

Meeting of Town of Caroline Review Board
10-20-19

In attendance: Craig Modisher, Susan Pearce-Kelling, Bruce Murray, Don Barber, Ellen Harrison
Audience: Mark Fuentes (AT&T contractor, AiroSmith); Mr. Blake Hosmer (AT&T), Beth Harrington, two members of the public.
Recording Secretary: Mark Witmer

7:05 pm. Meeting called to order by Chair Modisher and opened Privilege of the Floor.
Attendee spoke of concerns about public notice of meetings and sharing of information. Mr. Modisher replied that all information has been made available at the town's website.

Another attendee urged that tower design maximize coverage for emergency services.

Mr. Modisher opened the meeting of the Review Board by soliciting input from board members.

After brief discussion of 106 filing, Ms. Harrison said she felt the new map provided by Mr. Fuentes showed that a 195 ft. tower provides significantly better coverage than a 135 ft. tower. She feels the added impacts are acceptable and recommends approval of a 195 ft. tower without lighting.

Ms. Pearce-Kelling agrees. Discussion of what the new coverage map actually shows ensued. Mr. Hosmer explained that it shows that 327 residences would experience better cell signal coverage.

Mr. Barber agrees with Ms. Pearce-Kelling's conclusions.

Mr. Murray is unhappy with the quality of the new map - very blurry. Mr. Hosmer explained that CR115 and NYS Rt. 79 can be optimized with a 195 ft. tower, but not with a 135 ft. tower. Mr. Murray would like more time to study the information provided.

Ms. Harrison and Ms. Pearce-Kelling understand this desire, but feels that the Review Board has enough information at this point to make a decision. Mr. Modisher feels that it is time to make a decision.

Mr. Barber is prepared to offer a resolution approving a 195 ft. tower and clarified that the Review Board is not making a decision about whether the tower is needed.

Motion by Mr. Barber; second by Ms. Pearce-Kelling:

Resolution Granting Conditional Acceptance of Proposed 195 feet Tall Telecommunication Tower Siting by ATT at 340 Bald Hill Road

Whereas, the Town of Caroline Review Board (Review Board) has received a Special Use Permit Application for a proposed Telecommunication Tower Siting by ATT at Bald Hill Road and reviewed the site plans, construction plans, FCC permits, visual impact studies, and

related materials submitted as required by the Town's telecommunications tower review requirements, and

Whereas, the applicant has provided answers to questions asked by the Review Board and has provided sufficient information as to all requirements and matters embedded in or addressed by Local Law #2 of 1998 (the "Local Law"), as duly confirmed by the expert consulting engineers hired by the Town, and

Whereas, the Review Board held a public hearing on the September 10, 2019 at 7 PM to hear all comments regarding the Special Permit Application for the proposed Telecommunication Tower Siting by ATT at Bald Hill Road and comments were heard, and

Whereas the Applicant has provided satisfactory justification and just cause for their requested waiver of tower height and supplied information justifying the proposed location being priority #3, in accord with the Local Law, and applicant has further established to the satisfaction of the Review Board, and its consulting engineers, that this site plan and tower: (i) have been the subject of an application and environmental review as meet the requirements of SEQRA and the Local Law; (ii) are properly certified by a qualified engineer as required (e.g., non-interference and operational compliance certifications); (iii) are not feasible at any collocated existing facility, due to coverage, topography and FirstNet/public safety requirements; (iv) that collocation of additional antennae is possible at this site; (v) have the least practical visual effect given the location and potential receptors; (vi) have established that its location is in a most proper, feasible location per § 7 of the Local Law; (vi) established to the satisfaction of the Review Board that any other materials that may be required, or which may require even more detail, are non-material and thus the proper subject of relief under § 39 of the Local Law, which relief is hereby granted—and the Review Board thus expressly finds that waiving any other or more specific requirements of the Local Law with respect to this application is not disproportional in terms of cost versus harm, is justified under the present application, submissions and facts, and is not detrimental to public health, safety or welfare.

Now Therefore Be It Resolved, that the Town of Caroline Review Board finds the application complete and grants approval of the site plan and Special Use Permit Application for a proposed Telecommunication Tower Siting by ATT at Bald Hill Road with the following conditions

- a) Construction of 195 feet tall monopole tower which complies with FCC regulations for not requiring lighting, in all cases in substantial compliance with submitted plans entitled "Site Number: 10141753, Site name: Brooktondale, Project Type: NSB", as dated March 15, 2019 and set forth in a Cover Sheet, a Site Plan (Drawing CA100), a Detailed Site Plan (Dwg. CA110), a Grading and Erosion Control Plan (Dwg. CA130), a Tower Elevation, Notes & Details drawings (Dwg. CA500), a Details page (Dwg. CA501), and Erosion & Sediment Control Detail pages (Dwg. CA502 and CA503), the generator specification sheets (SDC20, 2.5L 20 Kw-AC Generac G0070889-0 (Steel), or equivalent), and the stormwater and construction sequence plan dated March 22, 2018, as signed by GZA GeoEnvironmental of NY, Corey McWilliams, CPSEC.
- b) Submit tower drawings and specification will be stamped by a qualified professional engineer prior to issuance of any building permit.
- c) Documentation of topographic and geomorphological study and analysis other material required for Section 6.F.20 of Local #2 of 1998.

- d) Submit certification by a licensed engineer that the tower and attachments are both designed and constructed (as built) to meet all County, State, and Federal requirements for loads, including wind and ice loads as required in Section 6. H of Local #2 of 1998
- e) Submit certification after construction by a licensed engineer that the tower and related facilities are grounded and bonded and installed with appropriate surge protectors as required in Section 6.J of Local #2 of 1998, and properly re-certify the tower and special use permit per § 19 of the Local Law on or before the 5th anniversary of this approval.
- f) Provide a removal and security bond in the minimum amount of \$50,000 per § 22 of the Local Law, in a form as to be approved by the Code Officer prior to and as a condition of approval of the building permit for the tower.
- g) Applicant and the tower owner shall at all times and to the extent permitted by law defend, indemnify, protect, save, hold harmless, and exempt the Town, officials of the Town, its officers, agents, servants, and employees from any and all penalties, damage, or charges arising out of any and all claims, suits, demands, causes of actions, or aware of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, products performance, operation, maintenance repairs, installation, replacement, removal, or restoration of the tower, including the Town's reasonable attorneys', consultants' and expert witness fees. In all cases, the permit holder and owner shall also maintain all required forms and amounts of insurance as set forth in § 25 of the Local Law, including contractual liability coverages providing funding for, *inter alia*, the indemnity obligations aforesaid. Provision of proof of such coverages shall be required as a precondition to the issuance of any building permit.

Motion by Mr. Modisher; second by Ms. Pearce-Kelling.

Resolution to amend the Tower Resolution to 1) in paragraph (a) define tower height as the total height of the tower and antenna and 2) eliminate V in the fourth paragraph regarding having the "least practical visual effect..."

Vote:

Ayes: Modisher, Harrison, Pearce-Kelling, Barber

Abstain: Murray

Resolution to amend the Tower Resolution is adopted

Resolution as amended:

Resolution Granting Conditional Acceptance of Proposed 195 feet Tall Telecommunication Tower Siting by ATT at 340 Bald Hill Road

Whereas, the Town of Caroline Review Board (Review Board) has received a Special Use Permit Application for a proposed Telecommunication Tower Siting by ATT at Bald Hill Road and reviewed the site plans, construction plans, FCC permits, visual impact studies, and related materials submitted as required by the Town's telecommunications tower review requirements, and

Whereas, the applicant has provided answers to questions asked by the Review Board and has provided sufficient information as to all requirements and matters embedded in or addressed by Local Law #2 of 1998 (the “Local Law”), as duly confirmed by the expert consulting engineers hired by the Town, and

Whereas, the Review Board held a public hearing on the September 10, 2019 at 7 PM to hear all comments regarding the Special Permit Application for the proposed Telecommunication Tower Siting by ATT at Bald Hill Road and comments were heard, and

Whereas the Applicant has provided satisfactory justification and just cause for their requested waiver of tower height and supplied information justifying the proposed location being priority #3, in accord with the Local Law, and applicant has further established to the satisfaction of the Review Board, and its consulting engineers, that this site plan and tower: (i) have been the subject of an application and environmental review as meet the requirements of SEQRA and the Local Law; (ii) are properly certified by a qualified engineer as required (e.g., non-interference and operational compliance certifications); (iii) are not feasible at any collocated existing facility, due to coverage, topography and FirstNet/public safety requirements; (iv) that collocation of additional antennae is possible at this site; (v) have established that its location is in a most proper, feasible location per § 7 of the Local Law; (vi) established to the satisfaction of the Review Board that any other materials that may be required, or which may require even more detail, are non-material and thus the proper subject of relief under § 39 of the Local Law, which relief is hereby granted—and the Review Board thus expressly finds that waiving any other or more specific requirements of the Local Law with respect to this application is not disproportional in terms of cost versus harm, is justified under the present application, submissions and facts, and is not detrimental to public health, safety or welfare.

Now Therefore Be It Resolved, that the Town of Caroline Review Board finds the application complete and grants approval of the site plan and Special Use Permit Application for a proposed Telecommunication Tower Siting by ATT at Bald Hill Road with the following conditions

- a) Construction of 195 feet tall monopole tower which has no lighting.
- b) Construction of 195 feet tall monopole tower (gross height of tower and antennae) which complies with FCC regulations, in all cases in substantial compliance with submitted plans entitled “Site Number: 10141753, Site name: Brooktondale, Project Type: NSB”, as dated March 15, 2019 and set forth in a Cover Sheet, a Site Plan (Drawing CA100), a Detailed Site Plan (Dwg. CA110), a Grading and Erosion Control Plan (Dwg. CA130), a Tower Elevation, Notes & Details drawings (Dwg. CA500), a Details page (Dwg. CA501), and Erosion & Sediment Control Detail pages (Dwg. CA502 and CA503), the generator specification sheets (SDC20, 2.5L 20 Kw-AC Generac G0070889-0 (Steel), or equivalent), and the stormwater and construction sequence plan dated March 22, 2018, as signed by GZA GeoEnvironmental of NY, Corey McWilliams, CPSEC.
- c) Submit tower drawings and specification will be stamped by a qualified professional engineer prior to issuance of any building permit.
- d) Documentation of topographic and geomorphological study and analysis other material required for Section 6.F.20 of Local #2 of 1998.
- e) Submit certification by a licensed engineer that the tower and attachments are both designed and constructed (as built) to meet all County, State, and Federal

requirements for loads, including wind and ice loads as required in Section 6. H of Local #2 of 1998

- f) Submit certification after construction by a licensed engineer that the tower and related facilities are grounded and bonded and installed with appropriate surge protectors as required in Section 6.J of Local #2 of 1998, and properly re-certify the tower and special use permit per § 19 of the Local Law on or before the 5th anniversary of this approval.
- g) Provide a removal and security bond in the minimum amount of \$50,000 per § 22 of the Local Law, in a form as to be approved by the Code Officer prior to and as a condition of approval of the building permit for the tower.
- h) Applicant and the tower owner shall at all times and to the extent permitted by law defend, indemnify, protect, save, hold harmless, and exempt the Town, officials of the Town, its officers, agents, servants, and employees from any and all penalties, damage, or charges arising out of any and all claims, suits, demands, causes of actions, or aware of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, products performance, operation, maintenance repairs, installation, replacement, removal, or restoration of the tower, including the Town's reasonable attorneys', consultants' and expert witness fees. In all cases, the permit holder and owner shall also maintain all required forms and amounts of insurance as set forth in § 25 of the Local Law, including contractual liability coverages providing funding for, *inter alia*, the indemnity obligations aforesaid. Provision of proof of such coverages shall be required as a precondition to the issuance of any building permit.

Vote:

Ayes: Modisher, Harrison, Pearce-Kelling, Barber

Abstain: Murray

Resolution Granting Conditional Acceptance of AT&T Telecommunications Tower is adopted

Mr. Modisher clarified SEQR review.

Mr. Fuentes will need a signed copy of the SEQR resolution. Mr. Modisher will provide that to him.

Mr. Fuentes will submit for a building permit. Escrow funds will be returned after that.

Mr. Modisher noted that there is another proposal being submitted by NYSEG for a 195 ft. tower at the NYSEG substation on Middaugh Road.

Next Meeting: Tuesday, November 19

Meeting Adjourned