

TOWN OF CORINTH
ZONING BOARD

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

WILLIAM CLARKE
CHAIRMAN

Sigrid Koch
Tracey Chandler
Glenn Tearno

Jackie White, Esq.
Zoning Board Attorney
Lynn Summers -*Secretary*

December 3, 2020
Zoom Meeting – because of COVID19
Meeting Minutes

MEETING CALLED TO ORDER by the Chair at 7:00 PM.

Roll Call: Confirmed on Call

William Clarke, Chairman-Yes	Jackie White, Attorney-Yes
Tracey Chandler- Yes	Lynn Summers, Secretary-Yes
Sigrid Koch- yes	
Glenn Tearno -excused absence	

Motion to Approve the Previous Minutes as written from 10-1-20 made by Tracey Chandler, seconded by Sigrid Koch, All in favor-Aye

New Application: Area Variance =Kyarsgaard- Rt 9N – TM#59.-2-74

Represented by Land Surveyor- Darrah Land Surveying

45 Acres on RT 9N

2 principal buildings

Sub-Divide 40,000 sq ft

Board discussion:

Tracey asked if the small lot meets the minimum qualifications for a residence?

Kristin Darrah replied yes

No further questions- the Public Hearing will be scheduled for 1/7/2021.

AT&T- Matt Kerwin

Provided information in response to Professor William Johnson's report
Spoke regarding coverage from alternative sites:

KGI Tower- No East of Sycamore St.,

100 Mosher Rd- Equestrian Site,

surrounding Roads off Rt9- they all had deficiencies, too far to the West to provide coverage

Butler Property- evaluated the topography – will not provide the coverage needed

Sycamore site provided the best coverage

Height cannot be below the trees
Fire Dept property – will not provide the coverage needed for the residents and the school

Conducted the Balloon flight

Overview: 154 ft.

Board Discussion – no questions

Kimberly Revack – nothing to add

Chairman re-opened the Public Hearing regarding Professor William Johnson's report

Public Comments:

Graham Champagne – thanked the board for reopening the Public Hearing

Location- effects the entire neighborhood property value

Maps did identify sites

Mr Johnson's report stated there will still be gaps that need to be

Addressed

Avoids unreasonable community impact

RF gaps remain

Visibility to his property

It's not just the people in the immediate neighborhood, it is close to the

Village and you should consider them, a lot of people will be impacted

Deb Stollery- close to the site

Did not receive the first Public Hearing notice did receive the

October notice

Agreed and has the same comments Graham C

Completed a petition against the AT&T Sycamore site and provided a letter to the Zoning Board

Bald eagles live on the site and it is regulated by the DEC

The site for the tower is already 30ft. above her land and then the tower on it

There are 60 homes between Ash St and Beech St that are affected

FCC has not updated their information in 30 years

This location is densely populated.

She would embrace other locations

Susan Shamulka- Mike spoke –there are the possibilities East and West

Understands the need for Cell Coverage but it does not consider the people

Brandon Capasso- created virtual photos showing the tower

AT&T should submit more photos showing the tower

Showed a photo from 11 Ash St with the tower simulated in it

Matt Kerwin – Attorney representing AT&T

Alternate locations have been ruled out, the proposed site is the best Location for the coverage needed

There will still be gaps, no one facility can cover all of the gaps

Not aware of any future AT&T proposals

Property value- there is no evidence that the tower will effect the home Value

150ft is necessary to provide coverage
Existing trees will cover some of the tower

Tyler Byrnes- health concerns regarding the cancer rate which is already high in Saratoga County. Matt Kerwin said this facility operates within the FCC Requirements.

Chairman closed the Public Hearing at 8:10PM

Board Discussion:

Tracey- AT&T is trying to provide as much coverage as possible
They have considered other sites.

William – AT&T has provided a lot of information

Jackie White – Town council asked if all of the written public comments had been provided to the ZB members. Lynn – yes

Sigrid Koch- this has been very interesting

Motion made by Tracey Chandler that the board resolves the approval of the tower, seconded by Sigrid Koch, All in Favor- aye

Zoning Board Secretary read the Resolution to the Board.

TOWN OF CORINTH ZONING BOARD OF APPEALS

RESOLUTION APPROVING USE VARIANCE NO. _ZB-2020-0001_

WHEREAS, AT&T Mobility Corp. has identified itself as a lessee of property located off of First and Sycamore Streets in the Town of Corinth, Saratoga County, New York identified as Tax Map Parcel Nos. 73.52-01-19.122 and 73.52-01-34.15 (the “Property”); and

WHEREAS, AT&T is seeking a use variance to construct 150’ monopole tower (154’ with lightning rod) for the placement of antennae and equipment for wireless telecommunications, with the tower and its related facilities proposed to be contained within an approximately 32’ X 52’ fenced area (the “Project”);

WHEREAS, AT&T purports that the tower location will allow AT&T to provide reliable wireless service in the area and fill gaps in its wireless coverage, in addition to enhancing the performance of the First Responder Network Authority; and

WHEREAS, in support of its application AT&T has provided propagation mapping depicting the current wireless coverage in the area as well as the coverage that it will be able to provide after construction of the proposed Tower, as well as mapping showing coverage based upon alternative locations; and

WHEREAS, AT&T has indicated that the Tower will be available to other carriers for the colocation of antenna and other facilities; and

WHEREAS, this use variance application was referred to the Saratoga County Planning Board pursuant to New York State General Municipal Law Section 239-m and on July 21, 2020, the Saratoga County Planning Board issued a written determination finding that the project will have no significant countywide or intercommunity impact; and

WHEREAS, the Project constitutes a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA) and this Board coordinated review pursuant to SEQRA with the Town of Corinth Planning Board and that the Planning Board, as Lead

Agency, adopted a Negative Declaration finding that the Project will not result in any significant adverse environmental impacts; and

WHEREAS, a Public Hearing on this application was duly noticed and held on August 5, 2020, at which time this Board received comments from the public; and

WHEREAS, the Board sought and obtained an independent radio frequency engineering consultant, Prof. William P. Johnson, to review and provide guidance on the technical aspects of the application; and

WHEREAS, Prof. Johnson provided this Board with a 23-page Report dated November 3, 2020 analyzing the application (“Report”); and

WHEREAS, AT&T provided supplemental materials dated December 1, 2020 addressing specific issues identified in Professor Johnson’s Report; and

WHEREAS, a reopening of the Public Hearing was duly noticed for December 3, 2020 to provide the public with a an opportunity to comment on the Report, at which time the Board received additional comments from the public; and

NOW, THEREFORE, BE IT RESOLVED, that the Corinth Zoning Board of Appeals hereby makes the following findings:

1. Under applicable New York State law, the applicant AT&T, as a provider of wireless telecommunication services, is a “public utility” proposing to construct a public utility facility for purposes of this use variance application; and

2. The Project falls within the public facility use variance exception under New York State Law, meaning general use variance criteria do not apply and the applicant must instead establish that there are gaps in wireless service, that the proposed location of the facility will remedy those gaps and that the facility presents a minimal intrusion on the community; and be it further

RESOLVED, that having considered all applicable materials, public comments, information received by the Board from the Applicant and the Report from the Town’s Consultant, William P. Johnson, the Board hereby considers the applicable criteria and makes the following findings:

1. Through the submission of propagation plots, other application materials and presentations made to this Board, AT&T has established that there is a need for radio-frequency coverage for wireless communication services in the areas of the proposed Tower site; and

2. AT&T has demonstrated that it has selected the site necessary to remedy gaps in coverage through the least intrusive means possible. Specifically, AT&T considered multiple locations and has demonstrated that this location best addresses the coverage gap, particularly as it relates to indoor locations in the Village of Corinth. Additionally, while the Tower will be located in a residential district it will be located in a wooded area that will create natural visual buffers to lessen some of the visual impacts; and

RESOLVED, that based upon the above the Board hereby approves the use variance variance subject to the following conditions:

1) The Project shall require site plan review and approval from the Town of Corinth Planning Board.

The Resolution was approved by the following vote:

AYES: 3

NOES: 0

ABSENT/RECUSED: Glenn Tearno

Verizon: Represented by Jared Lusk Attorney

Verizon applied on 6-26-20

Tower is 100 ft with a 4 ft lightning rod on top

Aesthetically pleasing

Antennas are above the trees

Requires a Use Variance

Located in the Adirondack Park

Area Variance is needed

No Public Comments

Zoning Board Chair closed the Public Hearing at 8:23pm.

Board discussion:

Sigrid- Verizon provided all the information needed

Tracey- Agrees with Sigrid

Motion made by William Clarke that the board resolves the approval of the

Verizon Tower, seconded by Tracey Chandler, All in Favor- aye

Zoning Board Secretary read the resolution to the board

TOWN OF CORINTH ZONING BOARD OF APPEALS

RESOLUTION APPROVING USE VARIANCE NO. _ZB-2020-0006_

WHEREAS, Verizon Wireless has identified itself as a lessee of property located off Freight House Road in the Town of Corinth, Saratoga County, New York identified as Tax Map Parcel No. 59.-2-57.1 (the "Property"); and

WHEREAS, Verizon is seeking a use variance to construct a 100' (104' with lighting rod) monopole tower to support cellular antennas at the 96-foot centerline height, with associated equipment installed within exterior equipment cabinets on a 4' x 7' concrete pad for wireless telecommunications to be contained within an approximately 75' X 75' fenced compound on the west side of Route 9N. In addition, Verizon is seeking construction of a 573-foot-long access drive to the tower site (the "Project");

WHEREAS, Verizon is seeking an area variance as well to allow for an area variance is needed as the proposed cell tower will be a second principal use on the existing residential 3.93-acre property located in the Town's Rural Use District;

WHEREAS, Verizon purports that the Tower location will remedy service inadequacies along NYS Route 9N in the Towns of Corinth, Hadley and Lake Luzerne, as well as the Village of Corinth and the surrounding area; and

WHEREAS, in support of its application Verizon has provided propagation plots depicting the current wireless coverage in the area as well as the coverage that it will be able to provide after construction of the proposed Tower; and

WHEREAS, this application was referred to the Saratoga County Planning Board pursuant to New York State General Municipal Law Section 239-m and on August 18, 2020, the Saratoga County Planning Board issued a written determination finding that the project will have no significant countywide or intercommunity impact; and

WHEREAS, that the Project constitutes a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, a Public Hearing on this application was duly noticed and held on September 3, 2020, which Hearing was held open and closed on December 3, 2020; and

WHEREAS, the Board sought and obtained an independent radio frequency engineering consultant, Prof. William P. Johnson, to review and provide guidance on the technical aspects of the application; and

WHEREAS, Prof. Johnson provided this Board with a 22-page Report dated November 9, 2020 analyzing the application (“Report”); and

NOW, THEREFORE, BE IT RESOLVED, that the Corinth Zoning Board of Appeals hereby makes the following findings:

3. Under applicable New York State law, the applicant Verizon, as a provider of wireless telecommunication services, is a “public utility” proposing to construct a public utility facility for purposes of this use and area variance application; and

4. The Project falls within the public facility use and area variance exception under New York State Law, meaning general use and area variance criteria do not apply and the applicant must instead establish that there are gaps in wireless service, that the proposed location of the facility will remedy those gaps and that the facility presents a minimal intrusion on the community; and be it further

RESOLVED, that having considered all applicable materials, public comments and information received by the Board from the Applicant, the Board hereby considers the applicable criteria and makes the following findings:

3. Through the submission of propagation plots, other application materials and presentations made to this Board, Verizon has established that there is a need for radio-frequency coverage for wireless communications services in the areas of the proposed Tower site; and

4. Verizon has demonstrated that it has selected the site necessary to remedy gaps in coverage through the least intrusive means possible. Specifically, Verizon has demonstrated that this location best addresses the coverage gap. Additionally, the application materials show that the Tower will have a minimal intrusion on the community as it is located on a heavily forested hill.

RESOLVED, that based upon the above the Board hereby approves the use variance and area variance subject to the following conditions:

2) The Project shall require site plan review and approval from the Town of Corinth Planning Board.

The Resolution was approved by the following vote:

AYES: 3

NOES: 0

ABSENT/RECUSED: Glenn Tearno

Jared Luck- Verizon- asked about the Shot Clock time that is now over the 150 days Project requires the Adirondack Park Approval. Jared stated that they applied for a Use Variance and doesn’t feel there is the need for an Area Variance it should be covered under the Use Variance because they have the same qualification.

Jared said that this review has been quite extensive and we have provided all the information requested.

William Clarke stated that it should be reviewed by the local Planning Board.

Jared asked if they can be on the 12-17-20 Planning Board agenda.

Jackie White- The Town has acted reasonably and has acted as quickly as possible.

Jared- the 150 day Shot Clock has ended and would ask that the board reconsider the timeline. Not one person has objected to the tower location. Once the shot clock expires we can file a law suit.

Jackie – I'm sure the Town ZBA will extend the shot clock time to 12/17/20.

Jared said they would concur to extend the shot clock to 12/17/20 Planning Board meeting.

Meeting Adjourned: Motion to adjourn at 9:00 PM made by Sigrid Koch,
Seconded by Tracey Chandler, All in Favor – Aye

William Clarke- yes

Tracey Chandler – yes

Sigrid Koch – yes

Submitted by Lynn Summers

Zoning Board of Appeals Secretary