

TOWN OF MEREDITH PLANNING BOARD PUBLIC HEARING

September 14, 2009

Present members: Sue Dapkins, Bill Turick, Will Outsen, and Christine Alexander. Also present Tom Evans from Delaware County Planning Department and Matt Rogers from Saratoga Associates.

Townspople: 24 with a few late entries.

Public Hearing called to order by Outsen at 6:40 p.m.

Doug Dimitroff of Phillips Lytle law firm, representing SBA and AT&T, spoke. SBA seeks to build a 160' Cell Tower on privately owned land at 714 Gessell Rd. in order to provide expanded cell phone service in Delaware County. Dimitroff was open to questions.

Q. How far will the proposed tower be from the nearest structure?

A. About 1200'

Q. There are already Cell Towers at Town Hall and in N. Franklin providing AT&T coverage. Can the service strength of these 2 towers be upgraded to fill in gaps and make it so the tower on Gessell Rd. not be necessary to build?

A. The towers at Town Hall and in N. Franklin are maxed out and they would not fill in the gaps especially at Houghtaling Hollow Rd. and in the Treadwell Hamlet.

Q. What happens when a person is in "a gap"?

A. There is an inability to make, receive, or keep calls on wireless phones. There are 2 forms of transmission, voice and data. The data transmissions allows the customer to search the internet.

Dimitroff brought to the public's attention a letter from the Director of Delaware County Department of Emergency Services, dated August 28, 2009. Director, Richard Bell states "as the proposal of this tower site is considered, I ask that it be made a requirement in its approval that Delaware County and Local Emergency Services be allowed space on the tower for emergency communications equipment at no charge to the emergency services agency."

Marc Goldberg, SBA representative, and colleague of Dimitroff, joined the meeting.

Q. Does a 160' tower leave room for additional carriers (co-locators)?

A. Yes. It would provide spacing for up to 5 typical users, maybe less depending on the amount of equipment needed. A user would not go below 100' – 110' because the signal won't propagate.

Q. What is the normal spacing between co-locators?

A. Typically 10' – 20' is required between antenna arrays. There could be a possible whip antenna which would require 15'.

Comment from Capouya: It is possible that Verizon or other companies may not co-locate even if there is space available.

Goldberg commented: SBA desires co-locating carriers

Dimitroff comment: It depends on how much carriers have in their budgets as to whether or not they can co-locate and provide seamless coverage.

Comment from audience: I don't deny we want coverage. But we don't appreciate Big Companies making money off us. My concern is with the intention of AT&T

Dimitroff responded. Understand your concern but the Tower needs to make money, otherwise why build it?

Dimitroff elaborated. Verizon and Sprint Nextell use an 850 megahertz technology, a technology different from AT&T. AT&T allows roaming, along with T-mobile. So, Verizon and Sprint are likely to co-locate on existing structures such as this proposed Tower on Gessell Rd. in order to provide better service for their customers. Also, FCC licensing affects which towers co-locaters need to be on.

Gary from audience commented: I doubt the benefit of coverage but my backyard view is important and I don't want to look at Towers. How do we limit the # of towers supposedly necessary to build?

Dimitroff answers: Typical distance between cell tower sites here in this terrain is 2-3 miles.

Public retort. We can see over 2-3 miles, why can't a tower cover more area?

D. Wojcik (lives on Gessell Rd) came forward: I have pictures of the N. Franklin Tower which is 4-5 miles away from our backyard. (She showed her approx. 8 x 10 pictures) I did use the telephoto on my camera but want it on record that the simulated photos SBA provided are fraudulent.

Dimitroff responds: The N. Franklin Tower is different. SBA took simulated photos and the places where the photos were taken from were designated by the Board's direction. The public was notified of when the balloon tests would be done by which the photos were taken.

Part of the audience voiced in unison: We were NOT notified of these balloon tests.

Rogers (from Saratoga) commented: The photo simulations did not meet the NYSCED Visual Policy. What the Applicant provided is sufficient to analyze the potential visual impacts. Also, remember D. Wojcik's pictures are of an existing Tower, not a simulation. It can go on record that Saratoga Associates are confident that the photo simulations of 160' and 195' taken from the intersection of Rt. 28 and Coe Hill Road are accurate.

Goldberg comment: SBA's initial application was for 195'. The documents we have provided reflect a 160' and a 180' Tower because the Board asked for these. Also, the Planning Board agreed to verify a negative declaration on SEQR if we amended the application to 160'

Gary comment: Can we get re-adjusted maps of service coverage? If the tower is lowered, does that mean we get less service?

R. Wojcik said: The towers at Town Hall are ugly, a symbol of another ugly tower on Gessell Rd. To get a lot of band width, a server needs to be near clients—so they need more towers to provide the data transmission, but I don't want more and more towers.

Public Q. How many months has this application been considered?

A. A letter of intent to build a Tower, dated March 10, 2008, was sent to the Board.

Mike Martin spoke. I live on Rte. 28 and feel we would be lucky to have this tower. Especially in this economy. I didn't even notice the N. Franklin Tower after it was built, it doesn't bother me. And, for the record, I think D Wojcik's pictures are fraudulent.

Gary said: But would it matter if you saw the Tower from your backyard every day?

Martin. I see the N. Franklin Tower from my house. My personal opinion, I don't mind Towers.

Outsen. Please direct all comments to the Planning Board, not the audience.

Gary commented: We want to understand the benefits of this tower.

R. Wojcik inserted: I am against Cell Towers, not cell phones. The industry is switching to smaller sites to provide coverage. For example, dictionary size unit on already existing telephone poles as an option. Towers are dinosaurs, will go bankrupt. AT&T should spend money on unobtrusive smaller units as an alternative.

Gary asked Q. Have we looked into other proposals or alternative to provide coverage?

Joyce from Treadwell mentioned that she read an article in the Daily Star Newspaper about small antennas on telephone poles, that are EMS compatible.

Capouya remarked that the Planning Board is not in a position to "get" another technology.

Rogers commented the Town Law requires the Board to consider different tower locations but not other technologies. The Planning Board is limited in power when it comes to an alternative to Towers.

Outsen said the Board does not get other bids. The Client, SBA, came here with an application and the Board considers that application.

Gary said the community needs to protect itself with right development. It would be prudent to pursue other means for wireless coverage without having Towers all over community.

Rogers posed a question to the SBA representatives. Q. Why is there such a need for this tower on Gessell Rd when people can carry a call along Rt. 28 all the way to the Town Hall tower now?

Dimitroff answers: There is not reliable coverage in Treadwell and west. The tower on Gessell Rd would expand coverage to those areas.

SBA representatives presented to the Board members, photo simulations of the coverage that a 140' tower and a 160' tower would provide. The Board could compare the coverage.

Alexander remarked that there is not much difference in coverage between 140' and 160' towers proposed for Gessell Rd.

Rogers confirmed he could carry a call over the Mountain to Town Hall.

Dimitroff commented that voice coverage is undoubtedly fairly reliable but the data connection, which is what EMS would use, would not be reliable unless the Gessell Rd tower was built. And, the Town Hall tower has proven itself to be more powerful than first anticipated.

Rogers asked SBA representatives whether or not the Gessell tower will "supplement" more calls?

Dimitroff answered, Yes, more wireless devices can be supported and the primary gap areas of Haughtling Rd, and south to Treadwell will be covered.

Rogers asked if the terrain has been analyzed to see where need more service.

Dimitroff said, Yes.

Capouya asked Q. Does the Town Hall tower provide service that actually goes over the mountain into Treadwell?

Gary answered that, No, Treadwell is in the shadow of the mountain.

R. Wojcik remarked that Krystine Hadley said she gets service when she drives over the mountain.

Many members of the audience remarked, Not true, we don't get great service

R. Wojcik. Q. Where are the supposed gaps? There is no law that requires better coverage now so why force more signals? Towers are not the answer to better service. We will just have many towers because these iphones are overwhelming the supply

Lisa Martin from Franklin remarked that she now gladly gets coverage because of the N. Franklin tower and she doesn't even notice the tower.

Gary said that his backyard is our backyard.

Vogt stood and reminded everyone to direct their comments to the Board. Everyone should have a voice

Rogers remarked that there is a visual difference between a 140' and 160' tower, but if the 140' tower is too low to provide substantial coverage, it would be a waste to build. SBA was asked to clarify a distinctive difference between a 140' tower and a 160' tower. Is data capacity the issue? Board needs more information from SBA to be better informed on capacity issue.

Dapkins agreed because she doesn't remember the gaps being of capacity and not service.

Dimitroff remarked that the term "capacity" is not truly correct. The proposed tower on Gessell Rd provides 2 elements, a) expanded band width for data transmission, b) more reliable voice transmission

Member of audience said he has been using cell phones for 25 years and the Coehill Rd tower is not great. He would like to have service on Rte. 28

B. Swantck agreed and said he is against lowering the proposed tower, in fact it should be raised so another tower isn't necessary.

Capouya remarked that the JNS tower was considered at 140', 180', and 200'. Tony Stilado, the engineer told the Town Board that a 200' tower can't bend to get services to Meridale, so a lower height was chosen.

Swantck said that the antenna could be lowered
Capouya followed up her comment by saying they accepted the engineer recommendation.

Turick commented that he wished the Board had the 140' photo simulation at the Aug. 3rd Board meeting. He lives in E. Meredith and gets no cell service. All pockets need tower but he doesn't want more towers

Don Pernice asked: antennas have been place in church steeples, and tall silos, can that be done here?

Gary's comment, why can't space in tall structures be rented to provide service? The Board should be asked to consider these options.

Capouya said the problem is Town of Meredith doesn't have money to have the power to pursue those different technologies.

Ray Wojcik said that he agreed with Pernice, and said that having many small cells would give improved quality of service and data signals. Antennas on poles, close together, would be more reliable for wireless service. It is a band width concern here.

Dimitroff commented that some of the comments voiced by the audience are not accurate therefore as SBA representatives they would like to correct the misinformation being voiced, and do so in writing.

Rogers asked if they could also provide information on alternative means.

Dimitroff said they would need time to get comprehensive information.

Alexander acknowledged that this public hearing would continue to be open while the SBA representatives identified the issues Board wants responded to. Misinformation needs to be corrected.

Someone in the audience asked if they, the public, would also get to see the responses from the SBA representatives.

Gary. It is important to look into all avenues for coverage. Do what's best for Meredith.

Turick commented that we have 62 days after public hearing to decide on the application.

Goldberg reminded everyone of the letter from the EMS Director. And, wants it on record that SBA has no objection in principle to request the tower height necessary to provide acceptable service for the EMS needs.

Evans offered to provide copies of the certified notices sent to the public concerning the balloon testing.

Ousten said the letters were sent April 15t, 2008

Ray Wojcik said his certified letter was not forwarded to him, not delivered. No effort was made by the Board to get that letter to him.

Don Pernice said the Local Law requires the certified letters be sent, not make sure the person gets them.

Jerry remarked that he didn't get a certified letter.

Vogt confirmed that Jerry is not on the list and asked Jerry how far his property is from the Gessell Rd tower site.

Jerry didn't know how far

Goldberg said they complied with Town Local Law and sent notices to all peoples who have property within 1500'

Vogt said there is confusion here and everyone is doing the best they can.

Rogers commented that whether they got a notice or not, this does not change the analysis conducted by Saratoga Associates. Saratoga Associates accepted the visual impact study as sufficient to consider the potential visual impacts.

Mike Martin commented that all this talk is off track. This has been going on for 15 months or so. The Town of Meredith has an issue. Town of Kortright and Franklin work quick, not here.

Dorothy Wojcik said she has come to all the Planning Board meeting, except one, and it was SBA who stopped the process for 6-7 months, not the Town of Meredith.

Goldberg commented that, as SBA's representatives they were going to respond to these comments in writing

Wojcik said that people who drive Rte. 28 come for the scenery, not to look at towers.

Ousten thanked the public for coming to the meeting. The meeting was closed at 8:40 p.m. To be continued on Oct. 5th at 6:30 p.m.

Regular Meeting

Ousten called the meeting to order at 9 p.m.

Krystine Hadley could not make the meeting due to family problems.

Old Business.

Ref. # 09-09 Don Pernice discussed disassembling a small wind machine from 808 Warren Rd and replacing it at 2121 Warren Rd. (tax map # 80.-2-27.22) The wind machine was installed July 2008. It is 64' tall with a 8 ½ diameter rotor, totaling 69'. Town of Meredith Local Law covers small wind towers so Pernice had a permit for the installation. Vogt enquired about the height requirements. From the public, Danny Birnbaum suggested the Local Law be read by the Board to be sure as to whether or not the height includes the rotor. Local Law referred to height and acreage. Because Pernice owns over 7 acres the height of the small tower can go to 110'. Pernices wind tower, generating electricity is a 24 volt machine and is under the 110' specification. Therefore, Vogt confirmed Pernice can fill out the application, providing basic information and present it to the Board for review and go forward with the wind tower replacement at 2121 Warren Rd. A public hearing will be set. But, Board will also look into whether or not a decommission permit is required for Pernice to disassemble his tower.

Ref. # 09-08 Bill Moyses. (tax map # 64.-1-12.21) Due to a mistake on the date for Moyses' public hearing, a hearing has been rescheduled for October 5th at 6:30 p.m. It was voted the Board would re-send the certified notices to Moyses' neighbors and put a public notice in the newspaper. Tom Evans will modify the notices to be appropriate.

The West Branch Delaware River Stream Corridor Management Plan and the Town of Meredith was brought to the Board's attention by Evans. A public hearing is in place with the Town Board concerning the Stream management plan as presented by the Delaware County Soil and Water Conservation District. The Board was encouraged to place a written recommendation to the Town Board to adopt this Stream Management plan. This aids easier access to money for

projects. Vogt made a motion to recommend the Town Board to adopt Stream Management Plan as presented by the Delaware County Soil and Water Conservation District, based on Evans recommendation. Alexander voiced a concern because she hears of groups other than the Delaware County Soil and Water Conservation District that can also provide services. Evans acknowledged that some people do have a problem with Soil and Water Conservation, but he believes the benefits outweigh the negatives. Evans also informed the Board that they can later opt out even after adopting the Plan. The Town Board will ultimately make the decision, but Planning Board can recommend an adoption. Turick seconded the motion. Vote called, all approved except Alexander.

Ref. # 09-07 Rogers discussed the SBA's public hearing. SBA believes misinformation was being voiced at the hearing and they want to address the concerns in writing at the follow up public hearing on Oct. 5th. Rogers affirmed that SBA should be able to address relevant and applicable questions due to the comments made and recorded by their stenographer. SBA does not need to address ridiculous opinions. Rogers also suggested SBA should provide more information on a 140' tower. SBA needs to be more specific, Does an increase in height really serve more of a population? Rogers will also refer to Saratoga's expert about height. Vogt asked, How many providers are needed to pay for the proposed tower? Rogers remarked that the application still needs to be reviewed according to Local Law, benefits need to outweigh impacts. The Board members questioned why AT&T wants a tower, Is it because of band width? Rogers said acceptable tower height would allow for 1 co-locator and a spot for Town and another for EMS. It would be prudent to know required equipment needed for whip or array antennas. Rogers also followed up with the SEQR filing requirements. He has drawn up a written form for the Board to review. After accepted, Rogers will send the SEQR negative declaration and written form to be filed formally. As it stands, the negative declaration can be filed yet still the Planning Board can decline the application to build a tower. Their options are to rescind the SEQR and go forward with EIS, or, agree with the written form and file a negative declaration. Alexander remarked that since SBA provided the 140' photo simulation, she feels the 140' is so similar to 160' coverage.

New Business.

Vogt asked about leadership. While Krystine Hadley is absent Outsen as vice chair will lead to Planning Board. Rogers will correspond with Outsen as vice chair.

Dapkins asked Evans why he referred to a law before the public hearing for SBA. Evans confirmed he asked questions so the Board won't be accused of dragging on with the cell tower application. Planning Board is ultimate decision maker and although the County Board approved the application, the Planning Board still can have enough votes to override the County's approval. Majority plus one can deny SBA's application.

Vogt moved to close the meeting. Dapkins 2nd. Approved, closed at 10:15 p.m.