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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD

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In the Matter of

NEW CINGULAR WIRELESS, PC, LLC

Project No. 14-7005
10 Ann Kaley Lane
Section 108.2; Block 4; Lot 43.410

----- X

PUBLIC HEARING
SITE PLAN

Date: July 20, 2015
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA
STEVEN CLARK

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: KIMBERLY NASON, ESQ.
ADAM WALTERS, ESQ.

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MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. TRUNCALI: We're going start the meeting. Please rise for the Pledge.

(Pledge of Allegiance.)

MR. TRUNCALI: I would like to introduce our new Board Member, Steve Clark. Welcome to our Board.

Agenda, Town of Marlborough Planning Board, July 20, 2015. Regular meeting 7:30 p.m. Approval of stenographic minutes for 5/4, 5/18, 6/1 and 6/15. New Cingular Wireless, public hearing, site plan; Cellco Partnership doing business as Verizon Wireless, sketch, amended site plan. Next scheduled -- next deadline: Friday, July 24th. Next scheduled meeting: Monday, August 3rd.

I would like to table the approval of the minutes to the next meeting.

MS. LANZETTA: Can I just make an amendment, or whatever, to the minutes for the -- the last minutes that we received for June 15th. At the end under Dockside there was a discussion, and I do believe -- I don't see it recorded in here but I do believe -- Pat, correct me if I'm wrong -- I asked to be a party to that meeting

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with the DEC and yourself --

MR. HINES: Yes, that's correct.

MS. LANZETTA: -- and any other people.

MR. HINES: It has not been scheduled yet. It was going back and forth.

MS. LANZETTA: I didn't see it in the minutes. It might have been that part where we were talking about including the DOT. I think I said please include me as well.

MR. TRUNCALI: First up is New Cingular Wireless.

MS. NASON: Hi, everyone. My name is Kim Nason. As you remember, I'm an attorney with Phillips, Lytle representing AT&T. With me is my colleague, Adam Walters. We also have Dan Goulet, AT&T's RF consultant, and Marianne Terry, the site acquisition consultant for this project.

As you know, we appeared last month before this Board to discuss a reduction of the height of our proposed site at 10 Ann Kaley Lane to 130 and also to discuss our extensive alternatives analysis that AT&T performed at the Town's request. That alternatives analysis yielded one vital alternate location, as you

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know, at the high school. Tonight we're here looking for clear direction as to how the Town would like us to proceed. If you'd like us to go to the high school, we would be tabling this application and then filing a new application for that site. And if you'd like us to stick with 10 Ann Kaley Lane, then we'd be submitting some supplemental information, answering a lot of Mike's questions that he gave us in early 2014.

So at the last meeting we explained that although the high school was a viable location, the 10 Ann Kaley Lane site remains the optimal site for the facility because the high school would not provide reliable coverage to the hamlet, Western Avenue, Route 14 or the middle school. We understand at the time of that meeting the Board was still waiting for Mike's comprehensive review of our alternatives analysis.

Additionally, we also submitted some supplemental information at the end of June, at the Board's request, regarding an alternative location and height at the high school to see if there was anything we could do to meet that

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coverage gap that the high school site leaves, because the Board wanted to know if there was anything we could do moving up to the higher area on the site.

So just to summarize that report a little bit, Dan Goulet did an analysis and found that for the original proposed location at the high school we gave you, that alternate location, we'd have to move that up to 190 feet, at least, to get comparable coverage to the 10 Ann Kaley Lane site. So that would be significantly higher than the 110 foot site, a lot more visual impacts. That northeast corner of the high school property where there's a little bit higher elevation, if we were to move the facility there we would need to go up to at least 175 feet for comparable coverage to Ann Kaley Lane. That would be in a bit more open area. So both of those sites would be very visually intrusive, and we don't have -- AT&T does not have leases for either one of those sites at this time. As such, we still maintain that the 10 Ann Kaley Lane site is the optimal location and provides the best coverage to the Town.

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Our supplemental filing also noted that although it is not appropriate to make a zoning determination solely on the basis of revenue for the Town, should the Board feel that the high school location is better for providing coverage, better for providing a lesser community impact, if that's the finding the Board makes, AT&T is prepared to move the facility to that location.

We understand that Mr. Musso completed his review and provided the Board with a comprehensive report last week. His report echoes AT&T's findings that although the high school is a viable site, the Ann Kaley Lane site remedies the coverage gap more effectively than the high school.

So at this time, as we said, we're just looking for some clear direction as to how the Board would like us to proceed so that we can go about remedying this coverage gap as soon as possible.

If anyone has any questions for us or for Dan or Marianne, we're prepared to answer them.

MR. TRAPANI: I have one question. The

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high school property, the practice football field, the elevation up there, how is that compared to the elevation on Mr. Osborn's piece of property? Is it higher at the high school? I'm not saying where the pole is but the geographic elevation. I was wondering. I think it's higher over at the high school on top of that field than it is at the other property. I'm wondering.

MS. NASON: Maybe Dan can speak to the elevation. While he's looking for an answer to that, while the elevation may be higher, it has to do with the rest of the terrain as well. So even, for example, if we move it up to what I think is the higher point of land on the high school site, you're still going to need 175 foot tower to provide equivalent coverage than the 130 foot tower at the 10 Ann Kaley Lane site. So even if you stayed at the elevation that's higher at the football site, it has to do with the rest of the terrain around it and how the signals would interact with the other towers as well. It's not elevation alone, although that does play a part for sure.

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MR. TRAPANI: We're saying in Marlborough we'll need a thousand towers with the elevation. I mean you've got up and down all over the place. If it's up high and it's going to hit something down low. I can't understand, you know, how you can get enough towers in this Town to cover everything. I'm all for it because my cell phone -- I'm here, I'm talking to Mr. Clark, and I can see him over there working, and I can yell to him and he can hear me, but he can't hear me on my phone.

MR. CLARK: Or you just don't call me back.

MR. TRAPANI: That's true. Sometimes. I'm just wondering if these are the best places to put the cell tower that we can get the optimum amount of coverage for one tower.

MR. WALTERS: Perhaps I'll answer because I've been doing cell siting probably for about twenty years. So a little longer than Kim here.

What AT&T typically does is tries to pick a site that will maximize the geographical coverage. Sites are very expensive to build and

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there's a big process involved, public hearings with folks coming out and explaining their views and concerns. We like to build, frankly, as few sites as possible to cover as large a geographic area as possible. There has to be some balance. You can't just build 200 foot sites everywhere. The terrain, particularly where there's traumatic terrain change -- New York State has various terrain features. Some areas are very flat and you can build a little higher and get a little bit additional projection. Some areas have a lot of terrain.

The alternatives analysis we did I think really supports the fact that the Kaley Lane site really is an ideal site in terms of the bang for the buck. You get a tremendous amount of geographical coverage in key areas of the Town, you get really good hand off to the surrounding sites outside and within -- I think there's one other site within the Town, the rest are outside of the Town. So you really get very good coverage. You don't need a thousand sites on top of that. You're going to get very good coverage from this particular site. That's

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really the magic, if you will, in siting. You really do try to find locations that will give you the best terrain coverage, yet are somewhat screened from surrounding properties. If you look at the high school location and where that would be versus Kaley Lane, you know -- was it Cross Street? You're kind of right off of Cross Street there where the tower would be. There's some homes in very close vicinity that are going to be looking at that tower. There's not a lot you can do to screen that. The Kaley Lane site is a little more isolated from the public right-of-way, a little more difficult to see it, particularly where it's going to be located on that site relative to the public right-of-way. We try to balance all those factors, but then we call on Dan to really do the magic and tell us how low can we go and really get good coverage, and that really resulted in dropping the Ann Kaley site proposal to 130 feet. We went back to Dan and said look, the community is very concerned about visual impact. How low can we go and still get good geographical coverage from this site. That's when Dan did his magic and

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came back and said, you know, I think 130 feet would do it because you still -- you're looking to lose a little bit of coverage between 150 and 130 but you're still going to get very good geographical coverage. It's really the best we can hope to do in this area of the Town with the terrain features and changes. It goes up on one side, obviously, and down as you get closer to the river.

I talked a lot while Dan has pulled out his maps. Dan, come on up.

MR. GOULET: Dan Goulet. The difference between the high school field location higher up on the hill and where the current location is at the high school is about 30 feet. The problem -- I don't know if you can see this from here, but what I did was I threw in an extra plot here. I wanted you to look at the terrain relative to the current location at the high school and why the big difference. I don't know if you can see this but -- so this is the high school field location. Right now we're down here. So you said okay, can you move it up here, up on the hill. That's where the 30 foot higher

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elevation is. The problem is you only have -- you have this huge neighborhood here and you have a ridge right here, you have another ridge right here, and then you have the hamlet and the middle school and Route 14 which is on the other side of those ridges. So what I did was I plotted -- if you look at this, it is a profile view right here. What I did was this is just taking a radial, going from the high school location and directed to the hamlet, and this is showing you the topography. This doesn't include trees, this is just terrain. So now you stick 65, 70 foot trees on top of the terrain and that signal has to get through that.

The Ann Kaley Lane site works well with the rest of the network. It isn't just a matter of let's just put up 190 foot tower, because you have to be very careful that you're not introducing interference because of where that signal is reaching, and it could be getting into areas that you don't want to get into because now you have competing signals from some of the neighboring sites.

So when we figure out where the site

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should go, what we're doing is we're taking -- we're taking all the existing sites. Here's the existing coverage here. So what you see here, green is your in-building coverage. For this type of market we're talking basically a lot of wooden residential structures and then some concrete buildings. The orange is where you would have the coverage if you were moving along in a vehicle. The white areas, I'm not saying it's no coverage but if you were out in your yard you may get coverage because you don't have any attenuation from the metal around your car, et cetera.

But the Ann Kaley Lane site, the significance of that is it works well with the -- this coverage that you see here is from existing sites. So unfortunately the hamlet, the middle school, the high school area, South Street, all these areas here are just getting residual coverage from some other site, and these sites are in the range of I think 2 1/2 plus miles away. I believe I provided the network map. Yeah. So this is -- the closest site is 2.6 miles away. Then you've got almost 6 miles, over

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6, 5, almost 6, 4 1/2, 4, 3, 3. Those are all -- that's very far for this type of technology. So I don't know if that answers the question but it isn't just a matter of let's just get the height and we'll put it up to 200 feet at this other location and we'll cover the hamlet. Now the problem is what does that do to other areas of Marlborough and the surrounding towns. Where does that site at that height become more of a problem because it's an interference.

So when this Ann Kaley Lane site was engineered into the network, you have to -- there's a balance there. How can we meet the coverage objectives, get most of the residential parts that we're trying to cover and the roads that we're trying to cover without causing substantial interference with the rest of the network.

MR. TRUNCALI: So on this last packet that you provided us at the last meeting, if you look at the 175 foot tower at the high school, it looks like there's much better coverage on that one than on the 130 foot tower at Kaley Lane.

MR. GOULET: Yeah. That's not at the

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location that we currently have approval to be at at the high school. That's at this theoretical location up on the field, which means that, number one, in order -- you know, you've got to stay within the bounds. You've got setback issues. You have a single row of trees before you hit all these neighbors. So a height -- a tower at 175 feet at that theoretical location I would think would probably end up having this room filled with people that are going to be able to see it and have a concern about that, and yet it still doesn't cover -- it covers a lot of the areas that we're trying to cover but I don't -- I didn't do an analysis of what the interference was going to be. How much of this coverage with that site at 175 feet is redundant coverage.

MR. TRUNCALI: It gives much more coverage to the rest of the Town, not just the village. It helps a lot of the other towns to the west and the south and the north.

MR. GOULET: I'm not going to argue that point.

MR. TRUNCALI: Wherever you get it you're going to have to room full of people here

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complaining because nobody wants it in their backyard. They're all going to see it from wherever you put it.

MR. GOULET: Right. I look at it and the visibility at that location is much, much greater than the visibility at the proposed Ann Kaley or the other high school location where you have a tree buffer.

MR. CLARK: In terms of percentage, I'm looking at these maps as I -- I just got this today. As I flip from one to the other I don't see any significant difference. What's the difference in terms of percentage from one site to the other?

MR. GOULET: You have to just clarify which sites.

MR. WALTERS: The proposed site at 130 and the high school at 110?

MR. CLARK: That's the two sites you're looking at. That's what I'm talking about in terms of percentage. Do you have an overlay map where you can look at one versus the other?

MR. GOULET: We provided -- I thought we provided numbers.

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MR. BLASS: If I can interrupt. Mike Musso's report, if I can refer the Board to --

MS. LANZETTA: Steve, Steve, maybe when Mike gives his report --

MR. MUSSO: Our report actually has a match-up.

MR. CLARK: What I have -- I don't think I have the same report you do. As I put one to the other, my eyesight, I don't see any significant --

MR. MUSSO: It's a complicated analysis. You're right. We do have a map that overlays the two and shows the differences in different colors.

MR. GOULET: And just to clarify, it's very difficult visually, that's why we quantified it with numbers. It gives you at 130 feet coverage versus the high school at 110 feet. It's a thirty percent reduction in coverage for residential pops, it's almost forty percent reduction for business pops. You have road coverage is --

MR. CLARK: I was looking more for total percentage. What total percentage of the

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area is going to be covered from one site versus the other? I'm not --

MS. NASON: The percentages in the report are from the May 21st filing, that was when Dan submitted his RF analysis report. It's hard to say it's going to cover this percentage of the Town compared to this percentage of the Town. Dan broke it down into in-vehicle coverage on main roadways, in-building coverage to Town residents and then in-building coverage to businesses in the Town. His report states that there's -- if you're going from the 110 foot site at the high school to the 130 foot site at 10 Ann Kaley Lane, you're getting forty percent more in-vehicle coverage on the main roadways, you're getting forty-three percent more in-building coverage to the residents, and then you're getting sixty-four percent more in- building coverage to businesses. So it's sort of broken down that way, by population and by areas of the road. Dan can get into a little more detail.

MR. MUSSO: Before you do that, I just want to say that's really the one thing in our technical analysis that I had trouble confirming.

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MR. CLARK: You're saying sixty-four percent -- you only have thirty-six percent coverage now and you're going to add sixty-four percent?

MS. NASON: It's a percentage change between the two sites.

MR. CLARK: That's why I'm asking for the total percentage. Because percentage change -- if you're dealing with a small group, percentage change can sound pretty enormous. If you're dealing with the whole Town -- that's what I'm asking. What is the difference between the sites percentage wise of the whole Town?

MR. GOULET: If I could. The percentage numbers come from the gap. We define an area as the gap, which is in your exhibit. This is exhibit 3-A. There's a yellow line, that's the target area. That's the gap. All of the comparative percentage numbers between Ann Kaley Lane and the high school at 110 are relative to the gap.

MR. TRUNCALI: Don't you agree the 175 foot tower provides much better service to that gap area?

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MR. GOULET: We didn't do that analysis because that --

MR. TRUNCALI: You have a map that shows it.

MR. GOULET: We did a map. I didn't go through -- to do coverage counts and pop counts, that's a totally different analysis. The way we do that, just so you understand, we do what we call best server plots. All of those surrounding sites, what happens is we say okay, at this point right here, this little 30 meter which is 90 feet by 90 feet at this bin, which of the sites covers that best and it gets plotted. So what you end up with is a multi-colored plot. So say this site, everything it covers is purple. The site over here, everything where it is the strongest server is a different color. And then what we create contours from that and we say okay, this is what's already covered, what's the incremental added coverage for roads, population, business pops. The software tool crunches that out and it tells us at this height with this footprint, this is your incremental coverage for all of those categories.

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MR. CLARK: What's the base coverage?

MR. WALTERS: All the green and all the orange is the base coverage.

MR. GOULET: The green and the orange. What is not covered is the white is what we're talking about. But you have to remember we're trying to improve this orange. We're trying to get in- building coverage to those areas.

MR. WALTERS: Right. So that is the base coverage?

MR. GOULET: The base is this yellow polygon that was drawn. That's the gap that we're targeting.

MR. WALTERS: Maybe it would make sense to jump over to Mike.

MR. MUSSO: Sure.

MR. CLARK: How many customers are we talking about?

MR. WALTERS: Did we put the numbers or do we have the numbers?

MR. GOULET: We have all of the numbers.

MR. WALTERS: So maybe we could read those to you. Maybe you want to hear from Mike

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and then we'll circle back on that.

MR. MUSSO: I think this is certainly an important point to confirm. They're 30 foot by 30 foot pixels, if you will, in that yellow polygon. Each site gets one highlighter based on it's signal. The stronger signal from the two will turn a color for 130 Ann Kaley or 110 high school. It's counting up all those 30 by 30 foot.

MR. GOULET: Not quite. We do it in two steps. We have all the existing coverage, they each have a color. Then we turn on Ann Kaley at 130, --

MR. MUSSO: Got it.

MR. GOULET: -- and that gets -- the incremental gets a new color.

MR. MUSSO: Got it.

MR. GOULET: After we get all those numbers, we shut Ann Kaley off and we turn on the high school at whatever height we're analyzing, which in this case was 110.

MR. MUSSO: Just to define, when you say business pops, what does that mean exactly?

MR. GOULET: Based on the 2010 census

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data. The State of New York actually provides business pops, population counts. So they do a GIS mapping and each of -- you get hundreds and hundreds of polygons and it will tell you within each of those little polygons how many business pops.

MR. MUSSO: I see.

MR. GOULET: It's just like the residential but it's business.

MR. MUSSO: I think that's important because I think that answers a question what this is all based on. It's also based on 2010. It's a relatively current land use --

MR. GOULET: The last census.

MR. MUSSO: -- that's on file with New York State.

MR. GOULET: Right. We're lucky because New York State has business pops where some of the other states --

MR. MUSSO: Do they have them for every county?

MR. GOULET: We have them for the State. I don't know if they're for every county but we did have them for this one.

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MR. MUSSO: Does the DOT roadway come into this? Is that information in business pops or is that a different --

MR. GOULET: That's a different table but it's also GIS. We use GIS mapping. That's what the software uses. So we have the roads. So as we're doing the coverage, the tool tells us -- for example, this gap here, it tells us exactly how big that gap is all the way to the hundredth of a mile.

MR. MUSSO: So that was used also for your in-vehicle incremental?

MR. WALTERS: Right. That's the road coverage.

MR. GOULET: And then we broke the roads out into, you'll see the secondary roads and main roads.

MR. MUSSO: Right. They have different codes.

MR. GOULET: Right.

MR. MUSSO: So I think for the Board, it's not -- I think you can see it there certainly in your exhibits. There's a yellow polygon which is a bit tough. I'm not sure if

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the public can see it. That is what we called in our report the target coverage area. That's only for AT&T. That's not for another carrier. That's based on how they go about filling in their network, filling in these gaps. So it's important to see when they get to the differential that Steve was asking about there, there are areas of the Town that are going to line up in preference to the 110 high school alternative. Many of those are outside of the yellow polygon. Something to consider here is that AT&T and their FCC license, et cetera, they are defining this targeted coverage area. I think that's important to keep in mind. I think you can see it on there, or at least in the exhibits. I'll put an exhibit up as well.

MR. TRUNCALI: The west side of that yellow circle is not getting helped much.

MR. MUSSO: No, it's not.

MR. TRUNCALI: They're just trying to target the hamlet and the higher density area of the Town. I want to have the best tower that's best for the whole Town.

MR. HINES: That's where Ben's comment

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came in earlier, you have to keep adding --

MR. MUSSO: I work only for municipalities, I don't work for -- HDR does not work for the carrier side of things. I can tell you that this is the trend. I mean just going into neighboring towns here in Orange and across the river, where we used to see 175 to 200 foot towers being built and carriers coming in in 1999, 2000 saying this is it, we'll be out of here. A much different story. Here in Marlborough I think we've been relatively fortunate. There's one tower on Mount Zion, an old radio or cable TV. I think there's an agenda item tonight on that. There's been no other infrastructure built, to my knowledge, for wireless. No other rooftop sites or water tank sites. This is a trend that, I think for probably better, that Marlborough hasn't seen yet. This is the trend I'm seeing, that instead of trying to cover an entire municipality at one time, one tower I think is out of the question, but coming in with two towers at a time you may not see AT&T again for years. It could be months, it could be years. They do have

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coverage on the north end of that Town in that Mount Zion tower. This is the rationale, you know, and we confirmed those methods in our report.

MR. WALTERS: One thing perhaps to keep in mind as the Board evaluates the difference in coverage between the high school at higher heights and the Ann Kaley site at 130; as the gentleman points out, there's more green if you go higher, and that's absolutely true. There is going to be more green. That doesn't mean, to your point, that you won't need another tower in the future. Coverage is one item or one aspect that drives build out of the network but the other thing is capacity. A single site can only handle so much network traffic before it starts dropping calls. When that happens, that's when you build a second site. Basically you angle the antennas down a little more so they're more directly pointed down on an existing tall site and you start building sites around there. So that's an issue as well. I guess I'm just encouraging you -- we appreciate you want to get the best coverage for the Town, and we've got to

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balance visual impact versus benefit from wireless coverage. Don't think if you just go as high as you can with a single site at one location, that that's going to do it forever, because each site does have a capacity. Dan can talk more to how that comes into play, but it doesn't mean if you build a very tall site here and you get better coverage throughout other portions of the Town, that you're still not going to need additional sites, either in the Town or right over the border, to provide that additional coverage as the networks continue to be built out.

MR. TRUNCALI: Do you have more, Mike?

MR. MUSSO: I do. I put together a technical review that I'd like to run through briefly, and certainly get into more details if you have questions on that.

Just putting these two sites into some perspective, they're about a mile away from each other as the crow flies, the two sites. The elevation differential is about 30 feet between where the 110 foot site is, the southern end of the high school, and Ann Kaley. Ann Kaley sits

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higher -- a little bit higher. So some of the things are a no brainer, it provides better service, but you do have to evaluate the topography and other things, which I'll show you. We've also done independently some of the cross-section plots in a look at the alternative sites.

Our outline of this memo that I submitted last week is going through this May 23 alternative site analysis by the applicant, and also the memo that they submitted on June 29. We looked at their methods, the way coverage maps were developed, we looked at the need for sites. You see the white there, what that means is we agree there is a gap as would be defined in our experience and by the FCC. We also looked at existing AT&T sites. As I mentioned, Mount Zion is the only one in Marlborough, but there's several within a five or six mile radius. I personally worked on some of those sites for other municipalities.

In order to meet that target area, provide service to that target area, really none of those on air sites in other towns could be readily upgraded. There's complications with

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them. We wouldn't know exactly where AT&T sits. And, you know, they've been working in their own targeted areas in those municipalities and they've been interacting with the network as well. It's very difficult to go in often times and say yeah, let's go to that site down the road in Newburgh and put 20 feet on it. It normally can't be done. Here we confirmed with distance and topography that's not really viable.

Then we looked at this AT&T targeted area, this yellow polygon. We did due diligence on all 23 alternatives. We agree that all of the alternatives except one are not viable, and I'll show you a couple plots if you want to see those to confirm those coverage -- distance and line of sight coverage from these places, like Cluett Schantz Park, the ambulance corp, the wastewater treatment plant, reservoir 1 and 2. We looked at Central Hudson poles, although that's speculative whether they would be allowed to co-locate. They ran out those values as well. Really we're left with two sites. I guess that was one conclusion with our report is 130 Ann Kaley and 110 at the high school are viable alternatives.

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We then looked at the service between the two. That's one of the exhibits I'd like to put up. If you'll excuse me for a second, I'll put this on. We then looked at service in the yellow targeted area, the hamlet area, Western Ave, Route 9W. The middle school and elementary school were noted as target areas. The high school also. A no brainer, the high school alternative will cover that. Ann Kaley Lane a mile away also covers very well, very good line of sight distance between those ridges that you saw on the topo map, in our opinion. So we evaluated the coverage maps and we also did some independent topo analysis.

We then looked also at the visual assessment. We carried the two candidates, 130 Ann Kaley, 110 high school, forward and tried to put apples to apples on what the pole would look like and what the view shed would look like, if you will. Now, the view shed analysis by AT&T was done only for Ann Kaley. This was done back in 2014 before the pole height was dropped 20 feet by the ARF. What's on file, and I have a couple of these images to show you guys, is a

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visual influence map, a map of Marlborough that shows where there would be visibility, where there wouldn't and where there would be maybe intermittent visibility due to trees and obstructions.

We also have what's called photo simulations where they actually flew a balloon at 150 feet, drove around the area, took pictures and superimposed images of what a tower might look like. Now, something goes to Ann Kaley, something goes to the high school, that's something that an application is going to have to parse out, exactly what you would like to see, what color you'd like to see. These are only, you know, sort of first cut looks at what something would be. But importantly, we don't have that same visual assessment for the high school. We put together some photo images that I'll run through. You know, it's not a comparable analysis but I think it's something that you guys could think about, at least, with that.

Last we looked at in this memo, we looked at things like zoning, setbacks, aesthetic and environmental resources that might be in

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proximity to these two candidates. I did some comparison tables, the three tables within this report that you can go through.

One thing I want to bring up as well, and it just deals with I guess speculation. We've been seeing this maps, very optimistic, 175 foot map. From where HDR stands, and our understanding is the school district is looking to entertain one option, and that's 110 feet at the southern end. We did a site visit. We met people from the high school after the June 1st meeting. Indeed that practice field, I would agree, it's 30 feet taller than the southern end of the woods. I think there would be visual impacts from that area over the high school, Cross Road and to points further north and west around that area. Again, we don't have visual influence, we don't have photo simulations, so it's hard to say exactly.

I do want to bring up the fact of co-location. If a tower is built, if it's approved and built at whatever location, I think there's a very strong possibility that another carrier would want to co-locate on that pole. The way

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the code is written, and it's written smartly, if a carrier wants to provide service the same way as we're hearing from AT&T, their first priority is to go to an existing structure. If the pole is built they're going to want to go to that pole. One thing that is uncertain, at least from where I stand, maybe it's not uncertain, is that 110 foot at the high school, whether or not the school would even entertain that, whether they would entertain co-location in the future if a site is built by AT&T there. So one of the things you think about about planning, we think about other carriers that might be coming in. I think it is an important consideration in dealing with co-location.

So the high school site, I think co-location might be speculative at this time. I just don't know otherwise. We saw the June 29th letter, so we don't really know anything more about the school. I, of course, can't speak for the school district. I do submit to you respectfully, I think that's an important consideration.

The Ann Kaley Lane site would be

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amenable for co-location.

So I think these are a couple things I just want to get out.

MR. HINES: The reduction from 150 to 130 may impact future co-locations on Ann Kaley. That's something the Board should look at at that site. You're reducing it by 20 feet, you may impact a number of co-locators causing additional towers to be required.

MR. MUSSO: That's true, Pat. That's something that could be handled with foundation design, pole design. If there's an increase in a pole, if coverage maps are provided by another carrier that says we just can't go below 80 feet on this pole, that is something that could possibly be entertained. That would be reviewed during an application process when many of the details are sorted out.

MS. LANZETTA: But it's your opinion that even at 110 at the high school -- even at 110 at the high school, that that still might be a prime spot for other -- a place of interest to other --

MR. MUSSO: Yes.

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MS. LANZETTA: -- places for co-location?

MS. NASON: Just to clarify, our lease with the high school does allow co-location.

MR. MUSSO: That's an important piece of info.

MS. LANZETTA: Thank you.

MR. MUSSO: So 110. Tree height we modeled in the photo I'll show you in a bit, about a 45 foot tree height, kind of a professional judgment. You have about a 10 foot separation distance between arrays. I'm sure you've driven by cell sites and you see the different guides on the pole. 130 foot is probably a little better than 110 before getting down to the trees. I think that's important to note the school would entertain co-location. I think it's very important for you guys to consider.

So just scrolling through our report, here's a listing of the existing -- these are on-air sites. You can see the first one on the list is Marlborough. It's about 2 1/2 miles from Ann Kaley, maybe 3 miles or so from the high school.

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You see the other townships that are providing service, possibly through a little piece of Marlborough. Some of these are across the river, some of them are from points south or points north. This is the map that Dan had up there with the arrows going to different sites.

We note that none of those facilities can be readily upgraded so that coverage would be remedied. Hence the need for a new site is justified in our opinion.

We then put a table -- I'm not going to go into tremendous detail but these are the 23 alternates. The high school is fifth on that list there. The column off to the right tells you what they assumed based on the tower height or antenna height, meaning a new tower where AT&T antennas would be located at the top. From many of these they provided coverage maps. For each one of these. Some of them they did not, and for those we did a topo analysis which I can show you in a minute.

So going through here you see the high school is at 110 feet. That was our coverage map. Water tank , that would be a co-location.

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That's only 50 feet. That's not a new tower. Central Hudson poles. A bunch of sites would be all land sites where a new structure would be provided. Now of course with determining that these are not viable or insufficient compared to the two candidates, we didn't do any other visual of these, what things might look like at the cemetery or on Dock Road, on the water. We determined that it just wouldn't line up as a viable alternative.

I also want to note that in our site visits and in our analysis of this we didn't readily identify any other alternates that might be out there. Part of that was, you know, based on drive-throughs and looking at zoning maps. Part of it also was I know the Town had provided a number of sites to the applicant to get them going. In my experience this is really one of the most in-depth alternate site analysis we've worked on, and this is over 20 different sites here.

I want to show you this image here. This is a little zoom in just to give you an aerial view of the high school. South is off to

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the right. You see a pretty nice tree buffer, about a 6-acre area tree buffer here. You see a pretty nice tree buffer area here.

In meeting with the school, there is a cross country path that runs through here. There's also -- you really can't see it but there's an inset here for composting and some materials that are stored. In looking back here and walking through, this looks like a cell site. It looks like many cell sites that I've been to where there is an area that's kind of carved out and you can kind of envision 100 foot by a 100 foot area. There would be a lot of engineering and site development, a lot of tree removal within a little pocket of this.

The other site where there's no agreement but where coverage maps were provided was way up here in this area. So this gives you a general aspect of the area itself. You can see that there are homes along Cross Road. I think one of the differences here, a 110 foot pole would rise, you know, above this tree line. The views from the school, you know, people at the school, the views from the vehicles in the area

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and homes such as these, there are certainly other homes around the school, they'll be getting a piece of that 110 in view. Normally that's going to be looked up and framed against the sky from this particular site. So, you know, there's some merits there of the site. I really do like this buffer. I really don't like this alternate up at the northeast area, having driven through that area and kind of walking up there. I just thought that that would really open up views to that area. So that's just an aerial image.

We then started laying out a comparison between the two candidates. Again we looked at 130 feet and 110 -- at Ann Kaley Lane, 110 feet at the high school. You can see some of the differences in the parcel sizes. Big parcels in general. We would assume like 100 foot by 100 foot lease area that's been specified for Ann Kaley Lane. The high school would probably be something similar to that. There would also be a little access road that would be carved into the woods there. Zoning, AG district and an R-1 zone. Towers are allowed in both areas based on the zoning. Elevations, you see the difference.

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This is about a 30 foot elevation difference. Ann Kaley sits a little bit higher just based on it's raw ground level. Site setbacks, that would be interesting perhaps at the high school being in proximity to the fields and what not, we'd want to do things safely, but I think that could be engineered. There would be a variance, it looks like, for Ann Kaley Lane based on one of the setbacks, which, you know, isn't anything too unusual with towers, but it would be another setback. There are some ecological wetlands, ecological features near or on both sites, just doing some map reviews that the DEC puts out. Neither is in the flood plain. No historic significance. Archeological potential was flagged and rare species were flagged. That's probably just the luck of how the mapping was done. Again, the important thing is that a view shed analysis and a visual analysis was completed for Ann Kaley Lane but not the high school.

So just to jump through the -- get to the visuals a little bit. In order to create this we used a CAD base from Ulster County, a GIS tool. In a darker room you see a couple folds of

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the land but we put in the image of the high school, 30 foot and 50 foot in the middle of the structure, and we put in a very thick 110 foot pole. We didn't model what the antennas might look like. The width of that pole is probably much thicker than you would see in a regular photo simulation. We then looked from the north end of the high school, looking southward over the high school, and 110 feet from a ground perspective you would see the pole at 110 feet. That could have antennas off of it or what not. But the visual impact wasn't great from that end. I mean you're at a distance with the campus and you do have some peaking over of the building there. That's at 110 feet at that south end. Again, photo simulations were not done along Cross Road. You get an idea from the plan view aerial along Cross Road. Just south of one of the baseball fields, if you hang a left there's kind of a parking area there, and that would serve as a possible access drive on the south end of the property. And from there, a closer distance, not a perfect simulation by any means, there would be thicker trees or maybe some other

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trees taken down, but that's what a structure might look like. Again, the width of that thing is exaggerated here for sure. That's based on aerial -- it's based on GIS, it's based on topography and based on some images that are put in. This is really apples to apples when you look at what was provided for Ann Kaley.

Just to go over this quickly. Again, this was submitted in the original application materials and it's based on two things. It's based on the desktop exercise where you have a map of the Town of Marlborough and it's based on site recognizance with a balloon that's floated. This was done at 150 feet. This is before the RF -- the team's RF engineer entertained the drop in height. So what's interesting about this is the green in the middle shows where that tower would be visible from. Of course right at the site and around it, a large part of that, that 20 acre property. The red dots are where they actually took photos and superimposed what the tower would look like. Again it's 150 feet. As you go a distance, red would be not visible, and that's based on GIS topography and simple line of sight,

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not even including for trees and other things. The tower wouldn't be visible from those areas. There's also a lot of yellow there and some blue, which means that it could be visible through vegetation or partial views and things like that. So it's -- you know, it is a focused -- a bit of a focused visual influence with this.

The first ring is a one mile radius of the site. Looking at the Route 9W corridor, this may be visible just intermittently or shielded quite a bit. We get into the Hudson River, not visible. Further into the Hudson you could have some visibility of it. If you're looking at the resource of the Hudson River, looking back up the tower would be framed much by the ridge line that runs behind it. So I think the difference here would be, at least from some of the views, is a direct view looking up and framed against the sky versus views that are looking up framed against the background.

These are some of the visual simulations that were done. I'll just enlarge some of these. So this is a pretty good shot I guess from Ann Kaley or Prospect.

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MR. WALTERS: Mike, those are at 150 feet?

MR. MUSSO: Yes, these are at 150 feet.

MR. WALTERS: So it will drop by 20 feet if we go to the 130.

MR. MUSSO: You can see it there kind of in the middle. They're assuming a monopole, conventional arrays.

This is another simulation.

This is one looking toward the river. That's certainly an open view on property looking at it. It's pretty close.

This is further out, obviously looking down towards the river.

Here's another view, too. I think that's a good perspective. Going down, it's going to diminish these somewhat but it's not going to make it invisible by any means.

MR. WALTERS: Agreed.

MR. MUSSO: One other aspect I'd like to cover if I may, and it's looking at some of the cross section plots. This gets into the service, Steve, that you had asked about awhile ago. I'm getting to it. I'm almost there. What

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we had done is used what's called a Terrain Navigator Pro or program. What we said is we looked at these coverage maps, we've superimposed a lot of information. Like the map that was put up by the applicant a few minutes ago, we wanted to look at plots, not including vegetation or structures but raw topography. Going from the 130 foot tower at Ann Kaley Lane, that's what you see off to the left, the red would actually be -- if you scaled that it's 130 feet. And then we drew some angles down into the hamlet area. So we said well, where should we -- where do we draw them to. We did a couple plots like this. We looked at the middle school and elementary school areas. We looked at areas along Route 9W and right at 9W around Western Avenue because reading the application materials, that was kind of ground zero of their target coverage area.

Ann Kaley Lane here, you see you do have a pretty good line of sight, touching the top of that hump, that ridge line. You are getting some interference , at least on this plot that we did, at the very end. The yellow would indicate where some ground would be hit. So then

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looking at the high school to that same point that we picked, and this point happened to be Route 9W and Western Avenue, you could see how the topography would differ. Again, this is one section that I chose to do. We did a couple more as well. I could go to other points along 9W, the high school would point a more optimistic picture. This is one plot that does demonstrate that topography that the applicant's RF engineer was talking about a little while ago. Cluett Schantz, you can see this is one of the alternatives that was ruled out, and this is why it was ruled out. Milton Park Landing, Memorial Park, we looked at those because no coverage maps were provided. So Ann Kaley to the intersection of Lattintown and Plattekill Roads, it's a plot moving up towards the top here, you have a pretty good line of sight to that. That's one of the roads in the desired or targeted coverage area. The high school also sees that. You can see it's a little closer to the ground, not accounting for trees that might be around. Still it gets there. These match up with coverage maps, by the way. The orange and green on the coverage maps would

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coincide with this somewhat.

Here's some other alternatives that fell by the side. Again the vertical scale of course here is exaggerated. This isn't the southwest but you get the idea of the exaggeration of it. So this is the interference from some of those other sites.

Ann Kaley to the middle school area, we thought this was an important one, too. Just going a little bit -- I guess a little bit north and a little bit west from 9W and the Western Ave intersection, we do have a pretty good line of sight from Ann Kaley. High school at 110 feet to the middle school area we were hitting a little bit of interference. Again that matches up with the coverage map as well. Cluett Schantz Park, Milton Landing, Memorial Park, they fall by the side.

The elementary school area, you know, the coverage map doesn't show that from -- or reliably cover from Ann Kaley. It might be that last ridge off to the right there, there could be some interference with trees, but a more successful probability of reliable coverage than

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the high school where we do hit some topography off the back.

So these plots were kind of a random sampling of the desired coverage areas. They do play out to verify those coverage maps, and also to rule out some of those other alternatives. We had used them for that.

So the last exhibit then I'd like to show you is figure 2 of our report. I think this is an important one. As we heard about the population counts, the roadway statistics and these percentages that were thrown at us. You know, the percentage increase of the incremental, we didn't do that. I mean we didn't emulate that. What we wanted to do was say let's boil down a couple of the coverage maps. Maybe you can see that yellow polygon better. That's the desired coverage area. We say how would these match up to each other. The brownish area would be existing coverage and negative 85 DBM in vehicle. That is either there now or would be there from either site. So 110 foot at the high school or 130 foot from Ann Kaley. If either one of those would be built, that's -- the brown is

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the coverage that would result. So that's a lot of those areas. The green is existing coverage, and coverage that would only be added by the high school at 110 feet. So that's a difference. You see off to the left half of that polygon especially and outside, that points west, and you'd expect that because the high school is seen a little bit better to the west, as we noted. But I think, you know, what's -- what was confirmatory with our analysis, if you look at the pink shading, the pink shading is existing coverage plus Ann Kaley at 130 feet. You can see 9W, Western Avenue, Purdy Lane around the area of the site, the middle school area, a little bit on the elementary school area. Whether or not those are very large, this is based only on coverage. This is a map exercise, overlay map. We're not taking into account the populations of the roads. It's really that ground zero area where the applicant has stated where they want to target their coverage. Ann Kaley seems to be looking a little bit better as far as going to the east -- the eastern part of that polygon.

Now, the overwhelming thing I think

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with this map is brown. There was a lot covered there, existing coverage plus for either site. That's a lot of coverage there. The maps that were provided -- the coverage maps that were provided are based on -- getting into something technical here -- 85 megahertz. AT&T, like other operators, they operate at several different frequencies. You hear commercials for 4G LTE, that stands for long-term evolution. They have frequencies at 850, as I just noted. That's what these are based on. They also have frequencies at 1900 and 2100 now. In general, the higher the frequency the less optimistic coverage footprint there is in my experience. If we were provided maps that had 1900 or 2100 higher frequencies, the differences would probably become more prominent. So green areas probably would be more green, but also the pink areas would be more pink. So this is based on one of their frequencies. And it's a conservative one to do. I think it's really good to show the optimistic form of coverage.

Figure 2 I think is, you know, key one for the Planning Board to consider. I would also

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submit the background we heard tonight about, you know, what goes into developing some of those percentages and the differences. I think this map exercise is important but I think there is another side of it as well to say, you know, what that incremental difference is.

I know I probably took too much of your time but those are the main things that we wanted to focus on with this alternate analysis, the service, the difference, maybe some food for thought in terms of visual impact and maybe some site information.

But there's two candidate sites. There's a need for a site. There's a need to focus within this targeted area.

MR. TRUNCALI: So do you have any documentation saying that the third site is not a candidate site, that the high school does not want it at that site?

MR. WALTERS: After the last meeting we contacted the school district at least fifteen times between now and tonight -- between that meeting and tonight and no response. What we can tell you is we have no authorization to go on the

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higher site. As Mike said, he really doesn't like the higher site from a number of perspectives. If you're giving us guidance and you're really looking to nail this down, I think you have to look at Ann Kaley at 130, the high school at 110. That's what we have leases for. We don't have the power of condemnation. We can't take property. We can only do what a willing landowner is willing to do. We took a year to negotiate a lease with the school district so we could come back to you and say we can go either place. One is clearly better from our perspective. I think Mike confirmed a lot of that tonight. It's not dramatically better.

Right?

MR. MUSSO: Agreed.

MR. WALTERS: As he points out, the brown -- the reason AT&T is saying either is a viable candidate is, as Mike points out, it's the brown. You do get enough coverage. It makes sense. We would build this site if you said this is what you want.

It really does come down to some direction from the Board at this point so we can

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move forward with one or the other and really get this moving.

I'm sorry, I probably stole Kim's thought.

MR. TRUNCALI: I agree the site at the high school doesn't seem to be the better site at 110 feet. I don't know why you couldn't go higher at that site.

MR. WALTERS: And just to nail that down one thousand percent, so at that location Mike did raise the height -- I'm sorry. Dan did raise the height to try and figure out what it would take to get those pink areas green, and -- was that 195? 190? The highest height --

MR. GOULET: The alternate high school was 175.

MR. WALTERS: 175.

MS. NASON: That's the alternate.

MR. MUSSO: At the southern areas it's 190.

MR. GOULET: Current high school location --

MS. NASON: 190.

MR. GOULET: Right. It would be 190.

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MR. WALTERS: 190. Just so we're clear, in order to get those pink areas green you'd have to go to 190. So it's a difference between 190 at the high school at the site we have locked up, we have rights for, versus 130 at Ann Kaley. At this point that's the balance.

MR. MUSSO: That's for equal coverage.

MR. WALTERS: Right. But again, we went back to RF and said -- to Dan and said give us the minimum height that is acceptable from an RF perspective, and that's the 110 because that gets you enough brown that it makes sense to do it. It doesn't get you those hard to cover areas because you're not going to get them from that site.

MR. GOULET: Can I elaborate on something?

MR. WALTERS: Sure.

MR. GOULET: I just want to touch on something that Mike eluded to. As he mentioned, what we provided here was only the 850 frequency band. AT&T does have licenses, and I think we stated in the report. What they have found, this is in the case of just dropped calls, this is --

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we're talking voice and data. People want wireless in their homes, they want to connect to the internet, they want to get -- people are working from home, they want to get their e-mails, et cetera. What has been the experience with the carriers is as soon as they launch at the lower frequency bands, right away that usage, it just almost immediately approaches capacity because people are downloading videos, they're downloading huge amounts of data, and there are statistics to show it. So what happens is then AT&T has to come along and do an overlay with the same antennas, 1900 megahertz, which has, as Mike said, a much smaller footprint. What that means now is you have to realize homes that could have had coverage on the 1900 can't. They can only have coverage on the 850. So you're pushing the envelop as far as capacity. You haven't hit the balance that you would prefer to hit is all I want to mention.

MR. WALTERS: I think all of that is kind of different ways of saying it's not quite as good coverage. You get better coverage from Ann Kaley Lane on an apples to apples basis.

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I think Mike did a nice job of kind of highlighting the visual differences.

Really again at this point we've kind of been going around for a year-and-a-half. You gave us a lot of alternatives to look at. Mike said it was one of the most comprehensive ones he's ever done. Me too. I probably worked on over 150, 200 sites in the last fifteen, twenty years. It was a lot of sites we looked at. You asked and we felt like we had to do our homework and come back with a good product. So that's kind of how we ended up where we are.

At the end of the day, a year-and-a-half later, we have two viable sites. We just need -- again, AT&T thinks Ann Kaley is better from a coverage perspective, but we'll go -- we do not want to spend a lot of time fighting about where we should go. We're prepared -- AT&T is prepared to do whatever direction the Board would prefer. We just need to know.

MR. TRUNCALI: Do the Board Members have any questions?

MR. CLARK: Are there any emerging technologies that are going to make this --

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MR. WALTERS: I'll ask Dan to answer.

I'm going to say --

MR. CLARK: What happens -- what's the difference between this and a wi-fi or a hot spot?

MR. GOULET: I'm sorry, what's the difference between this --

MR. MUSSO: A wi-fi hot spot and a cell site.

MR. GOULET: Oh, well the wi-fi hot spots are providing just data. No voice, number one. Number two, the macro site has a much larger footprint than a little access point that you have say at a school. What's happened is a lot of -- a lot of people want this wireless 4G LT service -- LTE service, and 3G also, because cable companies don't want to go out to the rural markets and provide internet service. So people are using the carriers for internet service.

Plus I want to mention, I don't know if I mentioned before, 45 percent of all E-911 calls came in over wireless devices. In fact, the FCC has -- the Government has now said that they want the carriers to improve E-911 so that they can

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better locate within a building exactly where that device is. They don't want to know that the device is in this courtroom, they want to know that the device is in this courtroom and it's in that back room. So I mean the service is critical. You know, emergency services are using it, residents are using it and business people working at home are using it.

MR. WALTERS: But at this point there is no emerging technology that's out there that's going to make the cell towers go away. Our predictions are we're just going to have more cell towers as time goes by.

MR. CLARK: I thought the technologies that -- Uber for example. The taxi industry is being turned upside down because of something that has occurred in the last couple years. I'm just asking do you see anything out there like that that's going to be a game changer?

MR. MUSSO: No. I think the trend that I gave you is more sites, lower power. The first cell site now is broken out into two or three or four sites to handle calls, to handle data, to handle e-mails, to handle somebody downloading a

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movie or whatever else is going on. Terrestrial based systems lining this, they're going to be around for awhile.

MR. WALTERS: And we were just discussing whether your local law has a removal requirement. If you do stop using it, you have to take it down. It would go away if we stopped using it.

MR. TRUNCALI: So what else can you do to help the rest of the Town where there's zero service or poor service?

MR. WALTERS: The build-out process really takes place -- it's a never-ending process. I started doing AT&T siting work in the late '90s and it was supposed to be like a two-year window, we're going to build out the state and be done. Every year the network gets re-evaluated. Every year usage is going up. In the early 2000s we used to talk about wow, in a few years they're projecting data usage is going to go through the roof. It didn't happen until smart phones came online about four years ago and it just has peaked. So they're constantly evaluating the network, constantly building out,

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if you will, and improving coverage. It really comes down to when it makes sense to build sites. You start with the more dense areas and you work your way out. In the old days we started just on the roads. We covered the Thruway and 86, various highways, because people were using them in their cars. Now the goal is to cover houses and as many as possible. So when we get this site down, there will be a constant evaluation of the network. At some point there will be another proposal, whether it's right over the border or in the Town, to cover more of the Town. This will significantly improve what you've got.

MS. LANZETTA: I would like to say that there's no doubt that we need additional cell coverage, and there's also no doubt that there probably will be more people coming to us for additional cell towers. As you noted, we have a co-location to consider later on at this meeting.

I was part of the group that helped to develop our wireless telecommunications facility law that we have in place, which I'm happy that Mike acknowledged that it's a pretty good law.

MR. MUSSO: It is.

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MS. LANZETTA: I'd like to remind everybody that the first priority in us finding our locations is supposed to be on Town land. When we put that into the book it was with the thought that as people will benefit from having the cell towers, there's also impacts that aren't as favorable as being able to get better phone messages. So in order to help compensate the public for those and to help mitigate for those kinds of impacts, we felt that the public should be given some kind of benefit, and that would be the utilization of Town, i.e. public land. You've looked at the other Town properties and you know that they are not viable. The school site has been acknowledged as a viable alternative. Revenues that would come in from this are part of what we can consider as part of the public health, safety and welfare. So it's important to us, it's incumbent on us to consider that, not to -- I know we can't deny, and we're not looking to deny you, but we can consider that in where we think the best site will be.

Also, you know, when we talk about the coverage, the coverage is really just as good, if

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not better, in different senses from the high school site as the Ann Kaley site. So we're not -- if anything, we're actually -- I mean that would certainly give the public the kind of coverage that they need. We wouldn't be -- we would be doing our due diligence in watching out for their safety and their welfare.

So I again would say that I would prefer to look at the high school site and possibly, you know, negotiate with them for a higher antenna. You know, not saying you can get that, but it's certainly something that I would like to see in conjunction with us looking seriously at that as the preferred site. That's my opinion.

MR. WALTERS: Right.

MS. LANZETTA: I don't know what the rest of the Board's opinion is.

MR. WALTERS: The only thing I would say is we agree with everything you've said with the exception that revenue to the municipality is an appropriate general health, safety and welfare consideration. The one court that has looked at it, and we cited in our last submittal just so we

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get it on the record, has said that is an unlawful zoning consideration. You have to look at zoning factors, where are your municipal sites, how do they relate, how are they zoned, et cetera. They just said revenue is not an appropriate zoning consideration. We do not think it is. We would suggest you do not use that as your guide post. But if you prefer the school site, again we said we would go there.

MR. BLASS: If I may, there's something to be said about the consistency of cell tower improvements and public buildings and public properties other than the receipt of revenue by a municipality.

MR. WALTERS: Absolutely.

MR. BLASS: I think that if you would put people in a room and ask the question whether they would be less concerned about having a cell tower at the town hall or a town highway garage than in their backyard in a residential neighborhood, the results are arguably predictable. I wouldn't want to stipulate by any means or have the Board stipulate that the sole purpose of the local law of the Town, or whatever

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this Board does in terms of giving the applicant guidance, was solely motivated by revenue concerns as opposed to arguably consistency of cell tower facilities associated with public buildings.

MS. LANZETTA: Also, we would be setting a precedent because we're saying that we would prefer the use of public lands for the location of the cell towers. If we start allowing individuals to have these on their land -- you know, we've just all acknowledged that there's a good possibility that there's going to be more. So I would rather not open up that Pandora's box by continuing to focus on public lands for the location of these facilities.

MR. BLASS: If I may interject one more time. I apologize. I want to remind the Board that this is a continuation of a public hearing. There's been an extensive presentation by the applicant and an extensive presentation by the Town Consultant. There's also a public hearing that's open this evening as well. You may want to take that into consideration and solicit public comment.

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MR. TRUNCALI: I'd like to add to
Cindy's comments that although I don't think that
the high school location is the best for the
hamlet, it is better for the western and southern
part of the Town. I would also like to see it at
a higher --

MR. WALTERS: Height.

MR. TRUNCALI: -- height if it was
possible.

So if there are no other Board
comments, we can open it up to the public to have
some questions.

MR. BRANDS: I have a question.

MR. TRUNCALI: Please state your name.

MR. BRANDS: Chris Brands. I'm just
curious. What's a typical lease acquisition and
rental fee for something like this? What's the
total money layout?

MR. WALTERS: It really varies and
there's a lot of competitive issues. We would
not be -- that would be confidential business
information --

MR. BRAND: Average?

MR. WALTERS: -- that I would not be

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comfortable sharing in a public hearing format.
It's just -- revenue should not be a key
consideration in any factors in siting of cell
sites. I understand, you know, we may have
different perspectives on that. That's okay.
Let's focus on the visual impact, those kinds of
things, the coverage. Basically the balancing.
What the courts have said is balance the impact
to the community versus the benefit from
coverage. That's what we would encourage you to
do.

MS. LANZETTA: Under SEQRA aren't you
allowed to consider the economic impact of the
project?

MR. BLASS: What we're really talking
about this evening is one judicial decision
coming from a State of New York trial court on
the issue of whether revenue generation is an
exclusively -- revenue generation is a legitimate
basis for drafting a cell tower site law.
Interestingly, there are probably hundreds of
cases in the Federal Court under the
Telecommunications Act challenging the treatment
of carriers by local municipalities. I'm not

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aware of any authority in that area of extensive and specialized litigation that deals with the striking of a local zoning ordinance by virtue of motivation towards revenue generation.

So I think that it's a case that's existing. I think it was workmanlike by the applicant to define it and bring it to your attention. I think it would be wise for the Board, in light of that case, not to stipulate or pronounce that it's decision making process is driven solely by revenue generation to the benefit of the school district and the school district's taxpayers but as well to take into consideration the fact that consistency of land uses is also a factor which is promoted by the pecking order in the cell tower siting legislation.

MS. LANZETTA: I thank you for the explanation as to just that.

MR. TRUNCALI: Vince.

MR. MANNESE: Vincent Mannese. A quick question. It was stated that because of the height of the -- rephrase that. The lowering of the height of the tower at Ann Kaley would not

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have a visual impact or as much of a visual impact as the one at the high school. That also means it's kind of secluded and protected and not as much at the high school. Therefore would it not cut down the amount of coverage that it's giving versus the high school?

MR. MUSSO: The maps -- this is based on the lowering of the height, the coverage maps and analysis. We made sure to look at all the revised coverage maps at 130 versus 110. So my perspectives on coverage, this map overlay, what you heard about the business pops and everything else, that's 130. All we're saying is that the applicant, in their initial submittal, they were looking at that time at 150 feet. That's what their visual was based on.

The images that I showed you there that I had up on the screen that had the simulations of the tower, those are based on 150, not 130. That would come down a little bit.

MR. MANNESE: That's my whole point. The lower it comes, the more condensed it's going to be versus the open area at the high school which is going to cover south and west

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Marlborough as well as good if not better than the township itself or the village.

MR. MUSSO: I mean the coverage is here. You're right, the high school is further west. You can see the green on this map a little further north. It's on and outside of their coverage objective. I mean that's a true point. I think the Board Members also picked up on that.

MR. MANNESE: Not to interrupt. It goes beyond their coverage objective. I thought the township was the coverage objective.

MR. MUSSO: The yellow polygon you see up here which is a subset of the Town, it's not the whole Town, it's that area that's focusing on what they call the hamlet, 9W corridor, Western Avenue, County Routes 14 and 14A, Plattekill. It's in their detailed application where they want to target coverage, in vehicle, in building, homes, commercial buildings in there. It's really in that yellow polygon. That is what we're seeing from other applicants. They are getting that specific as a targeted coverage per application. It's no longer, you know, within the Town of Marlborough political boundaries.

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This is a more focused area.

MR. MANNESE: It's more business than residential.

MR. WALTERS: It's both.

MR. MUSSO: It's really both.

MR. WALTERS: It's more residential and more business. It's a little more rural on the western and southern side.

MR. MUSSO: With the visuals, I didn't mean to confuse you if I did before, or maybe I misspoke. The perspective I want to put out there is the views to 110 foot at the high school, there's nothing behind it. These will rise to the tree line. Ann Kaley is not going to be invisible. I'm not saying that of either site. One perspective is the Hudson and 9W. The Hudson is a recognized sensitive viewshed. Looking up you may see that framed against the back of the ridge line, the back of the slope there.

MR. MANNESE: Which?

MR. MUSSO: Ann Kaley Lane versus up at the sky. Certainly some views it's going to be visible. I'm not saying it's not going to be

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visible. It is something to consider when you're looking at perspectives and visuals.

MR. TRUNCALI: Any other comments?

MR. OSBORN: I'd like to make a comment. Steve Osborn. I own one of the properties in question. Just for full disclosure, I'm also the Town Supervisor. I come not as a private person. I gave my views on this as a private person.

On a technical point that was brought up the last few minutes here, as the Town Supervisor I want to guard the Town against legal problems. Just as we heard that there is some ruling that you're not supposed to use economic considerations in the determination that the Planning Board uses tonight, I also think we should be a little careful about how the Town law is written. I believe the Town law is specific. It says Town owned properties. I don't know if -- if the Planning Board uses public properties as it's motivating feature, I don't know if we're getting into a similar problem since there's no law saying that. I'm just asking the question.

MR. TRUNCALI: Do you have any comment

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on that, Ron?

MR. BLASS: I think in this particular case, this particular situation, the applicant has made it clear that he's prepared to go to either site. I don't think that this particular situation is flawed with legal --

MR. OSBORN: I'm only worried about your Planning Board's considerations and what it's basing them upon. Because the applicant -- I'm just -- you know what I'm saying.

MR. BLASS: I do. I do. The alternatives process here also involved many public properties that are not Town owned. What came out of the process engaged by the applicants was two viable sites. One happens to be your site and one happens to be the school site. It also happens that the applicant has negotiated and is in possession of a signed lease at the school site. So those are fairly special --

MR. OSBORN: As I've said personally many times, I have -- I like the idea of having it at the school. All I'm worried about is the Planning Board is not basing it's decision on something that's not law.

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MR. BLASS: So I think that on the record being made here, the Planning Board's decision is being based on submissions of the applicant and the applicant's statements that the site is viable and they are just looking some for direction.

MR. WALTERS: I think --

MR. BLASS: That's not a fact pattern which I would necessarily say would repeat itself over and over.

MR. WALTERS: I think we would agree. Again, AT&T is trying to be cooperative and work with the Town. We heard some concerns when we first came in with the Ann Kaley site. We've done a lot of work since then. We're not headed in a path where this is going to end up adversarial unless, and I'll say this out loud on the record, unless you tell us to go to the high school site, we go to the high school site, six months into that process the public comes out up in arms and the Board says you know, Ann Kaley was the right choice. That would be problematic. We just need clear direction. It sounds like two Board Members are strongly favoring the school

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site. That's fine. If the other two agree, we're on our way. We'll look at alternative heights. We will have further discussion with the high school about moving it. I think Mike expressed some concern about going up. We'll look at that as part of that application, which would also include photo sims because you require a balloon test. We would do that as well. In essence it's a new application for the high school site. We would look at alternative heights. We would probably come in and certainly do photo sims at 110, but maybe there's a higher height to discuss. We can look at that further. We'll look at the alternative location. If the indication is to go to the high school, we'll do that, we can't just go there and then have the rug pulled out down the road. That's all I would throw out there.

MR. TRUNCALI: Any other public comment?

(No response.)

MR. TRUNCALI: Anything else from the Board?

(No response.)

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MR. TRUNCALI: If not, I'll entertain a motion of what direction AT&T should go with this application, which site you feel is the best.

MR. TRAPANI: Close the public hearing first.

MS. LANZETTA: Should we close it?

MR. TRUNCALI: Do I have a motion for what direction we would like to --

MS. LANZETTA: I would like to make a motion that we ask the applicant to focus on the high school as their site for the location of the cell tower.

MR. TRUNCALI: Do I have a second? A second? A second?

I'll second that motion.

All in favor?

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. TRUNCALI: All opposed?

MR. CLARK: I abstain.

MR. TRAPANI: I'm not opposed but I'm not really decided which way yet. I just want what's best for the Town overall. I abstain.

MR. WALTERS: That would mean it

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doesn't pass. Right? We don't have a majority saying yes. That would mean we're proceeding with Ann Kaley. We don't have clear direction to do something else.

MR. TRUNCALI: I don't think it would mean that. I think it would mean you have to wait until we have another vote.

MR. BLASS: There's no escaping the fact that the Board has an application in front of it for the Ann Kaley site. There's no escaping the fact that the Board does not have an application in front of it with respect to the high school site. The applicant was willing to suspend one and pursue the other if it received clear direction. There's no question of fact that the applicant is not getting clear direction. So the outcome of that situation is that the current application has -- there's no option but for it to proceed and to be reviewed.

I think that the Board should also engage in conversations with the applicant with respect to setting out a timeline for review that is in some way consistent with FCC regulations since you have gotten all of the

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supplemental site information that you requested and it was brought to your attention June 1st, about a month-and-a-half ago. So I think that I should engage on your behalf in some discussions with counsel about a timeline for the prosecution of the Ann Kaley site as well.

MS. LANZETTA: Can we write up a letter -- I mean a resolution of determination that can be voted on at the next meeting?

MR. WALTERS: I actually think we do have some outstanding items. Mike did a review of our initial application. One of the things he highlighted was alternatives, and then we entered into a long dialogue with the Board and the Town on sites and alternatives. We still do have items pending to Mike.

MR. MUSSO: Yes.

MR. WALTERS: We just weren't going to spend the money, time and energy doing those if we weren't moving forward with this site.

MR. MUSSO: We submitted a memo before the in-depth alternative site analysis. There were some deficiencies in that. It's not a complete application by any means.

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MR. WALTERS: From a timing perspective, what would happen without clear direction from the Board is we would then respond to all of Mike's comments on the Ann Kaley site, realize we're going to put a lot of law in front of you about what you can and can't do under Federal Law now that we don't have clear direction, right, because we haven't gotten into that. We've been here in I think a fairly cooperative fashion. We're going to continue that. Without clear direction from the Board we have no choice but to perfect our application on Ann Kaley and move forward with that. There will be some constraints on the Board as a result of the record as it currently exists. Your attorney will undoubtedly provide you with a lot of additional information.

Do we want to take one more moment just to see if there is any opportunity for clear direction? It sounds like there's not but I would much rather have clear direction.

MR. CLARK: I got this information about two days ago.

MR. WALTERS: And you're new to the

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Board.

MR. CLARK: I can't make a decision based on the information I got. I'm just not going to do it.

MR. TRAPANI: Do we have a formal application from the high school?

MR. WALTERS: You have nothing from the high school.

MR. TRAPANI: How can we even consider it then?

MR. WALTERS: Because you're considering it in the context of the Ann Kaley application. Federal Law says you can require us to look at alternatives. We've done that. We've given you -- there were two viable alternatives. It's now we can either proceed with the current application or we can switch. We can't do both.

MR. TRUNCALI: You have an agreement with the high school?

MR. WALTERS: Do I have --

MR. TRUNCALI: An agreement with the high school.

MR. WALTERS: Yes. We have a lease. We have a signed lease with the high school. That's

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why it's a viable candidate.

MR. TRUNCALI: I think that was his question.

MR. TRAPANI: I just wanted to know if you had something, they can't come back and say no, we don't want it here.

MR. WALTERS: We have a signed lease with the high school, with the school district. We're good on the landlord side. We don't consider it a viable candidate until we've locked up our property rights. Otherwise you have yeah, sure, then you have a public hearing and everybody is like no and the district school says no, we don't want a site here. We actually did this dance. You may not remember. I think we covered this with an earlier application last year. We spent three years with the school district trying to get a site at the high school four years ago, and after two-and-a-half years everything was headed for a lease, they said oh, we've changed our mind, which is why when we came back we didn't end up at the high school. All of that is behind us. It's just about moving forward.

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We do have a signed lease at the high school. It really would be up to this Board, do we go with the high school. It's totally in your camp. Again, with some clear direction we would change. Without clear direction, I think we're prescribed to go forward with Ann Kaley.

MR. TRAPANI: So you're looking at me to change my mind. I've seen what's going on with this playground equipment where everything has been changed between boards and the school, and what's been said and what's been done, and that this can not be used by the people of the Town out here. That's why I have concerns both ways. I have to stick by my concerns. I'm sorry.

MR. WALTERS: That's fair. That's fair. That's why you're here.

MS. LANZETTA: So you would rather have people put up cell towers on their property, whoever wants to put one up?

MR. TRAPANI: No, but if we have a park here that can not be used by the Town's people, right out here, it's school owned, and we have a park up the road that we've had problems up

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there, with people up there going up and harassing mothers with young children, that's why I have concerns both ways. Things can't be changed where they said they can't control what's going on in our Town park because it's owned by the State now or something.

MS. LANZETTA: That not true.

MR. TRAPANI: That's what I've been told. I've been told by the school district and I've been told by other people here. I'm not going to say who it is. That's why I have concerns.

I had a son that was harassed with his caregiver up there and the Town can not do anything for that. That's why the people can not use the park out here, because the Town says one thing and the school district says another. So that's my concerns. I'm sorry.

MR. WALTERS: That's okay. That's fair.

MR. TRUNCALI: Okay.

MR. BLASS: So just to summarize. In effect, the applicant has stated to the Board that it's willing to put it's Ann Kaley

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application into suspense if it gets clear direction that the Board feels that the high school site is a preferable alternative. That direction is not at this time forthcoming. So the applicant has told you what it has to tell you, that it will proceed with the Ann Kaley site.

The first order of business, it seems to me, is to whether to adjourn this public hearing to a future date or to close the public hearing.

MR. TRUNCALI: I think we need to adjourn it. I'm sure the public is going to have more comment.

MR. BLASS: One justification for adjourning the public hearing is the applicant's admitted need to respond the comments received from the Town's Consultant. That would be a justification for adjourning the public hearing.

A month or two months? Any thought?

MR. WALTERS: We would probably suggest -- it's your second July meeting. We've got to time this for a first meeting again, first meeting of the month.

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MR. BLASS: First meeting of September.

MR. WALTERS: I think we are looking at the first meeting of September. We would get Mike everything. Shoot for two to three weeks before the meeting, give him plenty of time to do his review and give a report to the Board.

MR. BLASS: You can adjourn the public hearing to the first Tuesday in September.

MR. TRAPANI: Monday is usually the holiday. We usually go to Tuesday.

MR. WALTERS: The first Monday is Labor Day.

MR. MUSSO: September 7th is Labor Day.

MR. BLASS: So you'll meet on September 8th I think. Your practice is to meet on the Tuesday following. So you'll adjourn the public hearing to September 8th.

MR. WALTERS: Very good. I understand.

MR. BLASS: Do you want to take a vote on that?

MR. HINES: You have to make sure there's not court that night.

MR. WALTERS: What if we adjourn it to the first meeting in September and we'll figure

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out what that date is?

MR. BLASS: I need a date certain to avoid publication and notices and that sort of thing.

MR. HINES: I don't know if the Court --

MR. TRUNCALI: Tuesday is the second. Actually, Tuesday is the first.

MR. BLASS: First of September. So the 8th.

MR. TRUNCALI: 7th.

MR. HINES: The 7th is Labor Day, Monday.

MR. TRUNCALI: So it's the 8th.

MR. WALTERS: The 8th is highlighted on the court calendar, if that's relevant.

MR. HINES: I don't know how late -- it's been an issue in the other building.

MR. TRUNCALI: If we have court here that night.

MR. HINES: Usually they are done. We've had to wait. I don't know.

MR. TRUNCALI: Why don't we just say we'll adjourn it to the first meeting in

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September and you can figure out the details of what that is.

MR. HINES: For the public hearing remaining open we need to know.

MR. BLASS: I would like to do that but I think you need a date certain in order to avoid -- everyone here tonight probably is entitled to a date certain or a republication of a date certain. So the 8th we're not really sure about.

MR. TRUNCALI: Right.

MR. WALTERS: Adjourn it to the 8th. If it turns out not to be the 8th, we'll have to do a republication.

MR. BLASS: We can just do a republication. Okay.

MR. TRUNCALI: We need to put that in the motion.

MR. BLASS: The motion would be to adjourn to September 8th.

MR. TRUNCALI: Can I have a motion to adjourn the hearing to the September 8th meeting?

MR. TRAPANI: I'll make that motion.

MR. TRUNCALI: Do I have a second?

MR. CLARK: I'll second that motion.

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MR. TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. TRUNCALI: Aye.

All opposed?

(No response.)

MR. TRUNCALI: So carried.

MR. WALTERS: Thank you for your time,
everyone, tonight.

(Time noted: 9:17 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: August 8, 2015

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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD

----- X
In the Matter of

CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS

Project No. 15-8007
Mt. Zion Road
Section 102.3; Block 1; Lot 36.1

----- X

AMENDED SITE PLAN

Date: July 20, 2015
Time: 9:18 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA
STEVEN CLARK

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: E. HYDE CLARKE, ESQ.

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. TRUNCALI: Next up we have Cellco Partnership.

MR. CLARKE: Good evening. I'm Hyde Clarke, I'm an attorney with the law firm Young/Sommer. We represent Cellco Partnership d/b/a Verizon Wireless.

What we have tonight is an application for amended site plan review. This is a co-location on an existing tower that was already discussed previously on Mt. Zion.

The tower is 260 feet tall. We're proposing to co-locate at the 160 foot center line twelve panel antennas. Also included in our application is 12 by 30 foot equipment shelter. That will be a slight expansion of the current fenced compound. If you look at our zoning drawings, that will show what the expansion is. It's just to allow for the equipment shelter to exist within the compound.

I believe the Board should have a copy of our application. I can walk them through what we've provided. We did fill out the Town's complete site plan application, including the letter of agent. The tower owner is American

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Tower. That shows we do have permission to and are authorized to be before the Board to pursue this application.

The first tab is our short form E.A.F.

The second tab goes over the Rosenberg decision. It just sets out that Verizon Wireless is a public utility and as the Board looks to any variances or decisions, that that should be taken into consideration.

Tab three is just the documentation under the Telecommunications Act.

Tab four is the Middle Class Tax Relief and Job Creation Act. In that act is a provision that says any co-location on an existing facility is considered what they call an eligible facility request, and that requires Board approval as long as there's not a substantial increase to that base station. So as long as we're not increasing the height, not increasing what that base compound is to a certain extent. Right now we're not increasing the height. Like I said, 260 foot tower going at the 160 foot mark. The slight increase in the fence compound is not significant enough to take us out of that eligible facility

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request.

Tab five is just our FCC licenses.

Tab six is our Ag GML review letter that was provided by our engineers.

Then we have our zoning drawings.

So like I said, I think as a co-location, we're just looking for amended site plan review so we can submit our and obtain approval for our building permit.

If the Board has any questions, I'd be happy to answer them now.

MR. TRUNCALI: How many cell tower companies are on there now?

MR. CLARKE: If you look at tab C-3-A in the zoning drawing, the top left corner shows an image of the current tower. So above our panel antennas there's currently one grid antenna, one pole antenna, one panel antenna. Below there's also another panel antenna, an omni antenna and a grid dish. I don't have the exact carriers that are on that tower. If that was information the Board would like, I could obtain that. I'm not positive as to who exactly is on there. I believe possibly AT&T is on there

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but --

MR. MUSSO: They're on there.

MR. TRUNCALI: Pat, do you have any comment on this?

MR. HINES: No. We're recommending -- Mike Musso is here -- the Board refer it to Mike Musso's office for review under your Wireless Act. It should be a typical procedure. Mike's office handles those for us.

It is a very high tower, it's 260 feet. A structural analysis may be warranted for the traditional equipment.

MS. LANZETTA: I know on a new facility you're supposed to do a long E.A.F. Is a short sufficient for this or do they also have to do a long E.A.F.?

MR. HINES: I'm going to defer to Mike on that. I heard the attorney's opinion that the increase in the base station wasn't significant, but it looks a third in size of what's there now.

MR. MUSSO: I think, looking at the plans, what was brought up before was the 2012 FCC Middle Class Tax Relief and Job Creation Act which defined substantial changes to an existing

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cell site. I think if you put it parallel to the SEQRA or E.A.F., the short form is normally sufficient. Upon looking at it or looking at what the plans are, if there was a sensitive resource nearby you may ask for a photo simulation or something. Normally the short form would be sufficient for a co-location on an existing structure.

MR. BLASS: I don't think there's any -- we'll have to take a look at the application to see whether it's possible that this is a Type 1 action under the SEQRA regulations. If it's a Type 1 action under the SEQRA regulations, then a long form E.A.F. would be required. We're not quite sure yet. That's one of the things that we'll take a look at. I don't think your Telecommunications Siting Law mandates a long form E.A.F. for co-location. I don't think that's a requirement of the local legislation. So it's really a question of whether it's a Type 1 SEQRA action or not. It's probably unlikely that it's a Type 1 SEQRA action by virtue of it's nature.

I think this is being referred to Mike,

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and it's good that it does get referred to Mike because this is a co-location on an existing tower, so FCC regulations that have been around for two or three years put a fairly tight timeframe on the Board's taking of action on the matter. So it's probably important to get a -- unless the application is reasonably deemed complete in certain areas that Mike could be commenting on within the time period set forth in those FCC time constraints. So I think that I agree with Pat, that would be the appropriate first step.

MR. CLARK: I didn't review this. Just off the top of my head I don't remember. That tower is what, sixteen years old. What about the structural integrity of it? Is there an improvement to the structural integrity? I assume these things can hold a lot.

MR. CLARKE: We do have the original structural report from American Tower. It's a very technical report. I do not have a separate independent structural report. If that's something the Board would require, we can certainly provide that.

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MR. CLARK: I just heard a story where a tower was going up, a piece fell. There was a bent piece in it. I don't know if it affects the structural integrity. I just wondered if you're going to be adding more weight at that elevation, I really want to know it's going to be able to handle it under severe conditions.

MR. CLARKE: Okay.

MR. BLASS: Is the Board inclined to be looking for a digital simulation? If so, you can give the applicant guidance this evening that you're interested in that.

MR. CLARKE: What's that?

MR. BLASS: A visual simulation.

MR. CLARKE: We did not provide that.

MR. TRUNCALI: I don't think that's necessary. I don't know if anybody else does.

MR. CLARK: Nobody is going to know if they put these things up.

MS. LANZETTA: I think if Mike is going to review it he'll be able to tell us whether or not we need it.

MR. TRAPANI: I know when we had to come up with the support system on that, the

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cables, they were on somebody else's property. I think that was taken care of at that time. I don't know if --

MR. HINES: The guide wires.

MR. MUSSO: I remember that years ago.

MR. HINES: I think there was an easement extended on a previous application.

MR. TRAPANI: There was something where they did a land swap or something.

MR. TRUNCALI: All right. I think we need a motion to refer this application to the Town's cell phone specialist -- cell tower specialist for review.

MR. TRAPANI: I'll make that motion.

MR. TRUNCALI: A second?

MR. CLARK: I'll second that.

MR. TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. TRUNCALI: Aye.

All right. You'll have a review and then you'll be back.

MR. CLARKE: Is the typical review for

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the next scheduled meeting, or how long does it usually take? Are we automatically on the agenda or do we coordinate with the specialist?

MR. BLASS: I think that unless it's stipulated otherwise, the FCC shock clock regulation will require a comment letter within thirty days, if I'm not mistaken.

MR. MUSSO: It's ninety.

MR. BLASS: Is it ninety. It's ninety and a hundred and fifty from there. I'm not talking about the time to pull the trigger on the decision, which is ninety days from publication, plus --

MR. MUSSO: Complete is within thirty days.

MR. BLASS: Complete review needs to be done within thirty days. We have to do that anyway. So maybe it would be right to be put on the September agenda.

MR. TRUNCALI: August agenda?

MR. BLASS: I don't think there will be time. Oh, August. It could be the second meeting in August.

MR. HINES: It depends on Mike's

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schedule.

MR. MUSSO: I'll look at my calendar.

That's the 17th?

MR. HINES: The third Monday.

MR. MUSSO: Yeah. Would this be a public hearing or --

MR. BLASS: No.

MR. TRAPANI: It's the 17th.

MR. MUSSO: Yes, as long as we get any requested information in.

MR. CLARKE: Absolutely.

MR. HINES: One of the things you're going to need to generate is the structural. It sounds like the Board has an interest in the structural. There's at least one carrier on there.

MR. MUSSO: We might have some other clarifications that might need to get answered with phone calls or whatever. I have a copy of the application at this time.

This is an extra copy?

MR. CLARKE: That's for you.

MR. MUSSO: Great.

MR. TRUNCALI: Is there anything else?

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MR. CLARKE: So we are on the -- I just request we be placed on the agenda for that meeting.

MR. TRUNCALI: Okay. For the August 17th meeting.

MS. LANZETTA: At that time we'll determine whether or not the application is complete, and then based on that declare lead agency.

MR. MUSSO: Right. And perhaps even set a public meeting if you're comfortable at that time.

MS. LANZETTA: Okay.

MR. MUSSO: That should work.

MR. CLARKE: Just for clarification, this would require a public hearing or not require a public hearing?

MR. BLASS: I'm pretty sure it requires a public hearing.

MR. HINES: Our ordinance requires it.

MS. LANZETTA: This isn't anything that gets reviewed by County?

MR. BLASS: Good question. It depends on where it's located in terms of any County

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roads up there.

MR. HINES: No.

MR. CLARK: It's hardly a driveway.

MR. BLASS: Absent a County road, or County facility, or being within 500 feet of a Town line, which I don't think it is, I don't think there's a referral to County Planning.

MR. MUSSO: We could check that, though.

MR. CLARKE: Thank you.

MR. TRUNCALI: Okay. Thank you.

MR. TRUNCALI: Is there any new business?

MR. TRAPANI: No.

MR. TRUNCALI: If there's nothing else, I'll entertain a motion to adjourn the meeting.

MR. TRAPANI: I'll make that motion.

MR. TRUNCALI: A second?

MS. LANZETTA: I'll second it.

MR. TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. TRUNCALI: Aye.

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(Time noted: 9:31 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: August 8, 2015