

Testimony of a Public Hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, NY, Tuesday, March 13, 2018, at 8:02 pm.

PRESENT:

Members present: L. Miller
S. McLain
T. Crowley
S. Forster
S. Daglio
M. Jaros

Others present: Marina Lane
Kurt Schrader
Robert Brenner
Coleman Burke
Justin Lad
Nick Dinunzio
Gale Brown
Tim Harris
Chris Trevisani
John Esposito
George Haus
Mike Karr
John Witinski

MS. MILLER: We will open the Public Hearing for a new Telecommunications Facility and I will read the public hearing notice.

The Town of Union Planning Board will conduct a public hearing relative to an application by Tarpon Towers II, LLC and Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a/ Verizon Wireless, to construct a wireless telecommunications facility for improved coverage in the Endicott area. The project location is 11 Frey Avenue, on property owned by DTRT Endicott Pipe LLC (property tax map number 156.11-1-47). The 140-foot monopole project includes the antenna array, a ground-based equipment pad and related equipment, all within a 100-foot by 100-foot fenced compound.

The public hearing will take place on Tuesday March 13, 2018, at 7:00 PM in the Town Board Meeting Room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. The application is available for review in the

Town of Union Planning Department (at the address listed above) during normal business hours (8 AM to 4 PM).

Individuals with special needs requiring accommodations may contact the Planning Department at 607 786-2985 at least 24 hours prior to the scheduled public hearing. – Paul A. Nelson, Secretary

MS. MILLER: Would anyone like to give a presentation about the project?

MR. BRENNER: I am Rob Brenner, an attorney with Nixon Peabody representing Verizon Wireless and to my right is Justin Lad, a radio frequency engineer, and to his right is Coleman Burke, the site engineer for the project. We had submitted the application back in September 2017, but the project was put on hold due to the archeological dig that was required by the State History and Preservation Office.

We submitted an application booklet that contains the following information. Exhibit B contains a description of the project. In summary, Tarpon Towers and Verizon Wireless, submitted a request for a tower special use permit and site plan approval from the Planning Board to construct and operate a 140' wireless telecommunications facility and an accessory equipment platform to be located inside a 75' by 75' fenced compound within a 100' x 100' leased area from National Pipe. Exhibit C describes the legal standards that entitle Verizon Wireless to special treatment by zoning boards afforded to public utilities. In New York, a municipality may not prohibit facilities, including towers, necessary for the transmission of a public utility. Exhibit D states that Verizon Wireless complies with the Town of Union's special use permit standard, and Exhibit E states that Verizon Wireless is in compliance with the Town of Union's requirements and standards for site plan approval.

Exhibit F is the Search Ring Justification Radio Frequency analysis. The FCC mandates that each carrier must provide "adequate and substantial service" in licensed areas, or risk having their license revoked. Therefore, the Radio Frequency Engineer first identifies coverage gaps and then issues a "search area" design so that if a wireless facility is located at an appropriate height, it will provide the required coverage. In addition to coverage deficiencies, Verizon Wireless's network does not have sufficient capacity to handle increasing voice and data traffic near the facility.

Exhibit G describes the parameters for the Site Selection Analysis. Generally, Verizon Wireless seeks to locate telecommunications facilities on municipally-owned property. If a government property is

not available, the next criteria used to locate the site are industrial properties that meet the requirements, such as setbacks and the required fall zone. They also attempt to pick a site similar to the aesthetic resources in the area, in this case, an industrial site near railroad tracks. Twenty-one locations were identified for a new wireless telecommunications facility and they are listed in this exhibit.

Mr. Brenner also noted that Exhibit H contains a copy of the Land Lease Agreement between DTRT Endicott Pipe, LLC and Tarpon Towers II, LLC. Exhibit I lists the FCC licenses; Exhibit J contains the Structural Analysis from Tectonic Engineering; and Exhibit L describes Tarpon Towers' co-location policy.

Exhibit L contains the Radio Frequency Analysis of the site completed by Millennium Engineering and states that, "The proposed communications facility will comply with electromagnetic field safety standards by a substantial margin (well below 1%) in all publicly accessible areas. This includes the base of the proposed structure and any areas in proximity to the proposed structure."

Lastly, the Full Environmental Form is located under Exhibit M.

MS. LANE: I just want to mention that the revised EAF is now located under Exhibit S.

MS. MILLER: Does anybody have any questions?

MR. DENUNZIO: Yes, my name is Nick Dinunzio; I live at 712 Elm Street, and I have some questions. Why are you locating a 140-foot tower in the valley which will be in the backyard of seven homes? To all of us in the neighborhood, the tower is a disgrace. These homes were built in the 1930s and the tower does not belong in our neighborhood. Why can't you put the tower on Round Top? You have city land at Round Top, and there is already a tower there. I just don't understand why the tower has to be located in the valley.

MS. LANE: Verizon tried to contact twenty-one properties in the search ring, but many of them did not respond to the inquiry.

MR. BRENNER: I'll let Justin, our radio frequency engineer, explain some of the issues.

MR. LAD: Typically, you used to be able to see towers on mountain tops all over the place, but now these towers have become out of date. In the last ten years the demand for 4G LTE, both high speed voice and data, has increased so dramatically that the existing Verizon network

has reached its capacity in the area. Let me compare the growth in the communications network to a town who originally had a two-lane highway but as the town grows, it's existing streets can no longer handle the increased traffic and they must add now add an interstate. This is what is happening to Verizon's network. There is such a demand on the network that a macro facility like the proposed cell tower, which will have three different arrays, is the only way to handle the increased network traffic. Each cell tower has to be placed in such a manner so as to provide overlapping (but not duplicate) coverage to relieve capacity problems. The intent of the new cell tower is to serve the users in that area. There is limited flexibility as to where a cell site can be located, and limited flexibility as to the proper height of the tower for it to function properly.

MR. JAROS: I understand that there is a need for another tower, but the people in this neighborhood have legitimate concerns.

MR. BRENNER: I understand their concerns, that a cell tower is not something that people want in their backyard. We made every effort to locate the tower in a neighborhood that had similar aesthetic resources. Exhibit G details each parcel that was contacted and there is a narrative under each site and why it was eliminated. The reason the National Pipe site was chosen is because the site is zoned Industrial and cell towers are a permitted use.

Mr. DINUNZIO: Was Round Top in that exhibit?

MR. BRENNER: Round Top Park and the Village parcel located off West Round Top Road are sites that were considered. Neither location was ideal because they would not work appropriately with the network, in terms of their location respective to existing towers and signal transmissions.

MS. LANE: There are large towers on Skye Island Drive and Echo Road in Vestal and even people close to these towers are having problems because the existing towers are trying to handle the communications from the Endicott area. A new tower would relieve traffic on the other towers.

MR. DENUNZIO: You should have contacted the neighbors by letter. People don't look at the signs at the site. People feel like this is being pushed on us, just like National Pipe and Plastic.

MS. LANE: We will be leaving the Public Hearing open until the April 10th Planning Board meeting, so if anyone has any comments or wants to see any documentation about the cell tower, they can contact me at the Town of Union office.

MR. DENUNZIO: Will the public hearing be advertised again?

MS. LANE: No. We have already advertised the project two different times in the newspaper.

MR. BRENNER: I would appreciate your forwarding the public comments to me.

MR. FORSTER: I'm sure if the tower was camouflaged like the tower on Route 17 with the American Flag, there wouldn't be any problems.

MR. BRENNER: The problem with a single pole antenna is that only one carrier can locate on it, and therefore it creates more visual clutter when other companies try to expand into the same area.

MR. JAROS: What if you moved the tower 200 yards further to the west away from the houses?

MR. DAGLIO: You mean in the baseball field?

MS. LANE: You can't have a structure that is too close to the floodwall.

MR. BRENNER: You can't move the tower further to the west because it effects the coverage objectives of trying to offload other towers.

MR. CROWLEY: We have had this situation before where we have to balance upsetting five people but helping out hundreds of other people. During the 2011 floods, cell phones were the only way that emergency services could keep in touch with each other, and even then it was difficult because there were not enough backup generators at the time.

MS. LANE: Since the flood, the Planning Department has had a number of projects to add back-up generators to existing cell tower sites.

MR. BRENNER: Our goal with this new tower is to add additional capacity and enough bandwidth for the anticipated use of cell phones within the community.

MS. MILLER: The public hearing will remain open for public comments until the April 10th Planning Board meeting.

Continuation of the March 13, 2018, through April 10, 2018, Public Hearing for a telecommunications facility

Members present: L. Miller
L. Cicciarelli
S. McLain
T. Crowley
S. Daglio
M. Jaros

Others present: Marina Lane
Jared Lusk
Coleman Burke
Bill Stewart
Andrew DeNardis

MS. LANE: First, does anybody have any more questions pertaining to the public hearing on the tower? I will just state for the record that we did not receive any complaints or recommendations for approval. We did have a phone call from the same gentleman that was at the previous meeting, Mr. Denunzio, and he asked a couple of questions. He wanted to know why the tower couldn't be located on the fire station. I explained that the fire station is an historic building and we cannot put a tower on an historic building. Then he asked once again about Round Top. I just tried to reiterate what Justin Lad had been telling us. In addition, there is a small parcel in the middle of Round Top on which there is a radio tower, and you know that we do require co-location if it is possible, but there is no way that they could put antennas on that radio tower. Even if they were to be able to lease property from the Broome County, if they could lease space to put a tower on Round Top, it would not work from the radio frequency standpoint in coordination with the other networking towers. There would be interference because it is too close to the tower on Echo Road, and maybe not close enough to the tower on Skye Island Drive. Mr. Denunzio seemed unhappily satisfied; but the fact is that I had actually written to Jared in the beginning asking pretty much those same questions. Verizon had responded in their second follow up with the answers. So at least Mr. Denunzio could know that I had also questioned the same thing right from the very beginning. That summarizes any further communication I had regarding the cell tower during this public hearing period.

MS. MILLER: Does anybody else have any questions, comments? Okay. If no one has any questions, we'll close the Public Hearing.

Meeting concluded: 7:02 pm, April 10, 2018.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

CAROL M. KRAWCZYK