to all neighboring properties located within 2,500 feet of the 764 Charlton Road site, as is required by Town code; and

WHEREAS, a public hearing was duly advertised and held in compliance with Town Law, on November 25, 2019 at 6:30 p.m. at Charlton Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said application of Cellco Partnership d/b/a Verizon Wireless, to place a cell tower at 764 Charlton Road, or any part thereof, and

WHEREAS, the Planning Board and Zoning Board of Appeals, after having provided written comments, were further invited to attend the Public Hearing, provide further input, and upon further consideration, they had no further input, comments or concerns; and

WHEREAS, during the November 25, 2019 public hearing, the applicant did submit additional and amended documentation for consideration by the Town Board; and

WHEREAS, also during the November 25, 2019 public hearing, the applicant did make a detailed presentation as to the proposed site plan for 764 Charlton Road and presented detailed information regarding the site proposal, including location, ingress and egress, driveways and all other necessary aspects of the plan necessary to describe the new cell tower location, including addressing all concerns and issues previously raised by those Boards and committees that had previously provided input; and

WHEREAS, members of the public in attendance, members of the Town Board, and any members of those other Boards or Committees that were in attendance were able to ask questions of the applicant and its representatives regarding the proposed site plan; and

WHEREAS, the Town Board did approve a resolution at its December 30, 2019 meeting determining the environmental non-significance under the New York State Environmental Quality Review Action (SEQRA) regarding the exceptional use permit application of the cell tower located at 764 Charlton Road, which resolution determined that granting of the proposed exception use permit constitutes an unlisted action as defined under SEQRA regulations and the proposed project would not have a significant effect on the environment and could be reviewed and approved by the Town Board without further regard to SEQRA; and

WHEREAS, the Town Board has now reviewed all of the documentation submitted to it with respect to the requested exceptional use permit, including a letter from the Town Environmental Conservation Commission dated October 31, 2019, indicating seven minor issues to be addressed, which said issues were addressed in the letter from the applicant's counsel aforementioned, and further addressed herein, and in addition the Town Board has been advised by the Saratoga County Planning Board that this EUP application has no impact relative to County roads or resources; and that all other required responses as set forth in Article VII of the Charlton Zoning Ordinance have been received, reviewed, considered and addressed; and

WHEREAS, the determination and approval granted herein is based in part upon the following facts and conclusions:

Purpose

The purpose of the Charlton Center communications facility is to provide an adequate and safe level of emergency and non-emergency Verizon Wireless communications services to the south and central portions of the Town of Charlton. The facility will offer significant improvements in both capacity (ability for the network to adequately satisfy the demand for high speed wireless services) and in-building coverage to the homes, businesses and communities along County Route 51 (CR-51 / Charlton Rd), County Route 52 (CR-52 / Jockey St & Swaggertown Rd), and into the Hamlet of Charlton. Additionally, the proposed facility will fill in existing coverage gaps in the 4G network and along several local thoroughfares and community roads (e.g., Stage Road, Maple Avenue, Peaceable Street, etc.) across the target coverage area.

Project Need

The area within which Verizon Wireless can locate its facility to provide adequate and safe coverage (the “search area”) is determined by a number of factors, including terrain, vegetation and the locations of local population centers and surrounding sites in the Verizon Wireless network.

Existing 4G/LTE service in the area is limited and originates from several existing Verizon Wireless communications facilities within the Town of Charlton and in the neighboring Towns of Ballston and Glenville. Verizon Wireless’ surrounding facilities include its “Charlton” site (3.5 miles north on the self-support tower off Jockey Street in the Town of Charlton), “Ballston” site (3.8 miles east on the self-support tower off N.Y. State Route 50 in the Town of Ballston), “Glenville” site (3.7 miles southeast on a monopole tower off NY-50), “Rotterdam Junction” site (4.5 miles south on a monopole tower off Rector Road), and “Pattersonville” site (4.5 miles south on a monopole tower off Waters Road). Although these facilities are successful in providing coverage within their intended localized areas, they do not provide sufficient 4G/LTE coverage to the targeted area in southern and central Charlton.

Accordingly, construction of a new, locally-based communications facility is required to provide a dominant (i.e., continuous) level of advanced communications service to this area. Reference is made to the Site Selection Analysis prepared by Verizon Wireless’ Radio Frequency (RF) Engineer and Site Acquisition Specialist, detailing the purpose and need for this facility. This project is part of a comprehensive upgrade of the Verizon Wireless network in Saratoga County, and serves as a suitable platform for future advanced wireless services expansion at the proposed site and deeper into the town’s residential and more rural areas.

The facility is located on a relatively large (47.14± acre) parcel, located within the search area. The monopole, equipment pads and associated improvements will be located on a 100± ft. x 100± ft. (10,000± sq. ft.) section of the premises. Additionally, the site will generate a minimum amount of vehicular traffic (3-4 trips per year by Verizon Wireless for routine maintenance purposes). As an unmanned communications facility, no water supply or sewage treatment / disposal issues have been identified. An emergency generator fueled by propane gas will be used.

Impact on Land

This project will result in a small to negligible impact on land. The project site is located on a large (47.14± acre) parcel, which is in residential use and was formerly in agricultural production. Ingress, egress and utility services (power and telephone/fiber) will originate from Charlton Road utilizing an existing gravel access road for a portion of the distance, which will be extended and will connect the public road with the tower compound. Utilities will be installed underground in a trench adjacent to the access drive. The access road runs in a generally northerly direction from Charlton Road to the base station yard.

The monopole facility and ground equipment will be located within on a 100 ft. x 100 ft. lease area in a location characterized by both open agricultural fields (or former agricultural fields) and dense, mature trees.

The proposed monopole facility and associated ground equipment are located inside a 75 ft. x 75 ft. fenced tower yard. The installations include: six (6) panel antennas mounted at the top position of a proposed 120± ft. monopole (124± ft. when including a 4± ft. lightning rod); an equipment cabinet on a concrete pad measuring 4.0± ft. x 7.0± ft. in size; utility and RF equipment on a “H” frame mounting structure; a 30 kW propane generator on a concrete pad measuring 4.0± ft. x 7.0± ft. in size for emergency power; cabling connecting the antennas to the equipment platform; and associated cabling and all related ground equipment and utility services (power and telephone/fiberoptic services).

The lease area/tower compound will be accessed over an existing gravel access road that is 1,537± feet in length that will be extended by 993± feet to reach the lease area/tower compound. When combined with the construction of the tower compound, there will be a total of 30,492± square feet (0.7± acres) of grading/disturbance.

The parcel is a large property in an area of residential, agricultural, commercial and municipal uses. Due to the relatively low height of the facility, FAA obstruction lighting is not required at this site.

The communications facility will be unmanned, and visited for routine maintenance purposes approximately 3-4 times per year by Verizon Wireless (only as needed). As such, this project will not have any impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted. Adequate parking is provided for emergency vehicles and/or infrequent maintenance visits adjacent to the fenced tower compound. A six (6) foot high chain link safety fence (with three strands of barbed wire at top) will be installed to secure the tower site and protect Verizon Wireless’ telecommunications equipment from unauthorized access.

Impact on Water

The proposed Communications Facility will not result in any significant impact upon (a) any water body, protected or non-protected, (b) surface or groundwater quality or quantity, or (c) drainage flow or patterns, inclusive of surface water runoff.

No NYS or federal regulated wetlands are located on, or in close proximity to, the work to be constructed for the tower compound. There is an existing New York State regulated wetland (NYS Wetland ID B-42) and a farm pond in the vicinity of the existing access road. While the existing access road is not in the wetlands, it is in the 100 foot buffer. Accordingly, a permit must be secured to install the underground utilities within the buffer area. It is expected that the permit will contain standard and site-specific conditions to maintain the quality of the nearby wetlands. Standard sedimentation and erosion control techniques will be implemented at the site during the construction phase to eliminate potential impact(s) to the wetlands and farm pond. Silt fence will be utilized around the site to prevent silt and soils from being impacted by stormwater. Accordingly, any potential sedimentation and/or erosion-related impact(s) will primarily be confined to the construction phase, and will not be continuous in nature and scope and will be mitigated by the use of appropriate controls.

Along the path of the existing and proposed access road, existing culverts will be utilized to limit the required construction activities to minimize any impact to streams and wetlands.

With respect to the generator, diesel fuel is not proposed as a fuel source and will not be stored on-site. Rather, propane will be used as a fuel source. In the unlikely event of a leak of propane, the gas vaporizes and does not affect soil or water.

Impact on Air

This project will not result in any significant impact on air quality. The Communications Facility proposed does not involve or concern any air quality issues, permit or otherwise. This Communications Facility will be unmanned, and visited for routine maintenance purposes

approximately 3-4 times per year by Verizon Wireless (only as needed). Therefore, no significant traffic-based impact(s) exist. The site will have a backup propane-fueled generator located on a concrete pad which is exercised automatically every other week and which otherwise only runs during a power outage to keep the network in operation. The generator complies with all existing emissions regulations. As such, any minimal impact(s) on air quality, if any, will be confined to the construction phase and/or will be negligible in scope and effect during the operational phase.

Impact on Plants and Animals

The proposed Communications Facility will not result in any significant impact on threatened/non-threatened or endangered/non-endangered species of plants or animals. The Full EAF and consultation process indicate that lands in the vicinity of the facility are the location of regularly occurring, non-threatened and non-endangered native plants and animals. With respect to other species, given the small amount of clearing that is proposed to accommodate the access drive and facility, no significant impacts to plants or animals are expected, particularly in light of the significant amount of remaining lands available to accommodate existing animals.

Impact on Agricultural Land Resources

The proposed Communications Facility will have no significant impact on agricultural land resources as the property is not currently in agricultural production. In addition, the property is not listed as being a farm operation within an agricultural district certified under the Agriculture and Markets Law, Article 25-AA, Section 303 and 304. However, the property is within 500 feet of a farm operation within an agricultural district certified under the Agriculture and Markets Law, Article 25-AA, Section 303 and 304. Accordingly, an Agricultural Data Statement was prepared by the Applicant and submitted to the Town for review. Farm operations within 500 feet were notified of the public hearing. During the public hearing process no comments were received that the construction of the facility would have an adverse effect on a farm operation. There is ample farmland in the Town of Charlton, both in production and fallow/unused prior farmlands. Accordingly, the use of 0.7± acres of land to support a needed telecommunications facility is not an adverse impact. To the contrary, it is an appropriate use of land to provide a necessary and needed utility service to the residents of the Town.

Impact on Aesthetic Resources

The proposed Communications Facility will result in a negligible to minor impact on aesthetic resources, or no significant visual impact, depending on location and view.

Cellular radio is a “line-of-sight” technology. While radio signals do have some degree of bending (known as diffraction) around obstacles, terrain and vegetation can block or significantly interfere with transmissions to and from a cell site. Distance is also a critical consideration, because increased space to and from the coverage objective means that the proposed facility (and all mobile devices communicating back and forth with that facility) must operate at higher power levels to achieve a proper level of coverage and performance (if possible). Moreover, this technology operates at significantly reduced effective transmit and receive power levels, making modern wireless networks more susceptible to blocking and/or interference than in prior years.

Existing vegetation in the 30 foot to 80 foot tall range in the vicinity will serve to buffer and shield the tower from view to most of the immediately surrounding area. The Applicant conducted several Visual Resource Evaluations (“VRE”). The Visual Resource Evaluations indicated that, except for a limited number of properties, no portion of the coverage area will be able to see the facility. As to those properties that have views of the facility, the majority of the views are screened and limited by thick tree growth. More specifically, there are limited areas identified with views of the tower as shown on the Viewshed Analysis Map:

- The primary area from which the tower can be viewed is from certain properties along Maple Avenue.
- There are limited views from Jockey Street.

As noted, tower-marking and lighting is not required by the FAA.

During the course of the review process, in response to resident concerns and Town Board requests, the applicant reduced the size (width) of the antenna booms and also reduced the number of antennas to be deployed from twelve (12) to six (6). Further, the applicant is proposing to paint the monopole, sector mounts, antennas and associated equipment white to limit the contrast with the sky and better blend the visible portion of the tower with its surroundings.

The compound fence and base station equipment is well removed and setback from nearby properties. The distances to nearby property lines are: 306'± to the west; 658'± to the north; 357'± to the east; and 310'± to the south.

In this context, the proposed communications facility has been sited and designed to have the least amount of visibility practicable, and any resultant visual impact is minimal in nature and scope.

Due to the physics of radio frequency (RF) signal propagation, Verizon Wireless' antennas need to clear all natural and man-made objects to function properly. This translates to a certain amount of unavoidable (but necessary) visibility, which in this case is limited to a small area. As such, it is determined that the proposed communications facility will not: (a) result in a significant level of visual or other impact to the surrounding community or neighborhood under the State Environmental Quality Review Act ("SEQRA"); (b) have a detrimental effect on adjacent land uses or the development of the area.

Impact on Historic and Archeological Resources

The proposed Communications Facility will not result in any significant impact on site(s) or structure(s) of historic, prehistoric or paleontological importance. The Applicants determined that there would be no direct effect and no visual effect on historic properties. In the unlikely event that any artifacts are uncovered, work will cease in that area and the materials will be recovered and documented in accordance with standard best practices.

The proposed site is near the Charlton Historical District. The Charlton Historic District is generally comprised of properties on either side of Charlton Road and is approximately 123 acres in size. The driveway (existing portion of the driveway) is in the Historic District but the tower compound and monopole are outside of the district by a significant distance. As identified in the Visual Resource Evaluation there are very limited views of the monopole from the Historic District. For those locations from which there are views, the views are limited, distant and largely obscured by existing mature vegetation.

The matter was referred by the Town Board to the Town's Historic District Commission ("HDC") for a report. The HDC reviewed the matter and the application materials and adopted a letter advising the Town Board that "[i]t was noted that the view of the 120 foot balloon was barely visible from the hamlet and can only be seen from a few select locations. It was unanimously determined by the membership of the Commission that the tower will not significantly impair the historical character of the hamlet."

Impact on Open Space and Recreation

The proposed Communications Facility will not result in any significant impact on the quantity or quality of existing or future open spaces or recreational opportunities given the small size of the facility and its placement on a large lot in private ownership. To the extent that the current owners utilize the property for recreation or hunting, a very limited amount of land will be removed from use and the minor amount of such land will have no appreciable effect on recreational or hunting opportunities. The Town Board also believes that the tower has the potential to keep the large parcel of land as open space by providing a rental revenue stream to the property owner thereby reducing the potential pressure to subdivide and sell a portion of the property as so often happens in rural communities. The project will provide recreation/open space users (and the traveling public) with additional and/or enhanced access to communications services for emergency and non-emergency use. The historical use of this technology for emergency communications purposes is well-documented.

Impact on Critical Environmental Areas

This project will not impact any Critical Environmental Areas as defined by NYSDEC.

Impact on Transportation

This project will not result in any significant impact on existing transportation systems. An existing gravel driveway/curb cut serving the residential property will be used and extended as a 30± ft. wide access driveway with the installation of gravel and crushed stone material. The access road runs in a generally northerly direction from Charlton Road to the tower yard. Utilities will be installed underground in a trench running along the edge of the access road from Charlton Road to the tower yard. The proposed communications facility will be unmanned and visited by Verizon Wireless approximately 3-4 times each year for Verizon Wireless (only as needed) for maintenance and inspection purposes. There will be a slight increase in vehicle trips during the approximately two month construction time frame associated with work vehicles and delivery trucks. The amount of additional vehicles is comparable to the amount associated with the construction of a single family home. Charlton Road is well maintained and will have no difficulty handling this small number of additional trips. There is no apparent sight distance or other traffic control issues related to the existing location of the driveway curb cut.

Impacts on Energy

The proposed Communications Facility will not result in any significant impact on the community's sources of fuel or energy supply. First, an adequate source of power exists at the existing service lines in the vicinity of the project. Second, it is estimated that the Communications Facility will require approximately the same number of kW hours of power as a 3-4 bedroom house per year to operate, an impact which is not considered to be significant and which will not cause the need for any major electrical upgrades.

Noise and Odor Impacts

This project will not result in any significant impact due to objectionable odors, noise or vibration. Any such impact(s) will be temporary and minor in nature and confined to the construction phase. All construction equipment will be equipped to properly mitigate noise and dust, properly muffled and otherwise in compliance with OSHA standards.

The only time that the propane-fueled emergency generator will run continuously is during times of a power outage. This is necessary to provide continuous wireless service to Verizon Wireless customers. The only other time that the generator will run is for a test cycle once every other week for approximately 20 minutes. The test cycle is generally set for Tuesday mornings after 9:00 am but can be adjusted as necessary.

Given the significant distance in all directions to the property lines and the heavy tree cover, the occasional use of a backup generator will not impact any neighboring land uses. The Applicant has submitted a Noise Evaluation Report which identifies that the sound at the nearest property line (315'± to the west) is 34.7 dBA and the sound at the nearest residence (800'± to the east) is 26.6 dBA which is significantly lower than the sound associated with a normal conversation (60 dBA).

Based upon the foregoing, the periodic operation of the generator will not represent a significant impact on the neighboring properties.

Impact on Public Health

The proposed Communications Facility will not impact the public health and safety.

A propane powered emergency generator will be located on a proposed equipment pad. The emergency generator and fuel storage tank are designed in accordance with all applicable laws, rules, regulations and safety requirements for New York State.

Without limitation to this evaluation, the Town is prohibited by the Telecommunications Act of 1996 from regulating the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions. 47 USC 332 [c] [7] [B] [iv].

Notwithstanding this Federal preemption, the Applicant has provided a written report entitled "RF Safety FCC Compliance of Proposed Communications Facility", prepared by a New York State licensed professional engineer (Paul Dugan, P.E. of Millennium Engineering, P.C.), which documents that the proposed Communications Facility: (a) will comply by a wide margin with the requirements of the Federal Communications Commission (FCC) concerning radio frequency (RF) emissions (i.e., operate at a composite ground level below 1% of the applicable FCC exposure limits); and (b) be categorically excluded from local regulation under applicable federal law. The Town has had its Consultant review these matters.

Impact on Growth and Character of Community or Neighborhood

This project will result in a negligible impact on the character of the existing community. Although a variety of land uses exist in the general vicinity, the impact on such uses (if any) is typically visual in nature when considering a telecommunications tower. As previously stated, visibility of the proposed Communications Facility will be minor or insignificant in nature and scope. By proposing a facility of a limited height in this setting on a large (47.14 acre) lot surrounded by mature vegetation, Verizon Wireless has largely eliminated impact on the neighborhood and growth and character of the community will be unaffected. Further, the Applicant has submitted information and appraisals showing the existence of the Tower will have actually very little, if any, negative effect on property values.

Impracticality of Use of Water Tower/Preference for Existing tall Structures

The Board previously entertained the concept of the use of the Town's water tank which is located on Cherry Lane approximately 1,100'± south of Charlton Road. The water tank was found by the Board to be either more impactful or less appropriate than a new stand-alone tower. Use of the water tank would include attachment of a 25'± stub at the top of the water tank which would require the existing FAA warning light to be elevated thereby increasing visibility of both the water tower and the light by a significantly larger number of homes. In addition, there is a very limited amount of ground space for the base station equipment and more limited room for additional collocation opportunities for other carriers. The base station equipment would be in very close proximity to both Cherry Lane and nearby neighbors presenting both potential noise and visibility impacts. The water tower is located in very close proximity to residences (approximately 100 feet) compared to the much larger

distances associated with the current project, creating increased danger to surrounding properties from falling ice and tower mechanisms in extreme weather. Repair and maintenance of the water tower from time to time would require the removal of the antenna, creating additional unnecessary work, cost, and risk of injury and damage. The above items show and evidence an increased potential for negative impact on the health and safety of the residences surrounding the water tower, impacts that do not exist or exist to a much lesser extent at the proposed location at 764 Charlton Road. Town Code requires the Board to first consider existing tall structures, and give a preference towards the use of such, unless the use of such is impractical. Here, based on the above, public health and safety made the use of the water tower impractical, and a stand-alone tower the much better and safer option; and

WHEREAS, based on the foregoing and the materials in the record, the Town Board has determined that:

(i) The construction of a monopole and related equipment will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels. In addition, the project is unmanned so there will be no production of solid waste. Due to the minor size of the construction activities and the mitigation measures proposed, there is no substantial increase in potential for erosion, flooding, leaching or drainage problems.

(ii) The project will not result in the removal or destruction of large quantities of vegetation or fauna. Because the site is in a location with an existing driveway and is largely surrounded by trees and is in an open field, there will be no interference with the movement of any resident or migratory wildlife species. The existing property does not contain a significant habitat area. Given the existing state of the land use, largely surrounded by woods and agricultural fields and the minor nature of the construction activities, no adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species or other significant adverse impacts to natural resources have been identified.

(iii) There are no designated critical environmental areas on or near the premises. As a result, no impact on such an area will occur.

(iv) The proposal of a monopole on private property will not result in the creation of a significant material conflict with a community's current plans or goals as officially approved or adopted. The proposal is to construct a monopole on a large lot that is largely an open field and wooded. From most vantage points the facility is not visible or if it is visible it is partially screened by existing woods which will minimize any visual impact. Moreover, it is the Town Board that is approving the proposal and it is the Town Board that has discretionary jurisdiction over the approval of the EUP.

(v) As noted above and throughout this document, the construction of a monopole will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

(vi) The proposed facility uses the amount of electricity consistent with a single family home. As a result, there is no major change in the use of either the quantity or type of energy.

(vii) there is no creation of a hazard to human health, as discussed in detail above.

(viii) The proposal does not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

(ix) The proposal does not encourage or attract a large number of people to a place or places for more than a few days, when compared to the number of people who would come to the property absent the action. (The site being unmanned with only occasional visits by a technician).

(x) There is nothing in the record to suggest that the proposal will cause the creation of a material demand for other actions that would result in one of the above consequences. Rather, the site is centrally located to existing Verizon Wireless and other sites that provide appropriate telecommunications services to their nearby localized areas but which cannot serve the proposed area; and

WHEREAS, the Town Board has reviewed this application with reference to the mandates and requirements set forth in Article VII, Section 1 of the Charlton Zoning Ordinance, which code section also sets forth six (6) criteria to be considered by the Town Board in determining whether or not a requested exceptional use permit should be granted; and

WHEREAS, the Town Board hereby determines that the granting of the requested exceptional use permit will not substantially endanger the health, safety, morals or general welfare of the neighborhood, nor adversely affect the environment (SEQRA review). To the contrary, the project will provide a valuable and much needed improvement to telecommunications and emergency communications in this area of the Town. Appropriate RF Safety documentation has been submitted and reviewed; and

WHEREAS, this project is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities. As an unmanned facility it will not routinely generate traffic, require fire or police protection and generates no wastes. Access to the site is over an existing driveway serving the residence at the property; and

WHEREAS, the off-street parking spaces are adequate to handle expected access as the site is not routinely visited. When technicians visit the site it is usually in a pick-up truck or sport utility vehicle; and

WHEREAS, the neighborhood character and surrounding property values are not substantially endangered by the issuance of the requested exceptional use permit as the Visual Resource Evaluation and contemporaneous site visit by the Town during the balloon fly confirmed that visibility is limited. In addition, the applicant provided documentation that facilities such as this do not negatively impact property values; and

WHEREAS, the exceptional use proposed for the site will not cause undue traffic congestion or cause a traffic hazard as the site, after construction is visited approximately 2-3 times per year; and

WHEREAS, the Town Board has determined that it was and is the proper entity to make the appropriate determination on this project, and that the requirements of Section 6, of Article VII, have been properly addressed and appropriately met, and due and proper consideration has been given to the effects of the project on surrounding and neighboring properties; and

WHEREAS, the Town Board has by the terms of this resolution affirmed each and every one of said six (6) criteria set forth in the Zoning Ordinance; and

WHEREAS, pursuant to Local Law #1, of the Year 2015, entitled "A Local Law Relating To Telecommunications Towers In The Town of Charlton", the Board finds;

-the applicant has provided a full and complete application, and met the requirements of Section 3 therein;

- the issue of shared use and use of existing tall structures has been properly and thoroughly explored and considered and found to be impractical and undesirable;
 - the project complies with the lot size and setback requirements and the Town Board is agreeable to the limits of the leased area;
 - the visual impacts, while present with any tower, are minimal due to the remote location of the tower, the change to the color of the tower, the decreased number of antennae, and the decreased size of the booms;
 - the Town Board has properly reviewed the new tower design, existing vegetation, screening, access, parking, fencing, lighting. removal, and the requirement of a removal bond;
 - all required notifications were property and duly sent as mandated in the Town Code.
- and,

WHEREAS, the Town Board has determined that following the approval of the EUP, the applicant Cellco Partnership d/b/a Verizon Wireless will be required to submit and apply to the Town Building Inspector to obtain the required building permit for the construction of this site.

NOW, BE IT RESOLVED, that the Town Board hereby grants approval of the application of Cellco Partnership d/b/a Verizon Wireless for an EUP, subject to compliance by the applicant of the terms and conditions of the SEQRA review, and all other requirements as described in this resolution, the record, and the application, including but not limited to the following conditions:

1. Reducing the size (width) of the antenna, booms, and reducing the number of antenna to be deployed from twelve (12) to six (6).
2. Paint the monopole, sector mounts, antenna and associated equipment white to limit contrast and better blend the visible portion with its surroundings.
3. No building permit shall be issued for construction of the structures that is inconsistent with the plans submitted and approved with the application.
4. The construction shall be in accordance with this resolution and Local Law #1 of 2015, and operations shall at all times be maintained in accordance with the Town’s zoning code and all other applicable Town codes, and other rules and regulations, including state and federal, applicable to cell towers and similar structures.
5. The EUP granted applies only to the proposed tower at the proposed location, and does not extend to the entire property or permit additional towers elsewhere on the property.
6. A removal bond in the amount of \$100,000.00 shall be required at all times and in place prior to construction, in form acceptable to the Board, Town Engineer and Town Attorney; and
7. Allowing co-location by other providers on the tower; and

BE IT FURTHER RESOLVED, that should conditions change during the development of this site in a manner that would require amendments to the terms and conditions of this approval, no such amendments shall be authorized unless and until the applicant, Cellco Partnership d/b/a Verizon Wireless, shall request a meeting with the Town Board for purposes of processing any request for any alterations or changes to the approved plans, conditions or requirements as are hereby granted.

Moved by Councilwoman Heritage

Voting: Councilman Grasso Aye

Councilwoman Heritage Aye

Seconded by Councilman Robbins

Councilman Robbins Aye

Councilman Ranaletto Aye

Supervisor Grattidge Aye

The resolution was duly adopted on January 13, 2020.

Brenda Mills, Town Clerk

RESOLUTION #51

AUTHORIZING USE OF THE COMMUNITY CENTER BY THE CHARLTON REPUBLICANS

Motion by Councilman Ranaletto
Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board does hereby authorize the Charlton Republicans to use the Community Center on the second Thursday of each month at 7:00 p.m. for the year 2020.

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grattidge: Aye. **CARRIED.**

ABSTRACT OF CLAIMS

RESOLUTION #52

Approval of Abstract of Claims

Motion by Councilman Grasso
Seconded by Councilman Robbins

The Town Board members audited Abstract #101, voucher numbers 1-34 in the amount of \$98,413.72, and Abstract #1, voucher number 1001 in the amount of \$8,162.97 and Abstract #2, voucher number 2001 in the amount of \$124,810.04

Vote: All Ayes, No Nays. **CARRIED**

PRIVILEGE OF THE FLOOR

Ken Crotty, resident, thanked the Town Board and specifically Councilman Grasso and Supervisor Grattidge for all of their efforts with the cell tower application. He also noted that it is difficult to hear Board members speak if they do not talk directly into their microphones.

Katie Sicko, Jockey Street, said that she did not learn of the cell tower application until November. She is surprised that the Town Board did not go door to door to get neighboring resident's opinions.

Darlene McCroy, Saratoga, said she goes to many Towns' meetings and she was happy to be here.

RESOLUTION #53

Motion to adjourn the meeting

Motion by Councilman Grasso
Seconded by Councilwoman Heritage

Vote: All Ayes, No Nays. **CARRIED**

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk