

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

October 25, 2012

Chairman Ian Murray called the meeting to order at 7:33 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Laurie Griffen – present, Patrick Hanehan – present, Robert McConnell – present, Jennifer Koval – present, Joseph Lewandowski – absent, Brandon Myers – present, Alternate George Olsen – absent.

Also attending: Town Engineer Ken Martin, Dean Long, Michael Cusack, David Weisenreder, Barbara & John Murphy, Robert Peck, Penelope Benson-Wright, Clark & Sandra Dalzell, Sarah Sullivan, Eric & Nicole Dalzell, Bob & Julie Stokes, Kristina Gamage, Kim & Dave Austin, Will Corrigan, Marshall & Mary Ellen Cassidy, Peter Nemen, Clarisse Kilayko and other interested persons. (Sign-in sheet is on file in the Planning Clerk's office)

Approval of Minutes: A motion was made by Patrick Hanehan, seconded by Laurie Griffen to accept the meeting minutes of September 26, 2012. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski - absent, Brandon Myers – aye, Alternate George Olsen – absent. **Carried 6 – 0 Approved**

A motion was made by Laurie Griffen, seconded by Jennifer Koval to accept the meeting minutes of October 10, 2012. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski - absent, Brandon Myers – aye, Alternate George Olsen – absent. **Carried 6 – 0 Approved**

Public Hearing for Special Use Permit for a Telecommunications Tower

**Verizon Wireless /Cellco Partnership#12-04
Michael E. Cusack, Young/Sommer LLC
5 Palisades Dr.
Albany, NY 12205
S/B/L 181.-1-5
Location: 178 Wagmans Ridge Rd.**

**Owner: Mr. & Mrs. Joseph Peck
178 Wagmans Ridge Rd.
Saratoga Springs, NY 12866**

Returning Applicant seeks a Special Use Permit to construct an unmanned telecommunications tower on the lands of Joseph and Patricia Peck, located at 178 Wagmans Ridge Rd.

Chairman Ian Murray stated before continuing with this application, he needed to amend a motion made at the September 26, 2012 meeting, concerning the shot clock agreement between the Town of Saratoga and Verizon Wireless Cellco Partnership, changing the date from December 15, 2012 to December 19, 2012, the Planning Board's regular December meeting date.

Chairman Ian Murray made a motion, seconded by Laurie Griffen, to amend the September 26, 2012 motion for the December 15, 2012 Shot Clock agreement with Verizon Wireless/Cellco Partnership, and extend that Shot Clock date to December 19, 2012, the Planning Board's scheduled meeting for December. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski - absent, Brandon Myers – aye, Alternate George Olsen – absent.

Carried 6 – 0

Approved

Mr. Michael Cusack introduced himself and his team to the public. He reviewed their application and their illustrated depiction of Verizon Wireless's proposed facility, existing network coverage in the surrounding communities (Town of Saratoga, City of Saratoga Springs, Wilton, Schuylerville and Stillwater) and showed the area of proposed coverage. He stated the intended coverage will be the northwest area of the Town of Saratoga, including east and west along Rt. 29, north and south along Rt. 9P, sections of Rt. 67 (Quaker Springs Rd.), Rt 70 (Wayville Rd.), along Burgoyne Rd., Southard Rd., Fitch Rd., Chapman Hill Rd., Neilson Rd., Caldwell Rd. and Sweet Rd. It is very much the north and western part of the Town. He stated that the Independent Tower that was approved in 2009 covers the north and eastern part of the Town and because of the ridgeline that runs along Burke Rd., Walsh Rd. and Southard Rd., the signals from each site cannot get through the land mass that is in between; it is a 2-way radio based technology, very much a 'line-of-sight technology' and although the signals do some bending, they cannot go through land mass and they are severely broken up by vegetation. Since signals cannot get through one side of the hill to the other, it requires two cell sites to provide service to the proposed area. He explained their need for a tower on Wagmans Ridge Rd. and the coverage that would be attained with said tower in the proposed location.

Mr. Weisenreder then reviewed the balloon floats and photo simulations with the public and stated the photo boards will remain at the Town Hall until the November meeting so the public can view them at their convenience.

Chairman Ian Murray stated the Board will open the public hearing tonight and it will remain open through the November 28, 2012 meeting.

Proof of Notice having been furnished by newspaper on October 15, 2012, Chairman Ian Murray opened the Public Hearing at 7:47 p.m., asking those wishing to speak to please stand and state their name and address.

Penelope Benson-Wright, 175 Burke Rd., is in opposition to the cell tower on Wagmans Ridge Rd. She is an eighteen year resident of the town, her home is located on Burke Rd. and the proposed tower will be directly in her view-shed as well as many of her neighbors, who have located in this town, in great part, for its natural landscapes and agriculture. The economic impact on the value of the homes in proximity to the tower and those in the wider view-shed of Peck's farm, will be devastating. Verizon's representatives have said they need to have that location to grow their network's capacity to serve the Town's residents, when they know it will not substantially improve coverage for the Town; it will improve coverage for the City of Saratoga Springs and Wilton. It's all about making money for a firm that has outsourced thousands of American jobs and has the worst customer service in the industry; she knows, as she is a long term Verizon cell, land-line and internet customer and if she had alternatives, she would take them. They have not utilized the tower on Hayes Rd., (approved for Verizon's use), and now they say they can't use that tower because it has to serve its 4G customers. They've failed to demonstrate that the Hayes Rd. tower will not remedy most of its coverage issues. If

one chooses to live where there is no 4G coverage, don't buy a 4G phone. She stated Verizon expects they should welcome a 100'+/- cell tower in the middle of their beautiful residential and agricultural landscape, so it can market more smart phones and expand its customer base; in other words make greater profits by sacrificing the residents quality of life. She urged the Board to reject the application. She has reviewed all the minutes of prior meetings on this issue and found that Verizon has not made a case for approval of a second tower in the Town of Saratoga and that Verizon should utilize the Hayes Rd. tower. She then said the contract Verizon has entered into enables it to continue to expand the capacity of the proposed tower for the next 49 years and over that time period she wonders what they will discover about the impact of wireless transmissions on humanity. She asked the Verizon team if they would want to raise their children 100 ft. from a cell tower.

She is against this and feels it sets a bad precedent. (letter to the Board is on file)

Bob Stokes, 173 Burke Rd. questioned who lead agency is for the SEQR review and Chairman Ian Murray responded the Town of Saratoga Planning Board. He then asked if Part II has been completed and Chairman Ian Murray responded not yet. He thanked the Board.

Marshall Cassidy, 157 Walsh Rd. stated he lives 2 miles to the east of the proposed tower. He agrees with Penelope Benson-Wright. He stated there is no compelling reason this tower should be erected in the middle of farm country amid private residences. He believes there are many towers and industrial structures upon which Verizon Wireless can quickly, and at minimal expense, co-locate on, such as Radar Hill, MacGregor Correctional Facility, as well as the city of Saratoga Springs buildings' rooftops. There are at least 7 functioning towers visible from his home, 8 including the Hayes Rd. tower, that they could make use of. He believes that the 1996 Telecommunications Act was intended to broaden citizens' access to cell phone voice communication, not necessarily mobile broadband technology, and after reading numerous Planning Board minutes since 2009, it is apparent to him that Verizon Wireless is more concerned with supplying residents and passersby the valuable 3G and 4G broadband features rather than telephone voice communication intended by the 1996 Act. There are alternatives, such as the new technology of alcatel-lucent's lightRadio cube, a technological breakthrough that Verizon Wireless shuns. He doesn't see any reason why towers need to be erected when all too soon they will be outmoded and unnecessary. Verizon Wireless, through Cellco Partnership, approached him and his wife with a ready to sign contract in 2008; they promptly refused. Their thinking was then, as it is now, they chose to live on Walsh Rd. for many reasons and one is the spectacular views which they enjoy daily. The uniqueness of Walsh Rd. in particular as a scenic attraction, is compromised by the cell towers that can now be seen. To permit the building of another tower within two miles of the Hayes Rd. installation is tantamount to property desecration. He also believes this tower would be contradictory to the Town of Saratoga's efforts to highlight its nationally historic and locally agricultural appeals. Many people enjoy the simple pleasures of walking, biking and viewing what Walsh Rd. has to offer, others enjoy painting the beautiful vistas, taking photographs; they've even seen television commercials professionally shot not far from their driveway. Walsh Rd. is a special place and they'd like to keep it that way. He and his wife Mary Ellen are against this tower.

He provided the Board with information on lightRadio cubes and small cells tiny antennas. (letter to the Board is on file)

Julie Stokes, 173 Burke Rd. understands the difficulty of the Planning Board's job. She shared with the Board the photos of the balloon float she had taken from her home on her ipad and stated all four proposed locations of the tower can be seen from her home. She feels this will have direct impact on their property value and their views; their home is oriented to the west and

all their windows and their deck face the Peck's high field on Wagmans Ridge Rd. It is her understanding that in the past the Board has tried to keep cell towers within tree lines to provide some screening and the proposed location provides no screening. There are numerous locations far less visibly intrusive, including inside or on top of several silos in the area. The required coverage can be obtained by lower towers but at a greater number of them and she referred the Board to the Saratoga County emergency radio system in the north country. The Planning Board granted approval for the Hayes Rd. cell tower which Verizon has refused to co-locate on, even though Town residents of Rt. 32 would benefit from Verizon's attachment on that tower due to their limited cell service. She also stated that Verizon has not completed negotiations for expanded service from the Radar Tower site which is very visible from all the proposed locations of this tower. She urged the Board to deny this application.

(letter to the Board is on file)

Tim Gerber, 144 Wagmans Ridge Rd. stated his family moved into their home in July, to avoid industry, and soon after moving in found out this tower was proposed. Had he been informed prior to purchase they would not have paid what they did for their home if they had purchased it at all. This will have negative impacts on their property value and their view-shed. He asked the Board to please deny this application.

Clarisse Kilayko, 134 Wagmans Ridge Rd. stated she moved into her home in January and she and her husband fell in love with Wagmans Ridge. That area is zoned as a rural district, not an industrial district. She then read a statement from her husband, **Todd Fiorentino, 134 Wagmans Ridge Rd.** since he was unable to make the meeting. His letter stated they don't have public water, sewer or gas lines and questions how 4G is somehow essential. At their home he has three bars of service and currently uses his phone and internet all the time with no issues. He questions if Verizon is fixing a problem that doesn't exist. According to current zoning regulations they can't even build a shed near their neighbor's property line, but Verizon is allowed to put in a massive industrial structure behind their house. If the Peck's want it, put it beside their house. If Meadowbrook residents want it, put it beside their houses. He sees declining property values if this tower goes in and added if it is approved, they'll have a reappraisal done and they'll see exactly how their property value is affected.

The potential for build-out on the tower is unacceptable. Microwave dishes emitting radiation 24/7, multiple antennas, increased height, flashing lights on the skyline, air conditioning unit whirring; this does not sound like the vision that fits with any of the planning documents that he's read for Exit 14. (note: exit 14 is in the city of Saratoga Springs not the Town of Saratoga)

The view is beautiful; imagine the view if this structure becomes the centerpiece.

The Peck's benefit financially, Meadowbrook residents seemingly benefit from the service and the Wagmans Ridge Rd. residents see declining property values. No one knows the long-term effects of the RF waves on our neurological systems because cell towers haven't been around long enough; if it's so safe, and such little impact, then have the Peck's put it beside their house.

(letter to the Board is on file)

Dave Austen, 142 Wagmans Ridge Rd. stated at the initial Planning Board meeting for this application, Verizon stated there was a significant need in the immediate area for this tower. Both he and his wife work from their home and have not had a landline for over 9 years. They both chose Verizon wireless as their carrier because of the strong signal on Wagmans Ridge. He has 4 full bars of service in his house and 4 full bars in the basement of his house. Interestingly, Verizon made no mention of Radar Hill and the capability of co-locating on the tower there; a site they can clearly see from their property. Verizon then argued that this need is based on a safety issue. He's fairly certain everyone experiences power outages; on Wagmans Ridge they

get two to three outages a year, sometimes for multiple days. A cell phone that can't be charged is useless. Even though his home does not have a landline subscription, he can still pick up the landline phone and dial 911, even four days into a power outage. If a homeowner does not have a landline in their home, and plans on using a cell phone as their sole method of communication, that is their gamble; it should not be the Town's responsibility to ensure every resident has 4 bars of coverage in their home. Verizon's position is this tower is needed for their 4G network. The difference between 3G and 4G is the increased ability for data transmission, not voice; that is stated in their application. In the Site Selection Analysis, page 6, Verizon states "despite technological differences between 3G and 4G, initial commercial LTE launches have shown that LTE 4G coverage (when overlaid on existing cellular sites) will closely match (or fall slightly short of matching) traditional 3G." So, the ability to make a phone call over the 4G network will not be improved thanks to the 3G coverage we already have.

When Verizon's RF engineer was asked what would happen if this cell tower did not go in, he stated that the immediate area would lose cell coverage from Verizon.

Just two weeks ago, on 10/11/2012, Verizon's Vice President of Mobile 2 Mobile Global Strategy, stated that Verizon is committed to keeping its 2G and 3G online until at least 2021. He's talked with neighbors and they know Verizon's been in negotiations with other landowners in the immediate area that have nowhere near the height as the proposed tower, which tells him that this application is not critical to Verizon's expansion plans. Verizon has not, in good faith, proved the Hayes Rd. site is not a viable location. Based on the findings at the June 27th meeting, Verizon stated three different times that the Hayes Rd. site is a viable site; Hayes Rd. would be the ideal spot to address coverage gaps that some people experience on Rt. 29.

Nowhere does Verizon state the impact of the constant noise pollution that their proposed tower's cooling system will inflict on the homeowners in the immediate area. The cooling system will run 24/7, 365 days a year and will detract from the tranquil, rural setting which was one of the most significant selling points for them to buy their home on Wagmans Ridge Rd. When Verizon completed their portion of the SEQR, question #14 asks 'does the present site include scenic views known to be important to the community?' Verizon replied "NO". He and his wife have been in contact with a home appraiser and a real estate agent, both of whom work in the City of Saratoga Springs area, and both said based on the Verizon application, homeowners in the vicinity could expect to see an immediate reduction in property values. If this application is approved, it would wipe out the equity they have built up in their home as well as putting some of their new neighbors underwater on their mortgages.

(letter to the Board is on file)

Beau Stallard, 251 Rt. 67, Fish Creek Marina stated he lives and works on Fish Creek, has lived there for 25 years and owns the kayak rental business on Rt. 68. He launches hundreds of kayakers from all over the capital district in the waters there and if the tower goes in, it has the potential of ruining his business. People come here to kayak for the pristine views and tranquil waters; no one is going to want to paddle down to view a cell tower; if this goes in he's afraid it could ruin his business and his view-shed. He opposes this.

Richard Cutting Miller, 106 Southard Rd. stated he bought 6 acres, which he believes has the most beautiful views in all of Saratoga, and paid premium price for the property because of the view. He walks his property everyday with his dog and looking at the photos and the balloon tests, the cell tower will be smack dab in the middle of his view and he already has great cell service so he doesn't understand why a tower is needed there. He is 100% against this tower going in.

Barbara Murphy, 148 Wagmans Ridge Rd. stated when the proposed cell tower project began she didn't care if it went in, but has since changed her mind. She doesn't know what the ramifications are of living so close to a cell tower and there are a lot of young families raising their young children there, so please don't allow this tower there, find some place else.

Sandy Dazell, 242 Rt. 67 stated she appreciates the opportunity to voice her concerns regarding the proposed cell tower application. First, regardless of explanations given, if you follow the dollar you'll find the real motivator. In this instance, the host allowing the tower on their land receives monetary gain, however the surrounding residents will most certainly have a monetary loss. Verizon believes it will be more attractive to its present and potential customers, which equates into a monetary gain. The loss will occur when residents sell their properties; anyone looking at a home with a cell tower virtually in its backyard will find it an eyesore, and the present day value of those homes will substantially decrease.

Second, her son and his family live within hundreds of feet of one of the proposed locations for the tower and there is the 'stigma' of health issues. No one knows the health ramifications; cell towers emit microwave radiation, is it dangerous? The use of cell phones is continually coming up for discussion in the safety arena, proponents of cell phones say it's completely safe, but even those reports encourage using hands-free devices and suggest limiting your head to the exposure of cell phones 'just to be safe'.

Third, the size and strength of the cell tower will be what's perceived as necessary to get the job done, then what? Once this is established, expanding upon it is inevitable.

If there is a true need for this cell tower to be erected, why must it be within hundreds or even thousands of feet of residences? In the agricultural area being discussed, there are hundreds and hundreds of acres of open farmland that could be considered. Why subject homeowners to the potential negative effects, financially and otherwise, when locating that tower far from homes could suffice just as well or even better. As all businesses know, there is a real value placed in good will and in this instance, it could be attained by Verizon being sensitive to the concerns of homeowners, many of whom are their own customers, by moving the cell tower's location far away from residences. (letter to the Board is on file.)

Stephen Cutting Miller, 106 Southard Rd. stated he was there on behalf of Witt Construction. Witt Construction owns land on Southard Rd. and they are in opposition to cell phone towers in this area. They have been actively marketing to sell land to a potential homeowner on which to build a lovely home, which would bring tax dollars to the Town of Saratoga as well as the Schuylerville school district, but with a cell tower in the vista they have no chance to sell prime real estate with beautiful, pristine views. They strongly oppose this cell tower.

Eric Dalzell, 138 Wagmans Ridge Rd. stated everyone's talking about Verizon, over a 5 billion dollar industry, supplying 2G, 3G service, now they're talking about 4G and next it will be 5G then 6G; where will it stop. You're talking about several miles with lapse or drop of service, next it'll be two miles without their service, then there'll be a cell tower on the top of Southard Rd. and that won't be enough; then there will be cell towers every place you look. He would have thought long and hard before buying his house had he known there was a possibility of a cell tower going in. Many times on his way home from work he will see people pulled off the road and painting the views, do you think that'll continue if this tower goes in; who will want to paint a picture with a tower in it? For the record, he is a Verizon customer and has 4 bars on his cell phone even in his basement. He opposes this tower.

Clark Dalzell, 242 Rt. 67 stated he and his wife Sandy have lived there for 36 years, they were probably one of the first dwellers in the area and his property is a quarter of a mile west of the

proposed site. One thing not considered is that they are in a great neighborhood and he has great neighbors, but now all he sees is the neighbors having arguments and being dissatisfied; this never existed throughout the duration of their living there prior to this. Once Verizon or big business gets its foot in the door, what's next? It's a money game; he opposes this tower going in and asks the Board to please deny it. For his neighborhood's sake he is totally against this.

Peter Nemen, 124 Wagmans Ridge Rd. stated he has lived there for 17 years and bought his property for the views; the most beautiful views in Saratoga and he thanks everyone for voicing their arguments against this tower. He totally opposes this - it's bad for the neighborhood and the community.

William Corrigan, 207 Walsh Rd., asked if written questions should be addressed to Verizon or to the Planning Board. Chairman Ian Murray responded that he can submit them to the Board and the Board will forward them on for him. He thanked the Board.

Robert Peck, 169 Wagmans Ridge Rd. stated he's lived in the immediate area all his life and his house is across the road from the lower site. If the tower goes in at the proposed site it will cut his property value at least in half. A Verizon representative told him it would improve his cell service, but he's noticed when traveling in the car and passing a cell tower, if his children are on the phone or if one of his grandchildren are playing a game on the phone, they lose all service until they get a tenth of a mile down the road away from the tower. His wife is handicapped and depends on her cell phone, if that tower goes in across the road, will they even have service since it will be so close, not a tenth of a mile away? He is opposed to this tower going in.

Kristina Gamage, 177 Wagmans Ridge Rd. stated she lives right across the road from Joseph & Patricia Peck. She's fairly new to the area, but many of her neighbors have lived there for generations. She and her husband received a letter from Verizon inquiring if they would put a cell tower on their property; the thought went through her mind how nice it would be to have the extra income and no longer have to work, since she has three small children. But no amount of money could put that tower on their property and possibly risk the health of their children or anyone living in that area. She works for the pharmaceutical industry doing research and running clinical trials and there is not enough data right now to actually say if this will impact anyone's health; she knows that is not an argument at this point, but she will continue researching for that information. Why risk it?

She then read a letter from her mother-in-law, **Gay Gamage, 226 Co. Rt. 67,** who was unable to attend the meeting. She is opposed to the cell tower upon the property of Joseph & Patricia Peck on Wagmans Ridge Rd. This does not fit in with the present landscape. Friends of hers in the Saratoga Springs area wish to purchase some land with a view of the mountains and build a house. She mentioned the Southard Rd. lots on lands formerly owned by Toni Meese, and told them there is a proposal for a cell tower on the top of Wagmans Ridge Rd. This would be right in the middle of their view and killed any interest they had in purchasing property on Southard Rd. A cell tower would affect property values in this area. The purpose of this tower is to improve reception on Meadowbrook and Rt. 29; perhaps the tower would be better sited there. Kristina Gamage then stated she was in New York City during 9/11; no cell phones worked. If there were ever any kind of situation as that, your cell phone is the last thing you want to rely on. Everyone went to her mother's house because she was the only one with the old fashioned rotary phone and it was the only phone that was able to call out anywhere; she doesn't wish that situation on anyone. They get a lot of power outages in their area so they have a rotary phone to

plug in in case of emergencies. Nothing will stay charged, including cell phones if the power is down. She opposes this cell tower. (Gay Gamage's letter is on file.)

Kim Austen, 142 Wagmans Ridge Rd. stated she had a letter from neighbors **Bristan & Tiffany Green, 168 Southard Rd.** who were unable to attend the meeting. The letter said they are opposed to the proposed Verizon cell tower on Wagmans Ridge Rd., Verizon has refused to co-locate on the approved Hayes Rd. tower, Verizon is neglectful of existing landline service in their area and now wants approval to construct a tower that will provide cell service primarily to Rt. 29 and Meadowbrook Rd. in the city of Saratoga Springs, which makes it difficult to accept their arguments that this is necessary to give the Town service. The Board needs to consider the loss of property values, the negative effect on the view-sheds in the western portion of the Town and the impact on residential neighbors. They recently bought their home on Southard Rd. and are very concerned about the impact of its value should the tower be erected within their view. It doesn't matter which proposed location is considered since any of them will have a negative impact upon the neighborhood. They urge the Board to deny this application and ask Verizon to locate on the Hayes Rd. tower and do a better job of maintaining the landlines in our region. (The letter is on file.)

Jeff Dolt, 111 Southard Rd. stated he only heard of this proposal today, he is fairly new to the area and he recently purchased his property and was planning to build his house next spring. However, this may change his plans dramatically, depending on what happens here with this application. He is opposed to the tower.

Chairman Ian Murray asked if there were any other questions; there were none.

Chairman Ian Murray then stated, as was indicated in the beginning of this meeting, the Public Hearing will not be closed, only suspended for tonight and resumed at the next meeting, November 28, 2012. The Public Hearing was suspended at 8:38 PM.

Chairman Ian Murray asked the Board if there were any questions; there were none.

Old Business: Chairman Ian Murray stated the Board will conduct a SEQR workshop on Tuesday, November 20, 2012 for the Verizon Wireless special use permit application at 7 p.m.

New Business: After a brief discussion with Michael Cusack it was determined that the Board will provide copies of resident's concerns to Verizon's stenographer and Verizon and the Planning Board can go through them together at the next meeting. (Clerk Linda McCabe provided the copies to the stenographer prior to her leaving the meeting.)

Laurie Griffen made a motion, seconded by Robert McConnell to adjourn the meeting at 8:46 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski - absent, Brandon Myers – aye, Alternate George Olsen – absent. **Carried 6 – 0**
Meeting Adjourned

The next regular meeting will be held Wednesday, November 28, 2012 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk