

**Town of Charlton
Saratoga County
PUBLIC HEARING
Regarding Verizon Exceptional Use Application for Cell Tower
Installation at 764 Charlton Road**

November 25, 2019

The Public Hearing began at 6:30 p.m. at the Charlton Town Hall, and was called to order by Supervisor Grattidge, who stated that this is a Public Hearing to hear an application from Cellco Partnership DBA Verizon Wireless to locate a telecommunication tower at 764 Charlton Road.

The Supervisor introduced the Town Board members present: Councilman Grasso, Councilman Heritage, Councilman Ranaletto, Councilman Robbins, as well as Town Clerk Brenda Mills and Attorney Jim Craig.

Supervisor Grattidge introduced David Brennan, Attorney for Verizon Wireless and said that he will do a presentation, and then the floor will be open for public comments.

Town Clerk Mills read the following Legal Notice and confirmed that it was published in the official newspaper, The Daily Gazette on November 14, 2019:

**TOWN OF CHARLTON
TOWN BOARD**

LEGAL NOTICE

Please take notice that the Town of Charlton Town Board will hold a Public Hearing on Monday November 25th, 2019 at 6:30 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York, for the purpose of hearing all persons regarding the following matter:

EXCEPTIONAL USE PERMIT APPLICATION FROM CELLCO PARTNERSHIP FOR A VERIZON TELECOMMUNICATIONS TOWER TO BE LOCATED AT 764 CHARLTON ROAD, CHARLTON, NY. as required by Local Law No. 1 of 2015 entitled "A Local Law relating to Telecommunication Towers in the Town of Charlton and Article VII, Special Exceptions to Designated Land Uses of the Zoning Ordinance adopted September 14, 2015.

Copies of the application and related materials are available on-line at:
<https://www.townofcharlton.org/home/news/verizon-application>

Brenda Mills
Town Clerk
11/12/19

The Town Clerk also noted for the record that she has received an Affidavit of Mailing of Notice of Public Hearing in which certified mail notifications were sent to 205 neighboring properties by Young/Sommer LLC.

The Town Clerk also noted for the record that opinion letters were received from: Charlton Planning Board, Saratoga County Planning Board, Charlton Environmental Conservation Committee, Charlton ZBA, Charlton Historic District Commission, Charlton Cell Advisory Committee and Town Engineer Mike McNamara.

Councilman Grasso gave an overview of the Public Hearing procedures. This is the second public hearing on this application and is very important to the Board. There are no additional hearings expected. Attorney Dave Brennan will give a presentation, and then the floor will be opened to those wishing to voice their comments. Each person wishing to speak will be given 4 minutes to speak and the Town Clerk will keep track of the time. Written comments are welcome and encouraged and will be considered by the Board. He asked that they be submitted by December 1st, to give the Board time to review them. If the Board hears good questions that need to be answered, they will write them down and get the answers later. Answers will not be provided tonight. As far as the process, the Board has been reviewing the application for 3 years now, and the review will continue for another month or so, but the Board is not in a position to make a decision tonight.

Councilman Grasso gave the following timeline of the application:

2015 - TB in negotiations with Verizon over possible lease of water tank to install cell antennae and equipment.

1/25/16 - TB held public informational meeting to water tank site. Many concerns raised including possible health effects, noise impacts of generator, impact on neighborhood property values, visual impacts, location in neighborhood and residential zoning district, visibility of base station equipment, small parcel size, maintenance concerns over water tank, and dangers from ice falling off equipment.

9/12/16 - TB held additional public information meeting for water tank site and Verizon indicated request to consider alternative sites.

9/26/16 - TB discussed concerns over water tank site, passed a resolution suspending review of the water tank site and recommending Verizon consider other sites.

11/10/16 - TB received EUP application for new cell tower at 764 Charlton Road.

1/9/17 - TB held public hearing on EUP application, many similar issues raised including possible health effects, impacts on rural character, visual impacts, and poor quality of simulations.

1/23/17 - TB deliberated on the EUP application, requested additional info including better simulations, confirm any top lighting, if a taller or shorter tower would be better, options to minimize visual impact by color or design, need to address comments in the 1/5/17 EDP letter, revise the SEQR supporting documentation.

2017 – 2018 – No activity on application, sought monthly updates from Verizon, described focus on other cellular network initiatives, application was essentially inactive.

3/2019 – TB formed Cell and Broadband Service Advisory Committee.

5/28/19 – Verizon appeared before TB and said working on revised application.

9/19/19 – Verizon submitted revised EUP application.

9/23/19 – TB formally accepted revised application, stated intent to retain lead agency status and primary jurisdiction over EUP, and referral to other Boards and Committees

October/November 2019 - TB gathered information from other Boards and Committees and TB reviewed application materials.

11/12/19 TB called for public hearing on revised EUP application.

Dave Brennan, Attorney for Verizon, gave a slideshow presentation which highlighted the following:

- 1) Map of RF plot – shows the need for cell coverage. 2 locations showed similar coverage.
- 2) History - In January 2016, Verizon did a presentation for the Board and the public with a proposed antenna on the water tank. At that meeting, the people wanted better cell service, but they also wanted other options for location of the antenna. Verizon looked at 3 other sites, but only the Hunts agreed to sign a lease agreement.
- 3) Aerial view of the sites – comparable coverage.
- 4) Proposed tower location on Charlton Road.
- 5) Map view of Charlton Road site.
- 6) Map of access road to the cell tower. Site will include a 75' x 75' compound with a 6' fence.
- 7) Info on site generator, 30kw propane. 500 gallon tank. Generator is exercised every other Tuesday morning.
- 8) Drawing of monopole – they are looking into Town Boards request to reduce the array. FAA says no top light is needed.

- 9) There will be one 25 watt light on access building.
- 10) 2-4 month construction time.
- 11) The SEQR has been submitted, and copies of their FCC licenses.
- 12) There is no intention to build another cell tower any time soon. There will still be a gap in coverage near the Sacandaga Road area, but no additional tower is planned.
- 13) RF Safety plan from engineer – FCC regulates the strength in which the signal can be produced. At full strength, the tower will not exceed 1% of what the FCC allows at any distance.
- 14) Towers work by radio link between phones. Transmitting primarily at 700 mghz.
- 15) Expected 4G coverage. Coverage map of 1 – 3 miles.
- 16) View of Map shed. Flew balloons and photographed at 120,140 160 feet.
- 17) Numerous photos of visibility from Jockey Street, Charlton Road and Maple Avenue.
- 18) Health effects/safety concerns were previously covered.

Supervisor Grattidge opened the floor for audience comment:

Julianne Mayer, Hagaman resident and Charlton property owner – contrary to postings on Next Door Charlton and other media, it has never about whether there should be a cell tower, but rather where to locate the tower. The petition that people were urged to refuse to sign, does not oppose the tower, it opposes the proposed site. She read a petition signed by 220 residents, on 23 roads, entitled: Site the cell tower on an existing tall structure in compliance with the recently adopted Zoning Ordinance for the Town of Charlton Sept. 14, 2015, page 141, or locate it on another site, preferably on public land, to the benefit of Charlton residents. She noted a previous petition opposing the water tower, which was signed by 48 residents, all of whom lived near the water tower. All of the reasons for opposing the water tower site, apply equally to this site. She said that most of the residents approached wanted the antenna on the water tower site, to the benefit of taxpayers. She said that a Verizon representative admitted at a 2017 meeting that there was doubt of cell reception reaching Cherry Lane, Crawford Drive and the water tower area from a tower located at this proposed site. In an attempt to lessen the regional impact, a board member suggested shaving 20 feet off the tower. Another Board member doubted that a tower at 120 feet could give people on Cherry Lane coverage. The Jockey Street tower does not give the desired reception, why isn't the newer and better technology being installed on the Jockey Street tower.

Stephen Dyer, Edwin Drive, has terrible cell service and wants the Board to do whatever they can to fix that. He used to be an Assistant Fire Chief, and if power goes out and you do not have phone coverage, you have no way to call 911.

Sharon Cronin, Callaghan Blvd, very much supports the development of the cell tower. Absolutely thrilled, in 100% support.

Peter O'Brien, Stage Road, is a volunteer fire fighter, in support of cell tower, will greatly enhance emergency services. Said people may not be aware that there was a cell tower installed at Charlton Heights Elementary School in 2007 or 2008 and most people do not even notice it, as it blends in.

Patty Paniccia, Jockey Street, wants cell tower. She takes care of father and needs cell coverage to call for emergency services. If power goes out or she moves the wrong way, she has no cell service. She works for NYS information services, and if a cell call goes through, it goes to voice mail and she doesn't get it.

Torben Aabo, Charlton Road, said that he is the Chairman of the Cell Advisory Committee, and they first met on March 16, 2019. All of the Boards and Committees that were asked for opinions, approved the application. There were 3 properties that were under consideration, and only the Hunt property would agree to a contract. We have talked about the water tower, but that is out because the Town Board decided not to consider that. The Hunt property will be able to accommodate 3 additional cell providers. The emergency generator will not be heard by any neighboring properties during the testing period. Pictures were shown of the visibility of the tower, about 15 property owners will be able to see the tower, and maybe when the leaves are off the trees there will be a few more. But realize the improvement of cell service to these properties. But most of all, realize the improvement of cell service for all of us in the surrounding communities, the emergency services, police, medical and fire. Therefore he encourages the Town Board to approve the Verizon application.

Karen Malczynski, Gideon Trace, has never had good cell phone coverage. Has a cell phone booster that only works with internet and electricity. Without that, the booster does nothing. They bought phones with

advanced calling, but they only work with internet or electricity. The recent power outages were long ones and they realized that they cannot call an ambulance or fireman if needed. She looks to the Town Board to get this project under way and hopes that it happens soon.

Mary Anne Hart, Florence Ave, moved here 4 years ago not realizing the horrible cell service in Charlton. She bought a \$250 booster and it still does not help with phone service, only text. She has to waver her phone from the highest point in her house to get service. She urged the Board to act on the tower.

Mark Lansing, Maple Avenue, has about 20 acres behind the Town Hall. He chose not to have the tower on his property. He said most people want a cell tower, just not in their backyard. He feels a lot of properties might be decreased in value from having a tower in their backyard.

Scott Stevens, Maple Avenue, owns a property across from the proposed tower. He agrees cell service is not ideal in Charlton. Torben said that there are about 15 homes that will see the tower, but he feels there are more. He would urge the Town Board to reconsider the water tower. He reminded everyone that they can still get a landline for inside their homes.

Dean DeCaprio, Callaghan Blvd, Chief of Charlton Fire Department. He reminded people that if they have Spectrum phone, if the power is out, they lose phone. In a recently long power outage, there were 6 -7 residents that had to go to the firehouse to ask for help because they had no phone to notify the Fire Department. He is all for the cell towers, especially any time someone is in urgent need for help. This is 2019, we have cell phones. As for the way that it looks, he feels that it is a great idea to have it back in the field. He devotes a lot of time to public safety, and whatever we can do to provide, we should do it. He urged the Town Board to move forward with the tower.

Nate Keenan, Vines Road, is in favor of a tower, regardless of where it is. He had an emergency health issue 2 years ago and his girlfriend had to run up and down the street to get cell reception to call for emergency services. He does not see very many issues with it. It is time to move forward, it only makes sense to be able to make a phone call, even when you don't have power. He is in favor of the cell tower, and wants it to happen soon.

Tom Miller, Meadow Brook Lane, owns his own business and lack of cell coverage has caused him many headaches, and a small amount of money. He gives Verizon credit for putting the tower where people can't see it. Driving down the road at 30mph he would never be able to see it any ways. He said that people are afraid that property values might go down, but he is helping to sell a friend's house on Vines Road, and he was told that it is a problem if you are trying to sell a home to someone under 45 and you don't have cell coverage. He also pointed out that the Charlton Snowmobilers ride through Charlton and snowmobiles break down, and cell coverage is important. He also noted that there are power lines and telephone poles everywhere that you look. Comparatively, the tower looks like a speck.

Dan Maynard, Cornelia Avenue, thanked the Town Board for evaluating the project as thoroughly as they have. He feels that it is very important to have cell service in this area. He thanked Verizon for the due diligence. He noted that last summer, lightning hit a transformer on a pole in the back of his property and it caught on fire. He had no phone service other than cell service. Cell service was the only way to reach emergency service. That is the obvious reason to support the cell tower.

Teddi Smith, Cornelia Ave, said she feels like most of the people in Charlton, we need the tower and she thanked the Town Board and Committees that have worked so hard to get to this spot.

Gail Harkness, Charlton Road, said he is in favor of the cell tower.

Dawn Szurek, Swaggertown Road, thanked Verizon for showing the visual impact, which reduced anxiety as there is less impact than she thought there would be. Very important that we move into the times that we are living in now, to improve our quality of life, safety and home businesses. She strongly supports moving forward with the tower, the sooner the better. She noted the lack of coverage for West Charlton, and hopes that some day that area will get coverage too.

Tracey Lyons, Old Stage Road, is very in favor of cell tower. In recent power outage, the wires and transformer came down, but she could not call 911. She knows that the tower is an aesthetic issue for some people, but is really a matter of health and safety.

Dave Aabo, Sweetman Road, recently moved back and owns a business, firmly supports the cell tower.

Tony Dudes, Maple Avenue, has concerns over a 30 kw generator...inaudible

Alexis Johnson, Charlton Road, said she is a college student and cannot get good cell reception which is needed for college application calls, etc. Cell coverage is needed for mother's business. In favor of cell tower.

Amanda Mattoske, Charlton Road, her only alternative is satellite internet, and it does not work well. Needs cell coverage for her job. In full support of cell tower.

Joe Schaus, Stage Road, in favor of cell tower. Where he lives there is no cable, and he has to rely on Verizon copper line DSL, which is not great. Having a cell tower will solve all of his problems, and important for safety.

Kevin Roy, Stage Road, overall in favor of cell tower, has wife and small children and they need to be able to contact him, especially in cases of emergency. He camps in the Adirondacks and gets better cell coverage there in the middle of nowhere than here. The propane tank should not be an issue, many people have tanks at their homes. Asked if tower could be camouflaged. There is a \$24,000 benefit to put it on the water tower, but how much would that cost when it has to be taken down for maintenance. Asked what would the potential be for supplemental data transmission with a hotspot. Overall in favor of Hunt property over water tower, but to protect the Town, how is the lease termed with the Hunt property and what happens if they sell the property.

Jim Glavin, Vines Road, thanked everyone for coming out, and thanked the Town Board for having a second Public Hearing. He lives in the black hole area on Vines Road. He is an Engineer at Knolls and a License Realtor. He knows about the effect on property values. Millennials notice when buying a property without cell coverage. He serves on the Cell Advisory Committee and also on the Town's Assessment Review Committee. He is a strong proponent for bringing cell coverage to Charlton for the reasons of life safety, emergency response/management and business communications as well as personal use. Personally, his mother has medical alert system that places calls to his cell phone and he wants to be able to get the call. He has booster, but must stand within 3 feet of base system to get service. He feels in this day and age, we have the right to have cell coverage.

Ken Crotty, Newman Road, strongly supports tower. Has home generator that cycles and it is not that loud and not a problem.

Suzanne Voigt, Dawson Road, has home business and rides horses, and strongly supports cell tower for business and emergency purposes.

Brad Warner, Stage Road, business owner, has patients that he needs to talk to, but has very poor cell reception. He is very in favor of the cell tower, it is a modern world, and it is very needed. We have telephone poles and other infrastructures to look at, this is not a big stretch.

Julianne Mayer, said indoors, cell reception depends on the materials used in the construction of the building. Metal, brick and glass block reception. Wifi passes that issue. She said that residents on Maple Avenue along with Town wide residents are keenly interested in the site. At a September meeting, a Maple Avenue resident representing a group of people on Maple Avenue delivered a document listing 4 court cases in which the courts ruled against carriers, in 2 of the cases the courts ruled against the carriers on the grounds of aesthetics, while the ruling in another case included aesthetics. One of the cases was heard by the US Court of Appeals which included significant negative aesthetic impact. With the tower proposed on this site, we are faced with significant negative impact. Charlton is on the registry of historic places. This tower falls counter to the registry of historic places. In 2017 there were pictures, not one showed a balloon flying from Maple Avenue. She has pictures taken by a resident of Maple Avenue showing the balloon flying clear and tall. There are fields on Maple Avenue where the tower would be in full site. She wonders why this site is still being considered. Elan Musk is launching 20,000 satellites for 5G coverage, how would that effect cell towers? We are chasing the past. Why was the Conservation Commission told that their February letter was too late? All of this, legal letters, ECC letter and petitions and docs were talking about the very same site. The ECC has concluded that there is no good reason to not put the tower on the water tower, except that it was characterized as a not in my backyard, and adding antennas to the top of the water tower would not have an impact on property values near the water tower, as the water tower was already there when they

bought their homes. It is difficult for the ECC to understand the rationale of the Town Board to abandon use of the water tower and site the cell phone equipment on a standalone tower, a decision that runs counter to the Zoning Ordinance and the Comprehensive Plan, and serves to exacerbate the only significant negative environmental impact from siting the cell phone equipment, the visual impact.

Because of time constraints, Supervisor Grattidge asked Ms. Mayer to send her comments to the Town Board for review.

Richard Malaczynski, Gideon Trace, asked about towers in general. Is better coverage with a higher tower or is it the strength of the tower that determines the coverage. He wonders if Verizon did a sensitivity test.

A motion was made by Councilman Grasso and seconded by Councilwoman Heritage to adjourn the Public Hearing.

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

The Hearing closed at 8:12 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk