

Town of Corinth Planning Board

600 Palmer Avenue

Corinth, New York 12822

Phone: 518-654-9232 ext. 6

Fax: 518-654-7751

Planning Board Meeting Minutes: January 6, 2021

Planning Board Members

Chairman

David Barrass

Members

Dan Willis

Joan Beckwith

Louise Reed

Daren Potter: Alternate

Planning Board Attorney

Jackie White

Planning Board Secretary

Lynn Summers

Meeting was held virtually via Zoom

1. Meeting was called to order at 7:04 PM by Chair David Barrass

Attendance roll call.

Members Present:

Joan Beckwith –yes, Dan Willis-Yes, Louise Reed – Yes, Daren Potter- Yes

David Barrass – Yes, Lynn Summers – Yes, Jackie White - Yes

2. Motion to approve November 19, 2020 minutes as presented

Motion to approve the 11-19-20 minutes as presented made by Daren Potter, seconded by Joan Beckwith, All in favor-aye

3. Motion to approve December 17, 2020 minutes as presented

Motion to approve the 12-17-20 as presented made by Daren Potter, seconded by Dave Barrass, All in favor-aye

Chairman Barrass gave a shout out/thank you to Lynn, Planning Board secretary for making this meeting possible. We decided a couple weeks ago to schedule this meeting even though we had the holiday deadlines. Forced her to proceed. Then a Covid infection at the Town Hall happened and they went into a lock down so she couldn't work and had concerns with her health exposure to Covid. The Town Hall email went down, received landslide of FOIL requests and questions regarding the Cell Tower, but with all that was able to put the meeting together. Thank you

Jackie White, Town Attorney asked Dave if the meeting was being recorded. Dave said thank you and yes it is being recorded.

Chairman: before we start the meeting several board members were not at the last meeting so I would like to bring them up to speed with what has transpired up until now.

Town Land Use Law does not list Cell Towers as a permitted use in any zone.

Therefore, a Use Variance is required and it is a Type I action which requires a Full State Environmental Quality Review (SEQR) review be completed.

The Zoning Board of Appeals (ZBA) requested that the Planning Board (PB) be lead Agency for the SEQR.

At the 6-18-20 PB meeting the board completed the Full Environmental Assessment Form (FEAF) for the SEQR. The board found no negative environmental impact.

The location for the tower is within 500 ft of the Town/Village line. Therefore, a referral to the Saratoga County Planning Board (SCPB) needed to be completed. The SCPB Determination was that there is no significant Countywide or InterCommunity Impact.

The ZBA decided to have an independent consultant review the technical aspects of the application. The decision was to retain Professor William Johnson. The board members should all have a copy of his report. Then the applicant provided supplemental information in response to Professor Johnson's report and the board members all have this report.

Then at the December 3rd ZBA meeting the board granted the Use Variance to construct the tower in an R1 zone with the condition that the applicant complete the Site Plan Review with the PB. At the PB 12/17/20 meeting we completed the initial Site Plan Review and although a Public Hearing is optional for Site Plan review we decided due to the public opposition at the ZB meeting, we would schedule the Public Hearing. So that brings us up to tonight's meeting.

The Cell Towers status is as a Public Utility and therefore places limitations on public review.

Use Variance can be granted - the applicant must only demonstrate a gap relief in the least intrusive means. Siting decisions cannot be made based on perceived health impacts.

Shot Clock Law – determination must be made in a reasonable time which has been determined to be 150 days. The combined review has exceeded the 150 days mostly because of the Pandemic. The applicant has agreed to extend the shot clock through tonight 1/6/21. PB can deny approval if supported by credible evidence rather than general opposition.

On the agenda tonight:

AT&T Cell Tower

TM# 73.52-1-19.122 & 73.52-1-34.15

Located on First St/Sycamore St

Matt Kerwin- Attorney for AT&T Cell Tower Presentation

Proposed location is on the Howenstein land on Sycamore and First St.

Proposing to provide service for the coverage gap.

ZBA granted the Use Variance at this site and the tower height

Propagation maps provided.

154 ft Monopole tower

Access is off 1st Street- 32x52 ft fenced compound , with some clearing for construction of the tower.

Issues Addressed to Professor Johnsons report:

Tower visibility in order to provide reliable service: The ZBA determined the height to be the minimum height necessary to address the gap.

Portion of the tower is visible however the tree cover will minimize visibility.

The memo from Matt dated 1/5/21 addressed the concerns.

Previous SEQR review determined there is no significant environmental effects.

Board Members Discussion:

Dan – asked why have 1 tall tower verses 2 shorter towers or collocating with other towers instead of one large tower?

Matt – AT&T engineers identify the gaps in service and the appropriate tower height to meet the gaps in service. Gaps in service will be provided for in building service and in vehicle service.

Propagation maps were provided to the ZBA.
Multiple sites – no one site in the entire town would address all of the gaps in service.
Co-locate- no tower in area to co-locate with
2 towers – construction of 2 towers when we can get by with one tower is added costs. ZBA identified one tower at this height. 2 towers at this location is not part of this application. This site covers the service gaps needed.

Joan – peoples concerns with the health and welfare of the community?
Dave said he will address this later in the meeting.
Section 89-20b paragraph 3- PB is not responsible for addressing the Health concerns

Louise – nothing
Daren – nothing

Chairman asked the secretary to read the Public Hearing notice

Town of Corinth Planning Department
600 Palmer Avenue
Corinth, New York 12822
Phone (518) 654-9232 Ext.6
Fax (518) 654-7751
Planning Board

******* NOTICE OF PUBLIC HEARING *******
Planning Board Meeting Date: January 6, 2021 Time: 7:00 PM

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, a public hearing for the Town of Corinth Planning Board will be held on January 6, 2021, at 7:00PM via videoconferencing, as permitted by the NYS Open Meetings Law and Executive Order 202.1 amended. Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where Board members or Department Heads will be situated or in any other location. The public will be able to fully observe the videoconference meeting and will be able to comment during the public hearing.

For the Following Proposed Project:
Application for Site Plan- Telecommunications Tower
Location: First St/Sycamore Street
Tax Map #73.52-1-19.122 & 73.52-1-34.15
Description: AT&T – Site Plan Review - Cell Tower

PLEASE TAKE FURTHER NOTICE, that comments for the public comment portion or public hearings can be (1) sent in advance of the meeting to lsummers@townofcorinthny.com, or (2) through the Zoom videoconferencing or the Zoom telephone call in number at the time of the meeting.

Applications are available for review at the Zoning Office located at 600 Palmer Avenue Corinth, N.Y., Monday-Friday 8:00 a.m. - 12:00 pm and Wednesday – Thursday 1:00p.m.-4:00p.m. If you have any questions, please call the Planning Office at 518-654-9232 Ext. 6 or Fax your comments to 518-654-7751

INSTRUCTIONS TO ACCESS THE VIRTUAL MEETING: Zoom Information

Topic: Corinth Planning Board Public Hearing - Time: Jan 6, 2021 07:00 PM Eastern Time (US and Canada)

<https://us02web.zoom.us/j/84059917245?pwd=NmdaNGJ0VfSbGpKeXRkN3MTJoZz09>

Meeting ID: 840 5991 7245 Passcode: 713544

Dial by your location +1 646 558 8656 US (New York)

Public Hearing Opened

Chairman read the Public Hearing Guidelines re: raising hands to speak, speak to new issues, please do not repeat the issues already raised.

Deb Stollery – said that the public would like to have their attorney speak for them

Kaitlin Kennedy – Attorney representing the citizens

Kaitlin reminded the Planning Board that they have the right to deny the AT&T application. AT&T can't tell you what to do.

Code 89-23b- incompatible with the surrounding area

Tower is close to the residential homes

15 Story Tower

Land Use Ordinance- says to protect the aesthetics of the community

Court – deny based on the aesthetics aspects

Exhibits provided show a negative impact community

Public provided letters against the tower.

Federal Courts – photos from the applicant are not proper for the photos, they need to submit photos from the neighbor's homes

Federal court – deny because of the negative effects on the property value

Realtor provided their professional opinions regarding the negative affects on the value of the homes by decreasing the value by 10% to 15%

89.-20b3- health and safety of the public- 154ft tall tower within 100ft of citizens property

Submitted evidence that towers do fall if ice collects on them

Towers catch on fire and can fall – she provided exhibits of tower fires and the towers falling

Not the best option for the community

AT&T can increase the height by up to 20ft without zoning approval

AT&T has not submitted enough information to prove the coverage gap will be remedied.

Professor Johnson's report acknowledges the minimum height is needed for the tower.

Katilin said this is not the only solution

Nancy Stangle- concerned with the location of the tower being close to the schools

Jim Robbins – if there is a fire – does the local fire company have the equipment to fight the fire of this size?

Graham Champagh – homeowner adjacent to the property – is a heavy wooded area concerned with fires and negative effect on the property value
Not opposed to cell towers we need them, just not in this particular area, not good location near homes

Deb Stollery – if the tower falls it is 20lbs of solid steel coming down, if covered with ice and falls it can slice through a car door

Public Hearing still open

Matt Kerwin – received the Memo and exhibits that Kaitlin provided to the board.

Memo Issues-referred to the health and welfare of the community

The tower will provide the First Net coverage dedicated line to 911

Response for public safety. In the event of an emergency a dedicated line is provided to emergency responders.

Tower will provide improved cell service for the public health and welfare

Service – enhance residence service

Esthetics – the tower will be visible, there is an existing tree coverage to Minimize the visibility

ZBA approved the tower with no negative impacts

Photo Simulations were taken from the public roads, streets, parks, AT&T would never go on private property we don't have the right to go on private property. No substantial impact. The photo simulations of the

tower provided by the attorney for the residents does not look like AT&T's tower.

Property values- He said he is aware of communities where homes have been built around cell towers with no negative property values as a result. Wireless service is necessary to function in society today.

The properties sited in the photos provided by the residents, where were they taken from?

Matt questioned the relevance of the letters from realtors regarding the decrease in property value, are the simply opinions.

The ZBA addressed the towns ordinance with regards to the cell towers are not a permitted use by granting the Use Variance.

AT&T towers constructed are maintained properly and will continue to. Memo regarding tower failure, fires, debris falling this is highly unlikely. They are built to withstand wind, ice etc.

Referred to Section 6409 is a law enacted in 2012 to address delays of Wireless service. With regards to the Tower height, it cannot just be added to without the Towns approval first.

Memo referred to AT&T's website and a printout of AT&T's coverage with regards to the coverage for Corinth is not needed. That is not accurate, in the disclaimer it says this map is approximate outdoor coverage and in building and car coverage is needed. AT&T is looking to improve the coverage.

Dan- Are there more statistics available that better quantify the property value?

Matt – An assessment would need to be done by an expert in the area.

Kaitlin – the federal courts does deem the professional Real Estate Brokers Creditable.

Page 9 of the memo – foot note- evidence that people will not buy a home near Cell Towers, it does reduce property values.

Dan- asked Matt – does AT&T perform wind studies? Matt- not aware of wind Studies. AT&T does Geotechnical Analysis of the ground and the tower is built based on the findings.

Kim Revack – every tower is unique, the structure is based on the Geotech Study completed. The tower design is based on location, size and load.

Dan – asked Matt if there are statistics on tower failures? Matt- not aware of any

Dan- the town does not have any any high structures, this would be the tallest.

Would the town need any special equipment for the fire department to fight a fire? Matt- no need for special equipment, the standard equipment works.

Kimberly said the equipment is at ground level.

Kaitlyn- we provided a physicists report.

Louise- No comments

Joan- No, I'm still wondering about the health concerns. Dave said the PB is prohibited from addressing any health concerns, that is not a part of our review.

Daren-No comments

Kimberly – discussion on the visual- AT&T completed the process of a balloon fly, Flown at the exact height and location for the tower. They drive around the town To see where it is visible. The photographed provided by the residents was computer generated. AT&T provided photos showing what is visible from the West, North, East and South locations in the town. AT&T took into consideration the appropriate distance from the property lines surrounding the site.

Dave-the photo simulations from the opposition is not the same tower.

Kimberly- the location is close to the APA line therefore AT&T follows the APA guidelines. After construction AT&T provides a photo of the tower.

Manson- I don't understand why a cell tower can't be in a different location, not near homes.

Robin Champagne- I live in the house next to the access road for the Cell Tower. Matt said the property values are not affected, where are you referring to? Matt replied in Cornelius, NY. Robin asked where is there another community in Saratoga County that a cell tower is close to homes? Matt said he can't speak to that.

Susan Shamulka- concerns- asked the Emergency people if we need better cell coverage and they said they don't have a problem with coverage. I am concerned with ice and wind. Why not build 2 shorter towers instead of one? No more questions from the public.

Public Hearing closed at 8:30PM.

Jackie White- Town Attorney- Have any other items been provided to the board? Dave, Petition from the residents with 200 plus signatures. No other written comments from the public.

Dave- **Read the town code re: what the PB needs to address and read the questions from the Findings and Decisions form for the board to answer yes or no.**

Professor Johnsons report stated that there will still be gaps on coverage and not enough information re: alternate sites for the tower location.

Matt replied they looked at 3 alternate sites. This is the least intrusive site. Dave said he agrees with the public that this is not the least intrusive location. Matt – No towers within the ring to co-locate with. The other properties were not capable of addressing the service gaps. This location addresses the coverage needs. The service gap is Main St and Rt9. Not a single location will address every gap of service in the town. Multiple towers – possible, not practical and would need to go through the Zoning process. Kimberly said AT&T already addressed coverage to the south on the Heath Rd. Towers. Working on coverage in Lake Luzerne which would provide some coverage in the village.

Dave- Can there be multiple sites rather than one site in a residential area?

Matt- Multiple sites would not be cost effective.

Dave- It is my opinion that one tower in a residential area is not the least intrusive solution.

Matt- Town code excludes wireless suggests a new use is not compatible.

Joan- asked is this in the Town or Village? Dave said in the Town.

Dave- Colocation- is there the potential for addition of equip? Matt- yes, structure is compatible with the area, minimally intrusive.

Louise- we have other towers in the area, for example the water tower at the IP with a light on top. Property value- what about the other side of the coin, cell service.

Joan- Cell coverage for inside or outside service? Matt- enhance coverage inside, outside, in vehicle and for the school. Joan asked about other locations and Matt said they evaluated 3 different alternate locations but they did not provide the same level of service and coverage. Matt said the height of the tower address the gap in service.

Dan – asked Jackie minimal impact? Jackie said it is subjective.

Comprehensive Plan – Town code – surveyed people in the Town of Corinth. Modern technology needs against ecologic environment adversely impact neighbors in the area. Not compatible with the area but clear technology need. Matt – customers say they have no coverage.

Joan – asked Dan does the Code Book have any height regulations? Dave said the cell tower is unlisted as a defined use. Heights are tied to buildings. Dan said the town code height is not defined to cell towers. Jackie said the zoning administrator did not address the specific height.

Daren- Tough decision, esthetics is an eye sore, I support it, live where I have no cell coverage, in favor of the Cell Tower.

Dan- Pandemic, school went virtual, gaps to access network, look at positives fill gaps

Louise- you're Dan, technology is here, need cell service

Jackie – housekeeping, clarifying that Daren is participating. Daren is filling in as a voting member.

Dave – PB is in an impossible position, we do see the need

Kimberly – AT&T has been working on the project for 2 years. Alternate location down in elevation add feet to the Cell Tower height. We need to service the most amount of people.

Dave- This is the best location for service but is it the most minimally intrusive site. We have 29 letters from neighbors concerned about the impact of the tower on their property values and quality of life. We have 5 letters from area real estate agents giving their opinion that it will have a negative impact on property values and a petition with over 200 names opposing the project. We have not received one comment in support of the project. We should take into consideration the concerns of our community.

My opinion is that it shouldn't be decided by the PB appointed members, it should be decided by the elected officials. The ZBA approved the Use Variance with the condition of Site Plan approval by the PB. Cell phone coverage is needed. But there has been an outpouring of opposition from the citizens in the community.

Louise – I see both sides, it is time to put it to bed

Joan – I understand the need but I know all of the people in the area

Dan – I know of a home that has been for sale for 4 years near power lines.

Daren- nothing more

Dave – Addressed the possible inconsistencies with the SEQR review:

Item 9 of the SEQR part 2 deals with visual impact. The sub items deal with Designated scenic vistas, not impact on neighboring properties.

Line G-other impacts, decisions for SEQR are not inconsistent, consistency with small or no impact, discussion now appears to be inconsistent ZBA granted Use Variance with the condition of Site Plan Approval.

Matt- SEQR- #18 – Community Character – consistent with no or small impacts

Dave – may be inconsistencies – if there was an error in judgement it was because we did not have enough information to make the decision.

Motion tonight? Louise- yes, Joan- undecided- sees both sides,

More time – no, Dan- yes, Daren-yes

Dave- does someone want to make a motion to approve or disapprove the Cell Tower application?

Jackie- Do you want to make a Resolution at the next meeting or a motion tonight? A motion to approve needs to provide the reason so it is in the record. A motion to deny has to be in writing.

Dave- A motion tonight.

Motion to disapprove the Site Plan for the AT&T Cell Tower located at First Street and Sycamore Street because the applicant has not met the requirements for approval detailed in Chapter 89 article VI of the Town Code. In particular the Board finds that based on evidence and testimony presented to us, including numerous letters from Town residents and statements from area real estate agents, the location, size and design of the proposed tower will have significant adverse aesthetic impacts affecting property values and quality of life in the immediate neighborhood. Furthermore, the applicant has not satisfactorily established that the proposed tower location is the minimally intrusive means to fill the gap in cell phone coverage made by Daivd Barrass, seconded by Joan Beckwith.

Dan- Asked for a clarification of the vote. A yes vote would approve the motion to deny approval of the application. A no vote would defeat the motion to deny the application and another motion would need to be made to approve.

**Poll: Dan-yes, Joan-yes, Daren-yes, Louise-yes,David-yes- All in Favor-Aye
Motion carried for Site Plan Disapproval**

Motion to adjourn at 9:45PM- made by Joan Beckwith
seconded by Daren Potter, **All in favor-aye**

Minutes submitted by the secretary Lynn Summers