



## Memorandum

To: Town Board

C: Town Clerk, Town Attorney

From: David Sprout, Planning Department

Subject: Telecommunications Special Use Permit - Verizon Wireless

Date: June 10, 2016

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As you are aware, Nixon Peabody LLP has submitted a Special Use Permit application for the construction and operation of a Verizon wireless communications facility to be constructed on a 157.72 +/- acre parcel owned by Scott Pinney. The parcel, located on Route 13 in the Rural Highway Corridor, is adjacent to the Willow Glen Cemetery.

The communication facility will include a 165' tower, 12 antennas, equipment cabinet, generator, a 1000 gallon propane tank and other equipment. With a lightning rod on top, the overall height of the tower will be 170'. The tower and equipment will be contained within a 75' X 75' fenced compound.

The tower will be located 417' from State Route 13's right-of-way and 678' from the nearest residence. Verizon asserts that the tower is necessary to fill gaps in coverage. In selecting this site, thirteen sites on seven parcels were studied.

Verizon, as is typical of most telecommunication companies, will put the tower out to bid after they receive municipal approval and design the tower foundation after the tower manufacturer is selected. The preliminary structural review from Dende Engineering Structural Consultants is very brief. At this point no problems are identified. Once Verizon receives its approval, Dende will complete its review. As a Standard Condition of Approval, no construction permits will be issued before that review is complete.

Taitem Engineering is reviewing the propagation and RF studies submitted with the application. We have yet to receive a written report but verbally Taitem has stated that they have found the application acceptable. No issues or problems are anticipated.

The County has determined that approving Verizon's proposal will have no negative inter-community, or county-wide impacts.

Town Board is the Lead Agent for this action, pursuant to the State Environmental Quality Review Act (SEQR) and the Town's Telecommunications Tower Siting Law (Local Law #2-2006). A full Environmental Assessment form Part 1 is included in the application. We will draft Parts 2 and 3 next month.

The application was reviewed in the context of the specific requirements set forth in Local Law #2-2006, Section 6 in particular. A copy of the law is attached to aid your review. The standards for review of this application are different than the standards for a special use permit (SUP) under our Zoning Law.

Another difference from a SUP review under our Zoning Law is that the FCC requires municipalities to process the application for a cell tower within 150 days. This necessitates a Board decision by early September.

Thus far, the only short coming discovered in the application is that it does not include a landscaping plan. Verizon is prepared to abide by any reasonable landscaping plan the Board may require. Given the small

footprint of the tower, the 417' setback and limited visibility from the road, landscaping requirements should be minimal.

The following review very nearly mirrors Exhibit E of the application. Statutory language in regular font with notes relating to compliance in **bold**.

Section 6 SUP Application and other Requirements:

- A. Compliance with Local Law #2-2006. **Complies.**
- B. (1) Application signed on behalf of applicant. **Complies. (Exhibit E)**  
(2) Application signed by property owner. **Complies (property owner submitted a separate authorization letter)**  
(3) False or misleading Application statements. **None discovered.**  
(4) False Information discovered after issuance of SUP. **Not applicable at this time.**
- C. Application not meeting requirements may be rejected by Board. **No response necessary.**
- D. (1) Safety & Compliance statement. **Complies (see Exhibits E & P)**  
(2) Legality statement. **Complies (see Exhibits D, E & P)**
- E. NYS licensed & registered professional engineer's report. **Complies (see Exhibits J & L)**
- F. Site Plan Review:
  - (1) Name and address of person preparing report. **Complies.**
  - (2) Name and address of property owner, operator, and Applicant, including the legal form of the Applicant. **Complies (Sheet T-1)**
  - (3) Postal address and tax parcel number of the property. **Complies (Sheet T-1)**
  - (4) Zoning District or designation in which property is situated. **Complies (Sheet T-1)**
  - (5) Size of property stated both in square feet and lot line dimensions, and a diagram to scale showing the location of all lot lines. **Complies (Sheet A-1)**
  - (6) Location of nearest residential structure. **Complies (Sheet A-1)**
  - (7) Location of nearest habitable structure. **Complies (Sheet SB-1)**
  - (8) Location of all structures on the property which is subject to the Application. **Complies (Sheet AD-1)**
  - (9) Location, size and height of all proposed and existing antennae and all appurtenant structures. **Complies (Sheets SU-1, SB-1, C-1, C-2, C-3, C-4, Ag Data Statement)**
  - (10) Type, size and location of all proposed and existing landscaping. **Does Not Comply, applicant has no objection to any reasonable landscaping requirements. The tower compound will be visible primarily from the south (looking north) and will be over 400' from Route 13. Landscaping may only be necessary on the south side of the enclosure and perhaps part of the east and west sides.**
  - (11) The type and design of the telecommunications Tower, and the number, type, and size of the Antenna(s) proposed, and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users. **Complies**
  - (12) The make, model and manufacturer of the Tower and Antenna(s). **TBD after Town approval.**
  - (13) A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting. **Mostly complies, color and lighting not indicated (Sheet C-3, C-4)**

- (14) The frequency, modulation and class of service of radio or other transmitting equipment. **Complies (See Exhibit B)**
  - (15) Transmission and maximum effective radiated power of the Antenna(s). **Complies (See Exhibit B)**
  - (16) Direction of maximum lobes and associated radiation pattern of the Antenna(s). **Complies (See Exhibit B)**
  - (17) Applicant's proposed Tower maintenance and inspection procedures and related system of records. **To be provided with construction permit application**
  - (18) Documentation that the NIER levels at the proposed site are within the threshold level adopted by the FCC. **Complies (See Exhibit L, Taitem report)**
  - (19) A stipulation that if the proposed Antenna(s) cause interference with existing telecommunication s devices, the Antenna(s) will be deactivated until such interference can be eliminated by the Applicant. **Complies (See applicant response Exhibit E)**
  - (20) A copy of the FCC license for the Telecommunications Tower. **Complies (See Exhibit I)**
  - (21) Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Telecommunications Tower on the proposed site. **To be provided with construction permit application.**
  - (22) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites. **Complies (See Exhibit B)**
  - (23) Applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunications Tower that it contains. **No agreements in place.**
- G. Demonstration by applicant to obtain shared use of existing Towers. **See Exhibit C**
- H. Certification that tower and attachments are designed and constructed to meet all County, State and US structural requirements. Submitted materials comply. Tower and foundation plans will comply. Certificate of Compliance will only be issued if all requirements are met.
- I. Documentation that tower is designed with a break point. **Complies.**
- J. After construction, certification of surge protection, grounding and bonding. **Not applicable at this time.**
- K. Submission of Full EAF and Visual EAF Addendum. **Complies, see Exhibits F & M**
- L. 1) Visibility Map. **Provided, see Exhibit F**  
2) Pictorial Representations. **Provided, see Exhibit F**  
3) Visual Impact of tower's base, guy wires and accessory buildings. **Provided (See Exhibit F)**
- M. **No review comment required**
- N. Board approved vegetative or other approved screening around base. **Applicant has no objection to reasonable landscaping requirements**
- O. Underground utilities. **Complies. Two utility poles are necessary on both the north and south side of Rt. 13 near the entrance to the parcel**

P. Tower site for least practical adverse visual effect. **Complies. Over 400' from road, almost 700' from closest residence. (See Exhibits C & F)**

R. Provided access road and parking. **Complies**

S. Town Board as Lead Agency for SEQR. **No comment required**

T. Eight copies of complete application. **Complies**

U. Applicant examination of the feasibility of accommodations of future demand. **Complies**

V. Physical space, structural capacity and utility connections for accommodating Town owned antennas and equipment, as directed by the Board. **See applicant response Exhibit F**