

ZONING BOARD MEETING
TUESDAY, JULY 28, 2020
ZONING BOARD
7:00 P.M. – TOWN HALL -1529 NYS RTE 12
BINGHAMTON, NEW YORK 13901

PRESENT: James Brewster, Chairperson
Aleta Kinne, Board Member
Melanie Pandich, Board Member
Scott Smith, Board Member
Joe Aston, Board Member
Thomas Eldridge, Alternate

ALSO PRESENT: Nadine Bell, Special Counsel
Frank Carl, Councilperson
John Freer, Ordinance Officer
Alex Urda, Town Engineer
Donna Webster, Stenographer of the Zoning Board
Diane Aurelio, Ordinance Secretary

Mr. Brewster: The hour being 7:04, I'll call the July meeting of the Town of Chenango Zoning Board of Appeals meeting to order. First order of business is again to remind everyone that we are, of course, under COVID operations here. I don't know if you've seen the handout or on the website of some of the instructions, but we are currently exempt from the 50 people or less because government meetings are exempt from that. However, the main point of tonight is that masks are mandatory in this building. They can be removed at the podium briefly if you need to speak, or if you want to speak is what I should say. Otherwise we must maintain the social distance of six feet at all times, and you can see we've spread out here. Hand sanitizing stations are around in several locations, should you choose to use those. And there are portable bathrooms to the outside of the garage here. If you choose to speak tonight, wherever you're sitting, please head down to the back corner, come around the chairs, come around the tape and then up to the podium. Then you'll be assisted after speaking. The microphone and podium will be disinfected. I want to extend my thanks for to all of the Town of Chenango Board, the Supervisor, and all the staff that worked very hard at my request to put this together, so we could have a public meeting on this cell tower case, and have it in a COVID safe area, so we're all able to maintain distance and be as safe as we possibly can. So again, I want to thank them for those hard days of work.

We have some business to attend to first, before we actually get to opening the public meeting. We're going to make that as efficient as possible, so we can get into the main intent of the meeting here tonight of public hearing. But as you've seen on the agenda, we do have some things to take care of which we will do right now. Members of the board, I'd like to have a brief discussion, if any, and

seek a motion for the approval of the minutes from the June meeting. If there are any comments and questions, we can make those directions as necessary. Otherwise I'll look for that motion.

Motion to approve the June 23, 2020 Zoning Board minutes as currently written – motion made by Melanie Pandich, seconded by Aleta Kinne and carried by the following:

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: Minutes have been approved. Now we'll move on to our new business, which is to go through the approval process, the preliminary approval process of five area variances for other residents in our town. So what we're going to do tonight is somewhat different. Because we have an unusually high amount of those requests, we'll pull each one out and ask if the residents are here, then briefly discuss, if necessary, the application at hand. And then what we will do is we will continue on to the next applicant and so forth until we have reached conclusion. We will do an omnibus motion where we will approve all of them at the same time, which will save a lot of time in discussion and going through individual motions, and it's perfectly okay to do that.

First application up is number 2020-V07, Ricky and Mary Tesar, of 10 LaFrance Rd. for an application for area variance to construct a carport exceeding the max allowed a residential zone square footage, it appears, from 200 feet to 504 feet. First of all, are the Tesar's here? Okay. Board members, do you have any concerns about the application that we need to discuss upfront?

Mr. Aston: Is there any correspondence from neighbors?

Mr. Brewster: I did not see any as of last night. That certainly can be addressed at the public hearing. The only comments I had about it was we need to have the applicant fix some answers for SEQR Part 1, and to remind them to prepare to address the five factors in area variance. Both of those we can handle at the meeting, or I can reach out, ordinance can reach out, and just advise them of that. But that doesn't seem to warrant a problem tonight.

Okay. Well with nothing heard on that application, we will set that aside for now and move on to 2020-V08. Jay Abbey at 26 Buckley Rd. Application for area variance to create a buildable lot with less than required road frontage from 240' feet to 25' with an easement in an AG zone and also a short EAF. Mr. Abbey and company, are you here tonight?

Jay Abbey: I'm here.

Chairman: Hi. Board members, do we have any questions for Mr. Abbey on this application?

Aleta Kinne: I do. Mr. Abbey, I drove up John Smith Road today, beautiful, my kind of country, but I couldn't find where the 25 feet is. Could you put us up a couple flags or markers, so that before the next meeting get a chance to come look at it?

Jay Abbey: Yes, no problem.

Aleta Kinne: Thank you.

Mr. Brewster: Anything further, members? I just have one thing, you did write some answers to the factors, just be prepared to expand on those a little bit during the public hearing because we'll have to go through them and they may need a little bit more evidence. I just wanted to let you know that. Otherwise, if there's nothing else, I'll put this one aside as well, and we'll move on to 2020-V09. Jeffrey M. Jacobs of 3 Howard Dr., looking for a double area variance for accessory structure shed to exceed the maximum size of 125 feet to 140, and less than a required side yard setback in a residential zone. Board members, any questions on this area variance tonight? Oh, first of all, sorry, is Jacobs here? Mr. Jacobs, are you here tonight to address this? (silence) Okay. Any comments or questions from Board members on this? I found it to be pretty tight, and I'd be ready to approve too. Okay, so passing that one on, move on to 2020-V10. Thomas Holmes, 5 Hiawatha Trail, application to exceed the max size allowed for accessory structure shed from one 125 feet to 160 in a residential zone. Mr. Holmes, are you here tonight? (silence). Okay. Board members, any comments or questions on this application? Send it through? Sounds good. And now we move on to 2020-V11. Steven Fletcher, 29 Norman Rd. Application for an area variance to exceed the max allowed for an accessory structure shed to exceed the max square footage size allowed from 125 feet to 240 feet in a residential zone. Mr. Fletcher, are you here tonight?

Steven Fletcher: Yes, I'm here.

Mr. Brewster: Okay. Board members, do we have any questions for this applicant?

Aleta Kinne: No.

Mr. Brewster: Do you have any questions for us? No? Okay. The only other thing, again, kind of a standard you did address and write in some of the factors, just rethink a little bit more about those and be prepared to discuss them further at the public hearing next month.

Steven Fletcher: Sure.

Mr. Brewster: Okay. That concludes the new business, except for the motion part of it. I have motion language here that I can read. I'll take a generalized motion to accept the following applications to the town of Chenango zoning board of appeals, refer them to the planning board for review and advisory and to schedule said

application for public hearing. And I'll read this in entirety after I get the motion and the second.

MOTION by Joe Aston and seconded by Scott Smith to accept the following applications to the Town of Chenango Zoning Board of Appeals, refer them to the Planning Board for review and advisory, and to schedule said applications for public hearings:

- **Application 2020-V07** - Ricky & Mary Tesar, 10 La France Rd. (TM# 112.09-3-18) – area variance to exceed the maximum square footage allowed for an accessory structure (carport) in a residential zone.
- **Application 2020-V08** – Jay Abbey, 26 Buckley Rd. (TM# 094.02-1-1.1) – area variance to create a buildable lot with less than required road frontage from 240' to 25' easement in an agricultural zone
- **Application 2020-V09** – Jeffrey M. Jacobs, 3 Howard Dr. (TM# 096.05-1-18) – two (2) area variances to (1) to exceed the maximum square footage allowed for an accessory structure (shed) in a residential zone; (2) locate said structure inside the minimum required side yard setback in a residential zone.
- **Application 2020-V10** – Thomas Holmes, 5 Hiawatha Trail (TM# 112.12-1-29) – area variance to exceed the maximum square footage allowed for an accessory structure (shed) in a residential zone.
- **Application 2020-V11** – Stephen Fletcher, 29 Norman Rd. (TM# 112.07-1-33) – area variance to exceed the maximum square footage allowed for an accessory structure (shed) in a residential zone.

James Brewster, Chair Voted Aye

Aleta Kinne, Vice Chair Voted Aye

Melanie Pandich Voted Aye

Scott Smith Voted Aye

Joseph Aston Voted Aye

Thomas Eldridge, Alternate Voted

The motion was thereupon declared adopted by a roll-call vote of:

Ayes – 5 Nays – 0 Absent – 0

Mr. Brewster: Motion is carried. So those will be scheduled accordingly by the ordinance department and we'll have public hearings next month for those.

Okay. This brings us to our next item on the agenda. At this time, we'd like to declare our attempt to continue with the SEQR full EAF Part 2 evaluation. And Board members, I would like to ask you how we should proceed on this? Should we pick up where we left off? Which was at question 10 and move forward. Acknowledging, that the applicant has provided direct and additional environmental responses, would we like to pick up where we left off on the form and continue through to the end, or return to the previous questions at this time to address new information and gaps we asked them to address? Either way, we'll wind up going back to those previously discussed items to fill in. We had some boxes that were tabled, but we can start where we left off, continue, and then cycle back, or we'll go back and then work our way back through.

- Aleta Kinne: I didn't think we completed Number 9. Because of the time limit we were hurrying to go back through 9.
- Mr. Brewster: That could be a mistake on my part. So yes, we can start wherever we believe that we left off. And if that's 9, we certainly can do that.
- Mr. Aston: It doesn't matter to me. We have to do it anyway, so it doesn't really matter if we do it now.
- Mr. Brewster: Do you have a preference though?
- Mr. Aston: Might as well just go back and do it now.
- Mr. Brewster: Okay. We will do that. We'll go back. So that means we actually have to go back prior to question Number 9 and address those issues that we had left tabled.
- Mr. Eldridge: Do you want to just go right to the top, start at the top and just work back down through the whole thing?
- Mr. Brewster: That's pretty much what we're going to have to do.
- Mr. Eldridge: Whichever ones there were issues on I guess.
- Ms. Bell: Can everybody hear me?
- Audience: No.
- Ms. Bell: No? Okay. Sorry. I guess I'll take the mic. Usually people can hear me. Yes you can go through everything again, but what you may want to do, because there were only certain items, is there had been an email forwarded by the applicant and just address those items, they have a bulleted list. So you would start with Part B on the Part 1. And you can just start from there and address those if you don't ...

Mr. Brewster: The bullet points.

Ms. Bell: Yes. Okay, good. I just wanted to make sure that was clear.

Mr. Brewster: Okay. I guess for simplicity here, I will go through the bullets as listed from the applicant's response. And I believe that we got in our updated packets, an update where Part 1 is corrected.

Mr. Eldridge: Jim, It's all in the pile of stuff that was here when we got here today. Not in the packet, it's all in there.

Mr. Brewster: Then in that case, that would probably satisfy Part 1 being complete. And we can move forward and continue on to fill in the blanks of what we had from the Part 2. I don't think, with some of his bullet points that he's corrected already on Part 1, we need to reinvent the wheel. All right then in that case...

Ms. Kinne: I have it tabled, Number 1.a., about the depth of the water table. I have a "T" there instead of filling them in. Wondering if you could bring me up to date on that? I'd appreciate that.

Chairman: is there anyone on the board that can help Aleta out here while I...

Mr. Aston: It should have been in the packet that was on the table.

Chairman: That's Part 2. Can I see what you're looking at?

Aleta Kinne: Yes, absolutely. Number one...

Mr. Brewster: Okay. That's Part 2. All right, fine. That's what I was getting at. The applicant, in the bullet points, to the best of my knowledge, corrected Part 1, which is their responsibility. And now we can start over to fill in the gaps that we did not address in Part 2 using the corrected information. So the proposed action may involve construction on land where depth of water table is less than three feet. That was addressed in the bullet points. On the second page our Engineer double checked this one for the listed underlying soil on the soil survey. The seasonal groundwater table is listed at 69 centimeters, which is two to three feet. This is from the USDA soil survey. So if they confirmed that the depth of the water table is two to three feet, which according to the question, is less than three feet, so less than or equal to three feet. Therefore we have information now where we can classify the potential impacts on that. So do we have discussion on that? What's the consensus on that particular box that we tabled?

Mr. Eldridge: I would say no to small, based on the fact that it is a seasonal check and it was early spring when they checked the water depth on top of the hill.

Mr. Brewster: Okay. So if you didn't quite catch that a seasonal depth on top of the hill, so the "no" or small impact for that.

Aleta Kinne: I would say moderate.

Mr. Brewster: We have a moderate opinion from Mrs. Kinne. Any other further discussion on that?

Mr. Aston: I don't see how it's a large to moderate impact. I agree with Tom. I'd go with small.

Mr. Brewster: Scott or Melanie?

Scott Smith: I'm fine with that.

Melanie Pandich: I agree with Tom.

Mr. Brewster: Okay, the consensus will then be for small.

Ms. Kinne: Thank you.

Mr. Brewster: Thank you.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of the land surface of the proposed site (see Part 1. D.1) - **Yes**

a. (7/16/2020) Table for more information – * changed to no or small impact

Mr. Brewster: Number 2, we've declared as categorically "no". Number 3 looks like we've answered all the questions:

2. Impact on Geological Features

Proposed action may result in the modification of destruction of, or inhibit access to any unique or unusual land forms on the site (.g., cliffs, dunes, minerals, fossils, Caves – **No** - * **No changes**
e

3. Impact on Surface Water

The Proposed action may affect one or more wetlands or other surface water bodies. (e.g., streams, rivers, ponds, or lakes). – **Yes** - ***No changes**

Mr. Brewster: Number 4. Impact on Groundwater, we have two open or one at least. And then there was another category, but part g. on Number 4, the proposed action may involve the commercial application of pesticides within 100 feet of possible drinking water or irrigation sources. That was addressed, Aleta. I can paraphrase for you if you don't want to keep passing the mic. So Aleta says that they cleared that up. Anybody else on that? I did see that in the document, D.2.q., regarding pesticides and herbicides. We've determined that it is not needed for construction of the site. So no pesticides or herbicides will be used in construction. If there is any indication elsewhere in the application that states we are using herbicides or pesticides, this is incorrect. Therefore, on their copy, they've left it as a "no." I think I was a no from the beginning on that, anyway. Any comments; "no" or small? (silence) Okay. We'll go with a "no" or small for the pesticide application.

4. Impact on Groundwater

The proposed action may result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer. – **Yes**

g. (7/16/2020) Table for more information – * changed to no or small impact

Mr. Brewster: Number 5. Impact on Flooding. I think we covered that in depth the last time.

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. – **Yes - *No changes**

Mr. Brewster: Number 6. Impacts on Air. We determined that was a categorical "no" and we did not have to go through each individual element.

6. Impact on Air

The proposed action may include a state regulated air emission source. – **No - *No changes**

Mr. Brewster: Number 7. Impacts on Plants and Animals, we declared initially as a "yes" and therefore moved down to subsections to which we declared "no" up until the point of letter i, where the proposed action of commercial and industrial or recreational projects only involves the use of herbicides and pesticides. And it seems as though that redundant question, more or less, was cleared up. Do we agree on that?

Joe Aston: Yes.

Aleta Kinne: Yes.

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. – **Yes**

i. (7/16/2020) Table for more information – * changed to no or small impact

Mr. Brewster: Moving on to question Number 8, Impact on Agricultural Resources. We have one open block here. The proposed project is not consistent with the adopted municipal farmland protection plan that was addressed, and I will read that. Let me see C.2.c. I want to make sure that there's only one reference to that:

Quote from the applicant, "I never received anything from John Freer or the Town in general, to indicate that there is a definite farmland protection plan. It appears Broome County has an Agricultural Economic Development plan from last year, however this is not a farmland protection plan and does not call out specific properties or areas and provide recommendations or specific protections to them. It appears to only discuss the economics of agriculture in the County. It also does not call out any specific entity instituting or regulating a specific farmland protection plan." For this reason we have left this as "no," because that seems to be most correct.

Ms. Kinne: Where I had a question, because the applicant had listed that it's an AG district 005, how many AGs in this district? I have tried to do some research on that, even called real property. And the girl said, "What? What are you looking for?" And I said, "AG District." And she didn't know what I was talking about.

Ms. Kinne: I need to know. I made several phone calls, people were either not working, or they didn't have an answer. They said at one time Broome County had eight AG districts. And because of the decline, they have narrowed them down and nobody could really tell me whether that is an AG district or not. I'm still trying to research on that.

Mr. Brewster: As Ms. Kinne states, she had questioned the agriculture district, it was declared in the documents we have by the applicant. And she asked around to various county agencies who, in short, could not provide her with adequate information. They said, in a historical context, that there were Broome County farm districts, but undetermined as to whether or not they still exist. Mr. Freer, would you like to comment on whether or not that if there's anything like that in play in Broome County or a state AG district?

Mr. Freer: Everything that I've researched there is not a farmland protection plan.

Mr. Brewster: I might have misheard you. You said there is not?

Mr. Freer: Is not.

Mr. Brewster: Okay.

Mr. Brewster: Okay, Board members, based on the information, unless Attorney Bell, do you have any insight on agricultural districts? I know you're not necessarily from this area, but statewide that you may know of?

Ms. Bell: No. There are agricultural districts throughout the state, but they are typically different and distinguishable from a farmland protection plan. Usually, they're two different things, and this question specifically asks whether the proposed project is consistent with the adopted municipal farmland protection plan. An agricultural district, normally, when you get an application for any kind of variance relief or land use relief, under New York State there is a part that you usually have to acknowledge, whether it's in an agricultural district, because that sets forth a different standard for notification for the application. Agricultural districts are different than a farmland protection plan.

Mr. Brewster: Board members, I submit to you that we likely have enough evidence at this time to answer that question. Can I get a consensus of, I'm guessing a "no" or probably a "no."

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. **Yes**

g. (7/16/2020) Table for more information * – Ordinance to look into County Farmland Protection Plan – * changed to no or small impact.

Mr. Brewster: Now we are at number 9, which is the Impact on Aesthetic Resources. We checked the box "yes", there are potential impacts. Therefore, we went down through a. through g., determining that a., b., and c. were "no".

Ms. Kinne: I would like to discuss Interstate 81. The balloon photos show that it's visible from several different spots in the Town. I feel that it is visible from publicly accessible vantage points because we've discussed it's visible from Interstate 81. The balloon photos show that there are several different roads and areas in the town where it's visible. Also, the question doesn't really ask it, but if you go down to other impacts, it's very visible to all the residential area there year round. The questions were seasonally or year round. In my opinion, it's very visible year round. I live down on Route 11. When the balloon goes up, in the packet there are pictures taken from my farm, it's very visible from Route 11 and 81, and several other places in the town.

Mr. Brewster: Thank you. Any further comments from other board members on that?

Mr. Aston: I agree with Aleta.

Ms. Pandich: I agree with Aleta too. It's not necessarily that it's from a scenic resource, but it is visible from a number of public locations, as well as significantly visible from residential locations, that would be impacted.

Mr. Brewster: So it sounds like we would have a consensus to move those initial decisions over to the moderate category. Is that what I'm hearing?

Ms. Pandich: Yes.

Mr. Brewster: Anything to chime in there, Thomas? I don't want to leave you out on my right side here. No?

Mr. Eldridge: No.

Mr. Brewster: Okay, then. That correction will be made to the form.

Ms. Kinne: And that sort of comes right along with the next one. The situation or activity in which viewers are engaged while viewing it on this routine travel by residents, including travel to and from work. I know we get a lot of tourism, buses going on 81. I don't know about the recreational tourist activities, but definitely the routine travel by residents to and from work.

Mr. Brewster: We did originally identify that part, d.i., as a moderate impact, d.ii. for recreational tourism, we determined to be small, so we put it in that category. Certainly we can revisit that with a different consensus if we'd like.

Mr. Aston: I'd say the recreational tourism, if you're going to go through the hills for scenic recreation, that would be definitely a moderate right there.

Mr. Brewster: Okay.

Ms. Pandich: I would agree with foliage viewing as a seasonal recreational activity that could be impacted by driving through the area.

Mr. Smith: I agree on that.

Mr. Brewster: Based on the consensus discussion here, should we move that to a moderate?

Mr. Aston: I would say yes.

Mr. Brewster: Okay, all right. We can do that. We'll modify that.

Mr. Aston: That kind of goes along with part e. as well.

Ms. Pandich: That's already marked as moderate.

Mr. Brewster: Let me read that for the public here. The proposed action may cause diminishment of public enjoyment and appreciation of the designated aesthetic resource. And again, we have two categories, no to small and moderate to large. Any of this can also be probabilistic too. It doesn't necessarily have to be proven

at this point, but it can be a possibility. So, that one is marked as moderate. Do we have any changes to f., or do we have anything other to add on?

Ms. Kinne: What did we mark?

Mr. Brewster: Oh, sorry. We marked f. as a small, I would say. It's in the no or small category.

Mr. Aston: There are similar projects visible within 3 ½ miles, two of them.

Ms. Kinne: Less than 3 miles if you go by the way the crow flies.

Mr. Aston: You've got John Smith, and then [inaudible 00:40:09].

Ms. Kinne: Jackson Heights.

Mr. Brewster: Let's just revisit the workbook suggestions here just to make sure we're clear. Things to consider: how many land uses are similar to the proposed project in those mileages; how far away are those similar projects; how are the land uses similar in scale, color, intensity type of land use, height, bulk dimensions; if there are no other similar uses, will the proposed be in sharp contrast to the overall landscape? Small impact guidance suggests the project is fully or partially visible, but there are other land uses of similar scale, design, density, dimension, or location, both nearby and far away, so that the context of the scenic resource does not change. Then, moderate to large, the project is visible, but there are none or very few other land uses of similar scale, design, density, dimension, or location nearby so that the context of the scenic resource changes and the proposed activity will be in sharp contrast to existing resources.

Mr. Eldridge: It would have to be small, then, because if we claim that there are two within three miles, then yes, we have to claim that there are two within three miles.

Mr. Brewster: Do any board members feel that we need expert clarification on the SEQR here at this part? I can't interpret the differences between those two categories. Do you want to hear from Nadine, is basically what I'm asking?

Mr. Aston: Like Tom said, you can visibly see them within three and a half miles. I would go with a no to small impact.

Mr. Brewster: Okay.

Mr. Eldridge: The moderate clearly says there are no other sites like this within those mile ranges. There obviously are, so it cannot be moderate. It's pretty cut and dry.

Mr. Brewster: Well, is it? Because it's talking about land use, and the land use is not designed for this project. To me, it's a little bit of a gray area.

Ms. Pandich: And two of the ranges given are smaller than where it's visible, so I'd be interested to hear how it applies to the sum of all of them.

Ms. Bell: So, we're taking a look at the SEQR workbook because the workbook is supposed to provide guidance. But if you look at the SEQR regulations, there is no this is how you have to answer, this is how you have to decide. It leaves it often to the decision of the agency that's going over this. In looking at the workbook that just, again, provides guidance, when the question is will there be an impact if the proposed project is similar to multiple developments or projects in the area, in terms of scale, context, dimensions, density, design, and location, then it is not likely to have any impacts to scenic or aesthetic resources. However, the reviewing agency, this Board, needs to decide what the threshold is for how many other similar projects may be visible. That depends solely on the context of the community. The reviewing agency will need to determine a threshold for what would constitute no impact for this question. When a scenic or aesthetic resource is being evaluated, it is likely that some impact may occur, even though there are many similar projects in the area. Essentially, Board, it appears that what you need to do is decide how many cell towers within the radius for the mileage that's provided, how many cell towers have to be present, because arguably, a cell tower of a hundred feet plus, you would need to look at only other cell towers. I shouldn't say only other cell towers, but if there are radio communication towers or things of that nature. Maybe not necessarily a telecommunication tower, but you need to look at how many there are in the area and decide whether or not, and this is your opinion, whether or not that meets the threshold for whether there's a sufficient amount to have, in effect, made an impact on the scenery, the scenic views. One could argue, and you pick the number, but if you say in a five mile ... Basically, five miles is what they give you as a range here. If within five miles there are two, is it the opinion of the board that two within five miles has changed the scenery? Perhaps it does, perhaps it doesn't. If there are 10 within a five mile radius, then the board may say, "Well, yeah. Now you've significantly changed the landscape." Right? They're all over the place. So, this board, you need to first decide whether or not ... It sounds to me like from the conversation, the discussion that's occurred, there are two in approximately a three-and-a-half-mile radius. Is that accurate?

Male: Yes

Ms. Bell: The next question to the Board is, two within three and a half miles, is that significant enough or is that enough of a density to result in having changed the scenery so that the addition of one more tower would not have an impact? If you think that that's true, then you would check the no or small. If you think that having two within three and a half miles does not change that scenery, you would say, "Well, yes." Then it's a moderate to large. Does that help clarify?

Mr. Smith: Okay, so, if we have two within two miles and we think that that covers it, then a third one becomes a significant impact.

Ms. Bell: When you say two within two miles, that covers it, what do you mean by that?

Mr. Smith: Well, that it provides proper coverage.

Ms. Bell: No. The question's not whether or not it's providing proper coverage for cellular purposes. The question is whether the density of the use within that range has already altered the scenic view. You see what I mean?

Mr. Smith: Okay.

Ms. Bell: Let's think of it this way. We're going to totally change it up. If there are four gas stations within two miles, is that a lot? If there are four gas stations within 10 miles, is that a lot? You have to look at it as the use. In this case, are three gas stations within three blocks, has that now changed the scenery of that area? In this case, if you have two cell towers within a three-mile or four-mile radius, or towers that would be radio towers, TV towers, anything that would be tall like that, are there enough of those other structures within a five-mile radius so that the addition of one more isn't going to have an impact? That's the question.

Mr. Aston: I guess it would depend on the area, the radius of the area we are discussing. It says right here three to five miles. At three and a half miles, another cell tower in that general radius is, in my opinion, small to no. In the general area of 5+, 10, 15, 20, yes. So, I guess where is the bullet point on that?

Ms. Bell: And there isn't one. That's why it's saying it's up to Board discretion. It's not a clear...

Mr. Aston: Just in regard to what you were saying, I would say small to none in my opinion.

Mr. Eldridge: I would say that on past bullet points in this section, we said that this one was going to be intrusive from the highway, correct?

Mr. Aston: Yes.

Mr. Eldridge: The other one in Castle Creek, you can clearly see from the highway. Therefore, it also is intrusive. Correct? The way this is worded, I would say it's no to small because if the one that you can also see from the highway from Castle Creek is intrusive, this one would be of the same amount.

Mr. Smith: The one in Castle Creek is already there, correct?

Ms. Bell: Well, they all have to already be there to be in existing use. You're not taking into consideration those that haven't been approved.

Ms. Pandich: So, if there were a lot of cell phone towers, one more wouldn't make that much of an impact, but if there's a smaller number of cell phone towers, one more could make a very substantial impact in that area, is what we're saying?

Ms. Bell: That's what the question is asking you to decide. And what they're asking you is also to say what is that threshold, what tips it from enough to too much, or not enough.

Mr. Brewster: Thoughts, Melanie? You have the floor.

Ms. Pandich: I think we'd have to determine the threshold before we can determine the impact. What's that number in that specific area? What's that threshold? What's the tipping point?

Mr. Aston: I guess I'm looking at the question does this one cell tower have any impact. ... There are similar projects visible within the following distance of the proposed project, yes. The way you phrased the question last time, does this one tower now tip the scales and make it overloaded with this structure in this general area, well, then yes, that's moderate. So, how does the question ... How is it posed, I guess. That's where I'm confused.

Ms. Bell: Unfortunately, the way the full EAF is written, it leaves it to Board discretion on how to interpret that and apply it. That's why you have to decide the threshold, right? Because in effect, if the Board says (picking arbitrary numbers) if the board says five isn't too much, having a third wouldn't be a problem. But if you put a threshold in there of saying, "We think two is more than enough," then the third creates the problem, and it is now a moderate to large impact. That's why determining that threshold is essential to answering the question.

Ms. Pandich: There's also multiple radiuses given, so do we need to determine the threshold within each of those radiuses? Because there's four radiuses given.

Chairman: That's a very good question.

Ms. Bell: I noticed that.

Chairman: I wondered that too.

Ms. Bell: Well, and what's particularly tricky is when you look at this, there's a huge difference between zero to a half a mile and 5+ miles. That's pretty open ended.

Female: [crosstalk 00:53:54].

Mr. Aston: Can we just table it for an open vote and just go with whatever we pick just for the sake of moving on?

Chairman: Yes. It's not.

Mr. Aston: This isn't a deal breaker.

Chairman: Well, I think that's a valid point right there. This isn't a deal breaker. We're on, perhaps, the edge of small to moderate at this stage of the game. I would lean with more of a small in this case.

Mr. Aston: Can you possibly just circle that three-mile radius, so we know we're not talking about five miles?

Chairman: Yes. Actually, I did that last time, three to five miles. We had it originally listed as small. I think that's fine. I agree with everyone. Well, at least the consensus [is.

Chairman: Were there any points for other on that part G? We can add pretty much whatever we want.

Ms. Kinne: I had mentioned the visibility in the residential area year round.

Chairman: The year-round visibility in the residential area, we wound up ... I think that fits back in with C. I don't know if we have to pull that out again, but it's up for other board members to chime in on, please.

Mr. Aston: No, that's a valid point, Aleta. I do think it's in C. I mean, it does say right here year round [inaudible 00:55:26].

Ms. Pandich: I just made a note in G that there is a closer proximity of the homes than would typically be assumed in this type of a zone area. Just for noting, for my reference, I put that there's a density of close proximity of homes right in that area.

Chairman: Well, if you'd like to propose that in as other, we can certainly do that and have a determination on it.

Chairman: Closer proximity of residential area. What would we determine that to be?

Mr. Smith: Sorry, I missed the question. What was the question?

Chairman: Ms. Pandich went with another impact, cell towers situated in closer proximity to a residential area affecting residents' aesthetics, basically.

Joe Aston - Boa...: I would say moderate.

Chairman: Did I capture that for you?

Male: Yeah, yeah.

Melanie Pandich...: Yeah, yeah. Because it's not solely residential, but in that area, those homes are in closer proximity to the project and to each other than typically in that type of zoning.

Chairman: Correct.

Melanie Pandich...: So, yeah, I would say moderate. I would say moderate.

Chairman: Okay. We can list that as a moderate. That's under part 9-G, and that completes nine.

Chairman: Moving on to number 10. This is new. Impact on historic and archeological resources. Do we have any thoughts on that?

Chairman: Nothing showed up to me in the analysis. I would suggest a categorical no on that unless somebody wants to look through a little closer?

Joe Aston - Boa...: I agree.

Female: I agree.

Chairman: We'll go no on 10, categorical no.

Chairman: Number 11, the impact on open space and recreation. There were some specific things in this. The proposed action may result in the loss of recreational opportunities or reduction of an open-space resource as designated in any adopted municipal open-space plan. My recommendation is no, a categorical no. Open to debate on that.

Joe Aston - Boa...: [inaudible 00:58:19] I say no.

Aleta Kinne-Boa...: I had a thought there was an undeveloped area for wild life habitat. I don't know without hearing from people who live up there, but on our side of the hill, I couldn't see eagles flying. I don't know if they're going up on that ridge too [inaudible 00:59:04]. I would say the impairment of wildlife habitat. The deer are not but, I know that the eagles are endangered, protected. So just a question I'm, putting out there.

Chairman: Do we currently have an adopted, municipal open-space plan for any property in the town? It basically says it has to be in a designated area in the municipal open-space plan. I don't know what that is. I don't know if the town even has such a thing.

Aleta Kinne-Boa...: The Comprehensive Plan studied that in quite depth. I can't quote what it says right now.

Chairman: But would there have been any declared over the space in that particular area we're talking about?

Aleta Kinne-Boa...: No, not-

Chairman: I find that open-space declaration-

Aleta Kinne-Boa...: No, not in that area, but I'm sure the residents up there feel that they maintain are open space.

Chairman: Understood, but there are specific definitions, so I think we need to research open space.

Aleta Kinne-Boa...: That's all right. It would be small.

Melanie Pandich...: I agree because I don't believe there's a designated and adopted open-space plan in that specific area.

Chairman: Okay, so, consensus to go categorical no on question 11?

Melanie Pandich...: Yes.

Chairman: Okay.

Chairman: I'm moving on, then, to number 12, impact on critical environmental areas. Again, CDA has a pretty specific definition. The proposed action may be located within or adjacent to a critical environmental area. In part one, I did not see ... That would usually crop up on a SEQR ... There's a SEQR deterministic tool. I did not see that crop up in the application nor a check of the tool myself. So, we could go with a categorical no on that pretty safely.

Chairman: Consensus on categorical no, then.

Chairman: Question 12, categorical no, then.

Chairman: Question 13, impact on transportation. Proposed action may result in change to existing transportation systems.

Female: No.

Chairman: A categorical no.

Chairman: Fourteen, impact on energy. May cause an increase in use-

Chairman: May cause an increase in the use of any form of energy.

Aleta Kinne-Boa...: Yes.

Joe Aston - Boa...: Is there any documentation about how they're going to have to upgrade it and light the systems for that?

Chairman: Yes. They'll have put in electrical...

Joe Aston - Boa...: Services.

Chairman: ...services and yeah, conduit and [inaudible 01:02:35] But there's, most likely, thresholds for energy consumption. And, off the top of my head, from being on the ERB at one time, I think they're pretty astronomical, as far as use of power.

Aleta Kinne-Boa...: Page seven, part one. The applicant tells us that it will be 575 kilowatts a day.

Chairman: Okay.

Aleta Kinne-Boa...: For 200 amp service. It's on page seven, part one.

Chairman: Okay. The guidelines in the workbook suggest the proposed action may utilize more than 2,500 megawatt hours per year of electricity. Greg, you have to do the calculation.

Aleta Kinne-Boa...: That's what I don't know how to convert, kilowatt to megawatt. And if you take 575 kilowatt a day and multiply it by 365 days, you're in the seven digit figure, which is a lot.

George Santoire...: It may be using constant use. 575 kilowatts is in constant use.

Aleta Kinne-Boa...: Is that per day?

George Santoire...: Right. It's available use [inaudible 01:04:22]

Aleta Kinne-Boa...: [inaudible 01:04:24]

Joe Aston - Boa...: Do we want to just run down through them and answer say yes, and just answer them?

Chairman: Yes, I think so. We'll call it yes and then run through, and I'll try to have answers in the book here, or the guidelines.

Aleta Kinne-Boa...: Yeah. [inaudible 01:04:41]

Chairman: The proposed action will require a new or an upgrade to an existing substation.

Aleta Kinne-Boa...: [inaudible 00:01:04:50].

Joe Aston - Boa...: [inaudible 01:04:51]

Speaker 4: 576.

Nadine Bell-att...: It says no, under K3. K3 says that, will the proposed action require a new or an upgrade to an existing substation? They've checked no, in their part one.

Chairman: I mean, they're not adding a full substation, they're adding a satellite.

Joe Aston - Boa...: I would agree that. There will be no upgrade to the substation.

Aleta Kinne-Boa...: Right.

Chairman: Yeah. Proposed action will require a creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residence, or to serve a commercial or industrial use.

Aleta Kinne-Boa...: This is a commercial use.

Chairman: But we can measure the scale on 50 single or two-family residences, so. And I'm thinking a commercial or industrial use in this stage is a big one.

Joe Aston - Boa...: Yeah. I don't know if you'd be up to 50 houses per day. I don't think you have the output of 50 houses in that area.

Chairman: Right, but we're not.... This isn't and energy [inaudible 01:06:14] system either, right?

Joe Aston - Boa...: Yeah. So I would say that were small. Yeah.

Aleta Kinne-Boa...: Right.

Chairman: Okay. I agree. Nowhere small? Okay. Proposed action may utilize more than 20 [inaudible 01:06:26] The 2,500 megawatt hours per year of electricity.

Alex Urda: 210.

Chairman: 210? Thank you, engineer. I knew you'd come through. So the conversion was 210 megawatt hours per year of electricity. I just want to be clear. That's a nowhere small, it's way under the threshold. The proposed action, part number D, that may involve heating and, or cooling of more than 100,000 square feet of building space when completed. That's a no. And does anybody have any other impacts on energy that they can think of? I would say, no.

Chairman: Number 15. Impact on noise, odor, and light. I recommend we say yes on that and go through them. Unless, you want to disagree, we can just categorically do it. But I think it's best if we go through it. The proposed action may produce sound above noise levels established by local regulation. D2M.

Aleta Kinne-Boa...: On page 8. Does the proposed action may produce sound noise levels established by local regulation. Proposed act will produce noise that will sustain noise levels through construction during 7:00 AM to 7:00 PM. [inaudible 01:08:33] And standby generator performance is done once a week.

Chairman: Ms. Kinne stated that the applicant did check yes on those parts.

Aleta Kinne-Boa...: Yes.

Chairman: For reasons of bulldoze an excavator construction during the building process between 7:00 and 7:00, at 7:00 AM and 7:00 PM. And then once per week after the build, the standby generator would fire up for, approximately, up to five minutes once per week, producing generator-type noise. And then, of course, of the other... No, I'm sorry. That part doesn't go along with that, that's another part. So, John, what are the noise ordinance thresholds, off the top of your head? (laughs) Yeah, I know. Something I have to look up too.

John Freer - Or...: Yeah, I need to look it up. All right.

Joe Aston - Boa...: I mean, can we just both go through it? I mean, I know we're small. The loud noise is only going to be during the construction. After that, a backup standby generator. Anyone that has one at their house is going to do the same thing on a timer, to make sure it works.

Chairman: Right.

Joe Aston - Boa...: So, I would say a no too small.

Chairman: I tend to agree with that. Yes, there'll be a probability of a solid small, during the construction, but overall let's hope the project is not as small. We'll go small.

Aleta Kinne-Boa...: That close to the homes? That's pretty mattered through construction. I admit, it's only...

John Freer - Or...: Short period of time.

Aleta Kinne-Boa...: ...during construction, but-

Chairman: Right. And this is where we have to take into consideration, scope and length of the project.

Aleta Kinne-Boa...: And it said six months.

Chairman: It's temporary, but I can see what you're saying.

Aleta Kinne-Boa...: I mean, it's right there.

Aleta Kinne-Boa...: [inaudible 01:10:57].

Chairman: So, based on that would anyone, Ms. Kinne's discussion there, would anybody want to moderate on a consensus level?

Joe Aston - Boa...: Sure. [crosstalk 01:11:17] To keep it moving.

Chairman: Okay.

George Santoire...: Yeah, that's fine.

Chairman: All right. We'll put that as moderate, then.

John Freer - Or...: [inaudible 01:11:23] Consideration lifted. AKA put moderate, he has to mitigate [inaudible 00:09:28].

Chairman: Yep.

Joe Aston - Boa...: Add it to the list.

Chairman: Proposed action would result in blasting with 1500 feet of any residence. Did not see that in the application. You aren't going to blast anything.

Aleta Kinne-Boa...: No.

Chairman: No, didn't think so. Proposed action may result in routine odors, more than one hour per day.

John Freer - Or...: No.

Aleta Kinne-Boa...: [inaudible 01:11:53]

Chairman: You would say no to small during that construction time period, perhaps. Proposed action may result in light shining onto adjoining properties.

Joe Aston - Boa...: Yes.

Chairman: There was an explanation of that. The tower will not be lighted. That was actually in the original plan. And also, the question is about light. C... Okay. And the applicant provides an example light that we use. The light is manually turned on and automatically turns off after 30 minutes. It is installed inside of the compound for lighting to the equipment cabinets, if the tech was working there, and needed light. Tower itself, again, has no lighting.

George Santoire...: So is that... I guess I'm confused. Is that legal, to have the tower obstruction that high, with no lighting on top of it?

Nadine Bell-att...: That's regulated by the FCC.

George Santoire...: There will be no light on top?

Nadine Bell-att...: Typically, it has to be at least 200 feet high, unless there was an airport nearby, or whether it's a local, or whatever.

George Santoire...: [inaudible 01:12:59] Tower on [inaudible 01:13:00].

Chairman: Tall. 200, roughly. That should have a red light on top.

George Santoire...: Yes, it does. Yes.

Chairman: Yeah. Regulated FCC and FAA, right? Either way.

Aleta Kinne-Boa...: Yeah.

Chairman: So I'm going to say, no to small on that one, personally. Unless, I mean, I think we proved that. It's a door light.

George Santoire...: If there's no lighting on top of it, and they're only using, just house lights for-

Chairman: Yeah.

George Santoire...: ...a couple hours a day, then yeah.

Chairman: Right. The proposed act... Really? The proposed action may result in lightning, creating sky glow brighter than existing area of conditions. (laughs) Is that a typo?

George Santoire...: No, [inaudible 01:13:52].

Chairman: Okay.

George Santoire...: Like, I can see [inaudible 01:13:54].

Chairman: No, it's my eyes. It says lighting, not lightning. Sorry.

Chairman: I would say, no. That's a no. We pretty much, no. Impact on human health. Number 16. How do we want to handle that, folks?

Nadine Bell-att...: Can I see that mic for a second? The thing I would caution the board on this. I'm not saying it's a correct determination. I'm not saying I agree with the termination, but the Telecommunications Act of 1996, specifically prohibits municipalities from considering any radiation effects from cellular towers. They're not allowed to do it. Again, I'm not passing judgment on whether or not that's a correct thing for the telecommunications law to do. But they've said that you can't take that into consideration, when you do your review. And, more than likely, the applicant knows that.

Joe Aston - Boa...: And I think we went over that too, in regard to the animals. Because we brought up

Group: Yes. Correct.

Joe Aston - Boa...: ...people in the area that had horses. And that same question came up and we couldn't... There were no studies to-

Nadine Bell-att...: No.

Joe Aston - Boa...: ...prove that.

Chairman: Correct. And in the grand scheme of things here on this, I don't see a lot of commentary on RF anyway, in this. So I would, personally, throw out there to go with a categorical no here.

Joe Aston - Boa...: Yep.

Chairman: 17. Consists-

Aleta Kinne-Boa...: Can I read something there. But it really comes from-

Chairman: Can you use your mic?

Chairman: Well we... If it applies to-

Aleta Kinne-Boa...: It does apply.

Chairman: I don't think it applies to C. But I think that's for another day.

Aleta Kinne-Boa...: Okay. Well, it's about the Telecommunication Act, as Ms. Bell mentioned

Chairman: Okay.

Aleta Kinne-Boa...: That's okay. I'll wait.

Nadine Bell-att...: And keep it to environmental.

Chairman: Yeah.

Aleta Kinne-Boa...: Okay.

Chairman: So now, onto number 17. Consistency with-

Aleta Kinne-Boa...: One other thing. (laughs) Sorry.

Chairman: No, go ahead. That's fine.

Aleta Kinne-Boa...: I'm sorry. Back on 16, back on [inaudible 01:16:39] I don't know if it's proper or not, but under other, can I make a notation that if and when 5G is added. That's a whole chance scenario.

Nadine Bell-att...: Well, what is it you're saying, Ms. Kinne?

Aleta Kinne-Boa...: Well, the general consensus of the whole area here, is that they're preparing to add 5G to the system. This is for 4G. But it's quite open that 5G can come along. So, I just wondered if-

Nadine Bell-att...: Can I see if I can-

Aleta Kinne-Boa...: ...you can hope that, if 5G is added in the future, that changes the whole impact scenario. It doesn't matter. It's just a simple a point.

Nadine Bell-att...: I understand. The only thing, and this is just based upon an understanding of the recent orders by the FCC, I think it was in October of 2018. I believe, and correct me here if I'm wrong, but 5G uses a different kind of radio frequency technology. And it's more of a small cell wireless technology. And if you have done any reading on this, or if you've seen any of the recent legislation, or regulation rather on this, that is why the FCC has said to municipalities that they're not allowed to tell telecommunication companies that they can't locate in the right of way. Because 5G has a much shorter signal span.

Nadine Bell-att...: And so, what you'll see, is that is the... they're the little small cell wireless... They look like telephone poles that extend maybe another 30 feet. That's what the 5G is going to be using. Not to say that this wouldn't be part of the broader system, but I believe for the 5G build out, it will be on a... kind of a fundamentally different basis. But regardless, if that's not the proposal before, you wouldn't be able to consider it now.

Aleta Kinne-Boa...: Thank you.

Chairman: Okay. I think we're on 17. Consistency with community plans. I'm open to this one, as to whether or not we could probably check yes, and go through it. But what does everyone feel?

Aleta Kinne-Boa...: We should go through it.

Chairman: Should go through it. Yeah. Okay. A, the proposed action land use components may be different from, or in sharp contrast to, current surrounding land use patterns.

Joe Aston - Boa...: I would say yes, it's moderate.

Aleta Kinne-Boa...: I agree.

Chairman: I'm hearing consensus on moderate for that. And therefore, I will check that. Proposed action will cause permanent population of the city, town or village, in which the project is located, to grow by more than 5%.

Aleta Kinne-Boa...: No. No.

Joe Aston - Boa...: I'd say, no. [crosstalk 01:20:12] It's in the other direction.

Chairman: Yep. We'll put a no in there. Proposed action is inconsistent with local land use plans or zoning regulations.

Aleta Kinne-Boa...: Yes.

Nadine Bell-att...: Could I see it?

Chairman: Yeah.

Aleta Kinne-Boa...: It's moderate, yep.

Nadine Bell-att...: The tower is permitted within the zoning district, subject to a special use permit. There's case law that says, if a use is allowed, subject to a special use permit, that the government... the regulating legislative body has essentially decided and determined that a use is permitted and appropriate for that district, subject to certain conditions. So that's what case law says, for special use permits. As opposed, for example, to a use variance, where somebody has to come in and have it. You have to establish that you need this use, and that you can't do anything else with the property. So in the zoning district, your town board has decided, and legislatively so, that it's appropriate by means of a special use permit.

Chairman: Based on that, board members, what are your comments on the impact of that? My recommendation has to be, in light of that, small.

Joe Aston - Boa...: That's for bullet point C?

Chairman: Correct.

Aleta Kinne-Boa...: It is listed as a special use [inaudible 01:21:54] area.

Chairman: Okay.

Joe Aston - Boa...: Small.

Chairman: Small. The proposed action is inconsistent with any county plans or other regional land use plans. We have not... I've not introduced it, necessarily, in record yet because that usually comes in a public hearing. However, we have

heard from our county folks on that, and maybe. They've made some recommendations, but otherwise they had a favorable response.

Joe Aston - Boa...: No to small.

Chairman: None to small?

Joe Aston - Boa...: Yes.

Aleta Kinne-Boa...: Yeah.

Chairman: Proposed action may cause a change in the density of development that is not supported by existing infrastructure, or is distant from existing infrastructure.
No.

Chairman: Proposed action is located in an area characterized by low density development, that will require newer, expanded public infrastructure. Not for this project.

Chairman: Proposed action may induce secondary development impacts, such as, residential or commercial development, not included in the proposed action. So the installation of the cell tower would induce developments.

Aleta Kinne-Boa...: No.

Joe Aston - Boa...: No.

Chairman: No. Any comments for other on this one? Okay, moving on to number 18. And this is the last question folks, and then we'll be able to continue to move on. Consistency with community character. Rose project is inconsistent with the existing community character.

Group: Yes.

Chairman: Start off with a yes, and we're going to go down the list here. The proposed action may replace or eliminate existing facility structures, or areas of historic importance to the community.

Group: No.

Chairman: The proposed action may create a demand for additional community services, such as schools, police, and fire.

Group: No.

Chairman: Proposed action may displace affordable or low income housing in an area where there is a shortage of such housing.

Group: No.

Chairman: Proposed action may interfere with the use or enjoyment of officially recognized, or designated public resources.

Joe Aston - Boa...: What do you mean by designated public resources? Can you expand on that?

Nadine Bell-att...: So hard to find.

Aleta Kinne-Boa...: I think I can think of a [inaudible 01:24:47] designated official [inaudible 01:24:48] viewing area. People go to the [inaudible 01:24:51]

Chairman: Officially recognized or designated public resources include parks, playgrounds, public properties and buildings, ball fields, picnic areas, designated fishing access, public beaches, scenic pull offs, museums, pedestrian pathways, such as, hike and bike trails, rail-trails, snowmobile trails, community centers. When a proposed project interferes with the public use of enjoyment of these resources, quality of life, and thus, community character can be adversely impacted.

Chairman: The guidance for small is the proposed project will add population, visitors, employees, increasing demand for the things I listed. But adequate resources exists that are underused or have available capacity. And then proposed project will add population, visitors, employees, which would increase, basically, says would increase demand.

Joe Aston - Boa...: No to small.

Chairman: No. Or none to small. Okay. Proposed action is inconsistent with the predominant architectural scale and character. Comments, please.

Group: Yes.

Chairman: I'm hearing yes.

Aleta Kinne-Boa...: I would say yes, in reference to character.

Chairman: I'm hearing yes. Oh, moderate to large impact structures that are taller than the predominant vegetation are introduced. That's a moderate.

Aleta Kinne-Boa...: Affirmative.

Chairman: And, any other... I want to make sure... I don't want miss one here.

Chairman: Proposed action is inconsistent with the character of the existing natural landscape.

Group: Moderate.

Chairman: Do we have any other impacts to add on to that? Okay. At the site.

Aleta Kinne-Boa...: Visual addendum.

Chairman: We have a visual addendum. Can you guide us through? I don't know what to do with that. Visual addendum. I have to find it.

Aleta Kinne-Boa...: It's in the original packet.

Chairman: I have it.

Aleta Kinne-Boa...: You do have it?

Chairman: I have it.

Nadine Bell-att...: So, as part of the full EAF board, the applicant has completed the visual EAF addendum. This is something as completed by the lead agency, and it addresses visibility, in part. So the applicant has provided some answers for the board, but those are simply things that can be considered. It's by no means binding on the board. Visibility, number one. Would the project be visible from, and I think this gets to the heart of a lot of the discussion that took place earlier, regarding the route 30... excuse me, the route 81 and route 11 corridors, traveling to work, things like that.

Nadine Bell-att...: So first bullet point. The parcel of land, which is dedicated to, and available to the public for the use, enjoyment, and appreciation of natural or manmade scenic qualities, distance between the project and the resource. So they have the zero to a quarter of a mile, a quarter to a half a mile, a half a mile to three miles, three to five miles, and five miles plus.

Nadine Bell-att...: So would the project, would the tower be visible from a parcel of land, which is dedicated to, and available to the public for the use, enjoyment, and appreciation of natural or manmade scenic qualities? The applicant did not indicate that there was any impact. But this is for the board to complete.

Aleta Kinne-Boa...: We didn't know of any, when we were talking about scenic viewing areas or anything like that. So I'd say no.

Chairman: Well it's a five plus, five plus miles. It's kind of a multiple choice here.

Aleta Kinne-Boa...: Yeah.

Chairman: We'll go with five plus miles.

Nadine Bell-att...: Next... Oh, you want me to continue?

Chairman: Go ahead.

Nadine Bell-att...: Next bullet. Would the project be visible from an overlook or parcel of land dedicated to public observation, enjoyment, and appreciation of natural or manmade scenic qualities?

Chairman: Based on that language, seems like we have to go five plus. That's my thought.

Nadine Bell-att...: Rest of the board, do you guys agree? Five plus?

Aleta Kinne-Boa...: Yes.

Chairman: So be it.

Nadine Bell-att...: Yes. Would the project be visible from a site or structure, listed on the national or state registers of historic places? Remember, is it visible.

Chairman: Five plus, unless there's something... somebody knows it's closer, if they exist. Anything? Five plus?

Aleta Kinne-Boa...: Yeah. I think it's a block more of seven, and it goes from there. So I'd have to say, five plus.

Chairman: Okay.

Nadine Bell-att...: Five plus, everyone?

Chairman: Yeah.

Nadine Bell-att...: Okay. State parks. Would the project be visible from state parks?

Chairman: The one we know of is not.

Nadine Bell-att...: So that's a zero? Or no, there is no one. Forget that.

Nadine Bell-att...: State Forest Preserve. Anybody aware of state Forest Preserve? I'll note that attorneys MLS submitted correspondence, dated May 26, 2020, where he discussed the visual environmental assessment form, which we're talking about right now. He did not acknowledge anything from there or bring to the board's attention. Just for what that's worth. Because there were some things he did identify, but that was not one of them. So, state parks? Or I'm sorry, Forest Preserve? Nothing?

Chairman: Nothing.

Nadine Bell-att...: Next, would the project be visible from national wildlife reserves?

Joe Aston - Boa...: No. Oh, state game.

Nadine Bell-att...: Or state game refuge? Nope.

Joe Aston - Boa...: I don't believe so. Nope.

Nadine Bell-att...: No. Any national natural landmarks or other outstanding natural features? Nothing of significance?

Joe Aston - Boa...: No.

Nadine Bell-att...: Okay. National park service lands.

Joe Aston - Boa...: Not here.

Group: No.

Nadine Bell-att...: Rivers designated as national or state wild scenic or recreational?

Aleta Kinne-Boa...: No.

Nadine Bell-att...: No. Any transportation corridor of high exposure, such as, part of the interstate system or Amtrak the.

Nadine Bell-att...: High exposure such as part of the interstate system or Amtrak. The applicant said the distance was a quarter to a half a mile. Is that accurate?

Joe Aston : Accurate, yes.

Nadine Bell-att...: A governmentally established or designated interstate or intercounty foot trail, or one formally proposed for establishment or designation. To the best of your knowledge, is there any?

Nadine Bell-att...: No?

James Brewster-...: Does the Finger Lakes trail go through? I don't think so.

Joe Aston: No.

James Brewster-...: Nope.

Nadine Bell-att...: A site, area, lake, reservoir, or highway designated as scenic? Route 11 is not designated as scenic, right?

Speaker 5: Not that I know of.

James Brewster-...: I don't think so.

Nadine Bell-att...: No. Okay. A municipal park or designated open space?

James Brewster-...: No.

Nadine Bell-att...: No. County road. The applicant has indicated a half a mile to three miles. Is that accurate? Or is it closer?

Joe Aston...: Yeah, I think that's right. Closest county road would be the other side of the highway.

Nadine Bell-att...: Okay. State road, the applicant has indicated a quarter to a half a mile.

James Brewster-...: Could you speak up? It would be easier to respond to that question.

Nadine Bell-att...: The last one? Sorry.

James Brewster-...: The County road one.

Nadine Bell-att...: County Road. The applicant indicated and the boards indicated they agree that it's a half a mile to three miles away. State road. The applicant has indicated it's visible and it's a quarter to a half a mile away.

James Brewster-...: Correct.

Nadine Bell-att...: Local road. The applicant has indicated it's visible from a quarter to a half a mile away.

James Brewster-...: Probably.

Nadine Bell-att...: I'm sorry.

Tom Eldridge.....: The application, itself, says it's visible from 52 local roads. In the application.

James Brewster-...: Yeah, it's not a local road. It's definitely closer than a quarter mile to a-

Nadine Bell-att...: Okay. So we'll correct that to zero to a quarter. Very good. Is the visibility of the project seasonal? Applicant has indicated, yes.

Joe Aston: No, it's year-round.

James Brewster-...: No, it'll be year- round.

Joe Aston ...: Yeah, it's taller than the trees.

Nadine Bell-att...: Number three. Are any of the resources checked in question one used by the public during the time of year during which the project will be visible? They have indicated, yes. Is the board satisfied with a yes?

James Brewster-...: Yes, folks?

Group...: Yes.

Nadine Bell-att...: Number four. This is a description of existing visual environment. From each item checked in question one, check those which generally describe the surrounding environment. So, essentially undeveloped? Within a quarter mile to a mile?

James Brewster-...: No answer.

Nadine Bell-att...: There's no answer. The applicant has indicated forested within a quarter mile, agricultural within a quarter mile, suburban residential within a mile. I believe that's what the applicant has indicated, but I believe Mr. Zamelis has questioned that referencing the applicant's materials, which indicate 800 feet or so. 700 feet?

James Brewster-...: Correct. In my opinion, I think it's how you look at it officially. Technically, the first zoned residential area is correct at about a mile, but I think we should correct it to a quarter because there are homes there.

Tom Eldridge...: I agree with that.

Nadine Bell-att...: Okay. We will correct that to within a quarter of a mile. Industrial, commercial, urban, river, lake, pond, cliffs, overlooks, designated open space, flat, hilly, mountainous, and other have all not been checked.

James Brewster-...: There's certainly a river within a mile, maybe even a quarter mile.

Joe Aston...: There's a commercial property at the bottom of East Hill.

Nadine Bell-att...: So, anyway, let's go back. River, lake, or pond? Is that within a quarter mile or just a mile or not just a mile, but within which of those two, please?

Thomas Eldridge...: Not a river.

James Brewster-...: Castle Creek?

Joe Aston ...: It's a creek.

Joe Aston...: It's not a river.

Tom Eldridge...: It's a stream.

James Brewster-...: We'll agree to disagree on that.

Nadine Bell-att...: So you don't want to check anything for river, Lake, or pond?

Mr. Smith ...: Castle Creek flows into the river.

Nadine Bell-att...: Okay. So a pond's within a quarter mile, correct folks?

James Brewster-...: Yep.

Tom Eldridge...: Yes.

Nadine Bell-att...: Okay. Commercial, I heard, am I right?

Joe Aston...: Within a mile.

Nadine Bell-att...: Within a quarter of a mile.

Joe Aston...: One mile.

Nadine Bell-att...: A mile.

James Brewster-...: One mile is what I would say, sure.

Nadine Bell-att...: Hilly or mountainous?

James Brewster-...: Hilly. Hilly for sure.

Nadine Bell-att...: Hilly?

James Brewster-...: Quarter mile.

Nadine Bell-att...: Very good. And anything else to add under other?

Joe Aston ...: I'm satisfied with "no."

Nadine Bell-att...: Okay. It says, are there visually similar projects within... Oh boy, we're back to that. Half a mile? The applicant has indicated, no. A mile? Applicant indicates, no. Two miles? Applicant indicates, no. Three miles? Applicant indicates, no.

James Brewster-...: Now is this visible from the site?

Nadine Bell-att...: Well, if you drew a radius-

James Brewster-...: No, but if you stood at the site, it's surrounded by trees. You cannot see the towers from the site, but you will be able to see both high towers from the same place. See what I'm saying?

Melanie Pandich...: I think it's just existence-

Nadine Bell-att...: Just existence?

James Brewster-...: Just existence?

Tom Eldridge...: Yes.

Melanie Pandich ...: Yes.

Thomas Eldridge...: You guys can actually consider the height.

Nadine Bell-att...: So is it within three miles?

James Brewster-...: I suppose it's within two.

Joe Aston...: At the very, at the very...

Nadine Bell-att...: So two?

James Brewster-...: You would say two?

Nadine Bell-att...: Say two?

James Brewster-...: I know it's within three.

Joe Aston...: In a straight line the one at Castle Creek's pretty close.

James Brewster-...: Okay.

Nadine Bell-att...: So we will check two miles, correct the no. And are there only two?

Joe Aston...: There's a second one.

Nadine Bell-att...: Is that within two miles or three miles?

Joe Aston...: That would be more. Yeah.

Nadine Bell-att...: So, the three miles?

Tom Eldridge...: Yes.

Nadine Bell-att...: Okay. So we have two miles and three miles now indicated. Exposure. The number of annual visitors, excuse me. The annual number of viewers likely to observe the project proposed is 10,550 as pointed out by Attorney Zamelis. That is understated given the proximity of Route 81. It says to give your best estimate. Anybody have any idea of the visitors on Route 81?

James Brewster-...: My first pencil in was greater than 500,000. So we're up by an order of magnitude, at least.

Nadine Bell-att...: Would it satisfy the board to just do a greater than 500,000? I mean, obviously that's a significant number, correct? Okay.

Thomas Eldridge...: Yes.

Nadine Bell-att...: Okay. Number seven, context. The situation or activity in which the viewers are engaged while viewing the proposed action is: travel to and from work? Applicant has indicated daily. Involved in recreational activities? Applicant has checked daily. Routine travel by residents, daily. At a residence, daily. At a work site, daily. Any other comments?

James Brewster-...: That's acceptable to me.

Nadine Bell-att...: Acceptable?

James Brewster-...: Anyone else?

Tom Eldridge...: I agree.

Nadine Bell-att...: Very good. There is supplemental data that has been provided and the applicant has acknowledged that Lot 107, which is a historic place, on this national and state registry, is not visible. And the Chenango Valley State Park is not visible. Applicant does acknowledge Route 81, and the applicant acknowledges the following County Roads, Knapp Hill Road, High Street River Road, Brooks Road, West Chenango Road, Upper Stella Ireland Road. To the best of your knowledge board members, is that complete and accurate?

James Brewster-...: I'm satisfied.

Thomas Eldridge...: It's not accurate. The application said 52 local roads. It lists them all.

James Brewster-...: This says County Roads. This is for county.

Nadine Bell-att...: This is County Roads only.

Thomas Eldridge...: Sorry.

Nadine Bell-att...: State Roads. Applicant has listed the following, State Route 79, State Route 369, State Route 12, US Highway 11, and Interstate 81. Does that appear accurate to the board?

Group ...: Yes.

James Brewster-...: I'm satisfied.

Nadine Bell-att...: And I think to the gentleman who just spoke to his point, local roads, do you guys want me to go through... well, I'll just go through...

James Brewster-....: No.

Nadine Bell-att....: No? Let me ask the board this...

James Brewster-....: There are many...

Nadine Bell-att....: Has the board all reviewed it? And is the board in agreement? Okay. If the board has reviewed it and they're in agreement with the local roads that have been identified, I'm satisfied. All yours.

James Brewster-....: Okay. At this time... Let me do this... At this time, that concludes our Evaluation of SEQR. I would like to propose to the board for consideration, that due to the complexity of this evaluation we've gone through, that prior to our discussion and subsequent action on a Declaration of Significance, we request that Ms. Bell provide us with a draft written findings based upon our discussion tonight and comments for the board to consider and approve at a later time so we can have a synthesis of everything we discussed, the moderates, the small, et criteria in this context. And so I would propose that to the board and that way we can move on to the public hearing. Does everybody understand that?

Nadine Bell-att....: Mr. Chairman, want me to explain for quick second?

James Brewster-....: Yep, please do.

Nadine Bell-att....: So for purposes of the audience and for purposes of the board, when you have an environmental review. Under the State Environmental Quality Review Act SEQR, the board, in order to decide whether it be Positive or whether it be Negative, needs to render findings. And the findings are intended to capture the comments, the discussion that took place. And in order to make a determination, what is being proposed is that draft findings be prepared for the board to review and to consider, and then they can make a positive or negative declaration based upon those written findings.

Nadine Bell-att....: Does that help explain the process for the board members? If there is a "Negative Declaration", that completes the SEQR process. If there's a positive declaration, that requires them scoping under the DEC regulations. You scope whatever environmental issues are identified, and then you go forward once the issues have been identified. Then you proceed into an EIS, an Environmental Impact Statement.

Nadine Bell-att....: So, that would be the procedure. Given the board's direction, I'll prepare draft findings. I will circulate it to the board for their consideration. And based upon the findings, the findings will just simply capture the comments and the various things that have been discussed, and then they can make a determination on whether or not it's a positive deck or a negative deck.

Mr.Brewster: Does it need to be a motion?

Nadine Bell-att...: It doesn't need to be a motion.

James Brewster-...: It doesn't need?

Nadine Bell-att...: You're just giving me direction.

Melanie Pandich...: Right.

James Brewster-...: I can just take a consensus on that, that we direct her to do that.

Tom Eldridge...: Yes.

James Brewster-...: Are you okay Tom, with what we're asking Nadine to do? Did you hear that?

Thomas Eldridge...: Yes.

James Brewster-...: Okay, so you're good. Okay. Ms. Bell, please do that.

Nadine Bell-att...: I'll do that. Yep.

James Brewster-...: And now we will move on to the public hearing. Oh, yes. I'm sorry. We asked to clarify-

George Santorie...: I just wanted to say that the DEC has a list of criteria of what should be considered when you're determining something this significant. Since you guys are doing that later, I can send it to you later, that's fine.

Nadine Bell-att...: That's fine.

James Brewster-...: Sure. Primarily [inaudible 01:47:43]. You hit all of them, that's fine.

James Brewster-...: Okay. Ladies and gentlemen, you were handed an agenda and on the back is our rules of decorum. I just want to briefly touch on a few things. Obviously, this can be an emotional event coming up here, understandably. So I just wanted to go over a few things that, when you're at the podium, please address the board.

James Brewster-...: We will not be addressing the applicant directly. The same goes for the applicant. So, if there are questions, Mr. Santoire, please take note of them. And then we will be able to allow you to address them if they're pertinent. So, otherwise try to keep things to a non-roar. We will not want to break the decorum here. And I think we can be a positive sign for solid democracy if we can still have civil discussions here in a group for when we're about to do. Please keep that in mind as you approach the podium. Again, back, and around, and to the podium.

James Brewster-...: At this time, as Chairman, I will open the public hearing. And I do have a couple of comments here. One to acknowledge that the applicant has supplied new

information to us as late as yesterday, and also requested yesterday that this public hearing be adjourned to a later date.

James Brewster-...: We are not inclined to honor that request as this hearing was properly noticed and scheduled. However, at this time, especially we do not anticipate that we will be able to close the public hearing tonight. We actually do have a curfew of 11 o'clock at the latest. We will get everybody an opportunity at least to speak.

James Brewster-...: Given the applicant's request for postponement and the possibility that additional materials may be submitted by the applicant and written comments also will continue to be accepted until closure, again, we don't anticipate closing the public hearing tonight. However, in addition to that, given the request by the applicant for adjournment, it is necessary for the applicant to confirm on the record that the applicant consents to an extension of the deadlines for SEQR and FCC regulations. So, Mr. Santoire, can you consent to that at this time?

George Santoire...: Consenting to? I'm sorry, how does the SEQR and FCC relate to this one here?

Nadine Bell-att...: Well, because there's an extension requested. When we're referring to the deadline, the board has an obligation to render a determination within a certain time period. And also, because of the what's generally referred to as the "shot clock" with the extension of time, that is going to make it more difficult to comply with that. So, because it's been requested that this be postponed, the board's asking, in order to be able to honor your request, that those time deadlines be waived so that the board can continue. They're not looking to draw this out, but they don't want to have any issues where you subsequently argue that you have a default approval when a request for postponement has been received. Okay, thank you.

James Brewster-...: For the record, in case you didn't hit the microphone, the applicant did indicate "yes" to a request. Okay. Hang in there just a couple more minutes, folks.

James Brewster-...: We received a large volume of public comment. And as a matter of record, we need to enter that into the record. So we will take up just a brief amount of time as I... We'll go through each and everyone's name who wrote a correspondence in order to enter that into our record. I will then also make reference to enter the petition into the record. And then I will open the floor for public comment. Thanks for bearing with us here, it's a heavy lift.

James Brewster-...: So, without further ado, this is a list of correspondence received.

Nadine Bell-att...: That's being made part of the record.

James Brewster-...: That's being made part of the record. I should add that all of the hard copies that we did receive from you will also be entered as physical copies matching this list of respondents.
Steve Swingle, June 11th, 2020 Brotzman Rd., letter received for all ZBA

members; June 3rd, 2020, Kenny Leet, 404 East Hill Road, emailed letter; 5/28/20, Aaron Abby, 690 Brotzman Road, emailed letter; 5/26/20, Steve Swingle, 715 Brotzman Road, emailed comments regarding public hearing; 5/26/20, Kirstin McCabe, 755 Brotzman Road, emailed letter; 5/26/20, Jay Abby, 393 Brotzman Road, emailed personal notification against the cell tower; 5/26/20, Lauren McCabe, 755 Brotzman Road, with an emailed letter; 5/26/20, Tina Bernard, 682 Brotzman Road, dropped off letter; 5/26/20, Douglas Bernard, 682 Brotzman Road, dropped off letter; 5/26/20, Douglas Bernard, 682 Brotzman Road, emailed another, different, letter; 5/26/20, Joseph McCabe, 755 Brotzman Road; emailed photos of 755 Brotzman Road; 5/26/20, Jeff and Robin Schultheis, 710 Brotzman Road, emailed letter and various research items. 5/26/20, Brian Brown, 759 Brotzman Road, emailed letter; 5/26/20, Linda Bryan, emailed letter; 5/26/20, Daniel E. Crocker, owner of 686 and 678 Brotzman Road, emailed letter; 5/26/20, Mary McCabe, 755 Brotzman Road, emailed letter and photos; 5/26/20, Daniel and Tara Browne, 759 Brotzman Rd., emailed letter; 5/26/20, Dave and Judy Howard, 702 Brotzman Road, emailed letter; 5/26/20, Bob and Nancy Wildoner, 778 Brotzman Road, emailed letter; 5/22/20, Douglas Bernard, 682 Brotzman Road, dropped off letter; 5/21/20, Scott, Steven and Rhonda Swingle, 715 Brotzman Road, dropped off letter; 5/20/20, Hannah Swingle, 715 Brotzman Road, letter dropped off and a photo. 5/21/20, Steve Swingle, 715 Brotzman Road, handwritten note inviting the board to come up to his driveway to see the proposed site; 5/22/20, Richard and Sandra Brauer, 671 Brotzman Road, emailed letter; 5/22/20, Brotzman Road Residents signed petition ; 5/22/20, Joseph McKay, 755 Brotzman Road, dropped off letter; 6/4/20, Douglas Zamelis, Esquire, representing 697 Brotzman Road; Jeremy and Tammy Smith, email letter; 7/15/20, Douglas Zamelis, Esquire, representing 897 Brotzman Road, Jeremy and Tammy Smith, email letter; 7/21/20, Leanne Avery, PhD, Associate Professor of Science Education and Chair, Co-Editor in Community Department of Elementary Education and Reading at SUNY Oneonta, emails; 7/28/20, Joy Rupert, 770 Brotzman Road, with a hand delivered letter.

James Brewster-...: That's the list I have. Does anybody have anything else that may be on that list that I am unaware of?

Nadine Bell-att...: Yes. There was a third letter and a fourth letter from Mr. Douglas Zamelis, Esquire. One of them should be dated today, and the other one I assumed was yesterday? There are four letters altogether.

James Brewster-...: Okay. Two other correspondences from the Attorney, Douglas Zamelis, Esquire. One submitted today will actually be read into the minutes, excuse me, at his request. So Attorney Zamelis, due to extenuating circumstances, was unable to attend and as a result of the circumstances, the board was specifically asked to read his prepared remarks into the record which we will do so. Here before me is a sign petition to be entered into the record from residents of the Town of Chenango, particularly up in the immediate area of the proposed site. This petition is an opposition of the cell tower, and there are 38 adult residents opposed in this petition. This will be also documented in the hard copies and

hopefully electronic copies of the record. Is that all we need to do for the count? Okay. And we don't need to do any approvals on that at this time?

Nadine Bell-att...: No. This is part of the record.

James Brewster-...: Okay. With that, go ahead.

Nadine Bell-att...: I would have the applicant make his presentation so that then people can make any comment on the materials they have or what's presented. And then once he's completed his presentation, then let the people make their comments and you can either conclude with the comments of Mr. Zamelis, or you could start with them. Do you want me to do the time? Is that easier?

Unknown speaker: I think we should start with his comments.

Nadine Bell-att...: Oh, you mean afterwards, okay.

Unknown speaker: At least before they talk, I think you should read his letter.

James Brewster-...: Yes.

Thomas Eldridge...: I'm sorry, we can't hear you very well back here.

Nadine Bell-att...: We're talking procedure.

James Brewster-...: I'm discussing procedure with counsel.

Nadine Bell-att...: It was simply making sure that the board will have, as is appropriate, they'll have the applicant first make this presentation. After he completes his presentation, the board will read into the record the comments from Attorney Zamelis, and then give anyone here who wants the opportunity to make a public comment, the opportunity to do so. But you'll have heard them the presentation before you make your comments.

George Santoire...: Should everyone be able to hear me?

James Brewster-...: You can take the podium, that's fine. Follow the walk route straight back towards the chairs, to the podium.

Nadine Bell-att...: I got five minutes. He's got five. He's just going to do his presentation. Okay?

James Brewster-...: Okay.

Nadine Bell-att...: Its public comment after his presentation.

James Brewster-...: I kind of think this is going to go long.

George Santoire...: Can you hear? Hi everybody, my name is George Santoire and I'm from Airosmith Development. We work on behalf of AT&T and the cell tower. I don't know how much detail the board wants me to go into, you guys have a lot of information. I guess we'll address the public a little bit more. I think a lot of you have seen the application, as well, it's a 110' monopole type tower on Brotzman Road. The project itself consists essentially just of the tower, a small compound that's fenced in, the lease area of approximately 10,000 square feet, roughly the access road granted branches off from the driveway that's already there. It's a pretty standard, typical cell tower. There's nothing exceptionally unusual about it. It's somewhat on the shorter side of a typical cell tower, maybe 150-200s, as some of the other ones in the town are. The point of the cell tower to address the coverage gap that AT&T has in their 4G LTE Denver. It also includes FirstNet equipment, which is for first responders. AT&T has the rights that occurred two years back [inaudible 02:02:38] installed by AT&T.

Nadine Bell-att...: Unless you want me to, it doesn't matter.

George Santoire...: It's FirstNet equipment has specific frequencies, that's used for that, it's a separate spectrum from any normal, cell user. You have to have a specific plan to use that. First responders have a separate package. Primary it's to provide the coverage gap in the area to provide for coverage gaps on the Interstate Highway 81 and Rte 11 Castle Creek, that's the big one in Golden, as well as [inaudible 02:03:15] areas as well versus the residences on Brotzman Road. That's the chief point of it? I can address concerns, questions, whatever the board wants me to speak. If it wants me to hear any of these questions, that's up to them, but that is the chief point of the tower. It's designed to provide better service to the town and the location is centrally located with existing AT&T cell towers so that's why this is the best location, according to AT&T's radio frequency and yours. So this is a better location than any other possible proposed location within the area. We received all the information directly from their company. So, if anyone has anything they'd like me to add, that is pretty much the extent of the project.

James Brewster-...: Thank you Mr. Santoire. Again, take note of questions while the public speaks and if we have time you can address them.

Douglas Bernard: Can I ask you a question?

James Brewster-...: Who?

Douglas Bernard: Can I ask a question?

James Brewster-...: No. Who... Actually, who are you?

Douglas Bernard: I'm Doug Bernard. I live on Brotzman Road right across from the tower. I felt like I could ask him a question.

James Brewster-...: Not directly. No.

Douglas Bernard: I can't?

James Brewster-...: Not in a public hearing. No. You address the board. He'll hear the question and then after everyone has spoken... You'll get an answer, be it a spoken one, if we have time, if we don't run out. Or definitely written from Mr. Santoire, okay?

Douglas Bernard: Yes. It seems like he asked if anybody's got questions.

James Brewster-...: No, I think he meant the board. Sorry. Thank you, Mr. Santoire. So again, just note the questions, and if you need time to address you can forward it onto Diane in Ordinance Department.

There is one matter of business that I do need to quickly take care of and that is to read attorney Zamelis letter into the record as requested by him. I will start that first and then everyone will speak. I'll try to go as quickly as I can for the benefit of everyone. Good evening. And again, this is me representing a letter to be read into the record.

- I. Good evening. My name is Douglas H. Zamelis. I'm a land use attorney in Cooperstown, and I represent Jeremy and Tammy Smith of 697 Brotzman Road. I regret that I am unable to appear before you personally this evening.
- II. I've made several written submissions to the board on behalf of the Smiths, which are already part of the record so I'll just briefly summarize here.
- III. The Smith's property is located directly adjacent to the Parameters and the proposed cell tower would be located only 816 feet from the Smith's residence, and even closer to their property line.
- IV. Your wireless telecommunications facility local law chapter 72 of your town code states that one of its goals is promoting and encouraging, wherever possible, placement, height, and quantity of wireless telecommunications facilities in such a manner as to minimize adverse aesthetic impacts to the land of property, buildings and other facilities adjacent to the requested location of such wireless telecommunications facilities.
 - A. That's section 72-3E and we ask that you keep that legislative intent close in mind as you proceed with this review because the current application certainly does not minimize adverse aesthetic impacts. It appears to maximize them.
- V. Section 72-60 of your local law further provides all wireless telecommunications facilities shall contain a demonstration that the facility decided so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residences in the area of the wireless telecommunications facility's site. As shown by the applicant's own materials and photo simulations from other members of the public, such as the Smith's and the McCabe's, the

present application certainly does not make such a demonstration and, in fact, the applicant's own materials show that the project has not been cited to have the least adverse visual impacts on the Smith's residence, the McCabe's, the Swingle's and others.

- VI. With an application for a tower this tall, visual and aesthetic impacts are always a relevant area of environmental concern under seeker and this project would extend above the tree line and be visible from large slots of the town.
1. The intended structure registration application submitted to the town just last Friday, actually indicates the total facility height would be 60.7 meters, which is 199.1469 feet, and that's almost twice the 110 feet describing the applicant's other materials.
 2. The visual impacts the Smiths, McCabe's and Swingle's would experience would be severe and overwhelming. The tower will literally tower over them and dominate their and their children's daily existence every day, every single day, every single day of their lives that tower would impinge on their lives, from the moment they get up and look out the window as they walk from room to room in their houses, when they're preparing meals, when they're outside in their yard, when they walk to and from their car, when they drive up the driveways, that tower is what they would see every single time. And every time they'll ask, how could the ZBA allow this when the town's wireless facilities law is specifically intended to protect the citizens of the town who live here, who have made their homes here, improve their properties here and pay taxes here.
- VII. This project would also have a significant adverse impact on the existing character of the Brotzman neighborhood and community.
- VIII. If you look at photo 3B and AT&T's application materials, it shows the proposed facility towering over the Smith's property, their barns and their property.
- IX. We want to thank AT&T for that because it's candid and it's very unfavorable to AT&T because the McCabe's and the Swingle's residences and properties are about as close as or closer than the Smiths, you can infer from AT&T's materials the impacts would be as severe as the McCabe's and Swingle's.
- X. This project would also have a significant adverse impact on the existing character of the Brotzman neighborhood and community. If you look at photo 3B and AT&T's application materials, it shows the proposed facility towering over the Smith's property, their barns and their property. We want to thank AT&T for that because it's candid and it's very unfavorable to AT&T because the McCabe's and the Swingle's residences and properties are about as close as or closer than the

Smiths, you can infer from AT&T's materials the impacts would be as severe as the McCabe's and the Swingle's.

- XI. Mr. McCabe provided you a compelling photo simulation of what the tower would look like from his family's property and Ms. Swingle provided you a persuasive summary of how the tower would adversely affect her, her sister and their play area. Can you do that to the Swingle children? That's a rhetorical question. Everyone will be watching to see how you decide.

- XI. This project would drastically alter the residential character of this existing Brotzman East Hill road neighborhood, which is overwhelmingly residential in character, and large industrial towers are simply not compatible with residential land uses.

- XII. As a result, this project would diminish the values of real properties in this neighborhood, including the Smiths, the McCabe's, the Swingle's and any tax revenue the town anticipates from this project will be more than offset by the decrease in valuation of these and other properties with high assessments, such that the town and its taxpayers will all be the losers in the end.
 - A. We understand that electromagnetic human health effects are not relevant to citing decisions, but it's undeniable that the mere perception of risk of living near a cell tower has significant adverse impacts on nearby property values and data already provided to the ZBA by Mr. McCabe show that people are less likely to want to buy a property near a tower and would pay substantially less than the fair market value without the tower.

- XIII. We also submit that AT&T's application materials don't justify erecting a new tower on private land, which is the lowest priority in the citing hierarchy in your wireless telecommunications facility local law. That's section 72-7(A) and it's an emphasis added big flashing red flag. AT&T hasn't justified placing a new facility here, particularly where there's existing facilities and less impactful locations, which may achieve the coverage AT&T desires.

- XIV. We respectfully request the ZDA members give this application your most careful consideration. This is not your typical rear yard setback area variance for a tool shed. This application has implications for the entire town of Chenango and beyond, and if you were to approve this project, it would be a carbuncle on your community for decades to come.

- XV. After you have given this application the level of scrutiny and consideration it deserves, we are confident you'll issue a positive

declaration under seeker, and that you'll ultimately deny this application and we asked you to do just that to protect the people you've been appointed to protect.

XVI. On behalf of Jeremy and Tammy Smith, thank you for listening.

James Brewster-...: Okay, ladies and gentlemen. Please will the first speaker who is read to speak approach the podium.

Nadine Bell -att...: Did you tell them it's going to be timed by me?

James Brewster-...: Oh, yes. As you should have seen on the agenda, this will be a standard timed response or your time limit is five minutes.

Nadine Bell -att...: I'll keep track.

James Brewster-...: There will be no yielding of time so the clock will start with each individual. And we would request, just for the complete record, if you would state your name.

Nadine Bell -att ...: Thank you. That's good.

Douglas Bernard: You ready?

James Brewster-...: Yes.

Douglas Bernard: Hi, my name is Douglas Bernard. I live on 682 Brotzman Road with my wife Tina. We are right across from the cell tower. There are many reasons I feel this project needs to be relocated to a much less dense area than where we're at. It's a residential neighborhood. I don't care what you guys want to call it agricultural, whatever. I purchased my property in 1986 and soon after we built our house. At that time, houses were approximately one quarter to a half mile apart and that is God's honest truth because there were hardly any houses at that time. We're talking thirty, forty years ago. And since that time dozens of homes have been built all around me. We're more residential than ever being agricultural. Reason one, aesthetics. The area where my neighbors and I live is very scenic. We put a lot of money in to make our homes nice. We make lawns. We take care of our trees and shrubbery. It's a nice area. And, if any of you in the zoning board have gone up there, you would understand. You would not want to see that. If you could go out and have a cup of coffee looking out in the front side of the backyard, I don't think you'd want to see that tower. It doesn't fit in the area. Reason two property values. Our homes will be worth a lot less if the tower goes up. Anyone looking for a house will drive by and say, "No way." No matter how immaculate your home may be, I am sure that the town will not lower your assessment to reflect how much less your house is now worth. I wonder how many AT&T executives or engineers would want to build near a tower? I would guess zero. How many zoning board members with children would buy a house near a tower? Reason three, safety and health. I realize that I

was told that the town lawyer would [inaudible 02:15:12] reason for application denial but I will attempt it anyway. A law was passed in 1996 when we had 2G. Now we are headed toward 5G and radiation frequency has increased from 900 megahertz to over 56 gigahertz. In other words, a microwave radiation has gone from one million cycles per second to over 56 billion cycles per second. I recently just received 38 rounds of radiation treatment for cancer and I do not wish to receive any more since I am still not cancer-free. I would like to thank Aleta Kinne for doing her job and stopping by on the day of the balloon launch. I had no idea what she was talking about when she asked my views on the cell tower going across from my house. The notices were mailed on a Thursday before the balloon launch that would take place on that Saturday. My mail did not come until after four o'clock on that Saturday. We were all blindsided. This was so unfair to every one of my neighbors and myself. The balloon was directly taking down after that it was only in the air for a very short period of time, for that day only. The balloon was so small and flying all over, never in a stationary position. I am sure no-one ever noticed what it was. It looked like a party balloon. Unbelievable, Aleta did her job, visiting the site prior to the meeting, as all board members should do, and informed me of what the balloon was for otherwise I would have no idea what that balloon was for. We did one in Castle Creek that was probably six to eight foot in diameter with a big eyeball when I was on the planning board for 15 years. Nobody on the planning board stopped to talk to me. Nobody on the zoning board came to talk to me. I feel that was wrong. The only winners in this, is AT&T and Stephen Parameter. My guess is that probably within a year of the tower going up, they will sell at a reduced price and walk away with a nice sum of money from AT&T. All my neighbors and I will have to live with this eyesore for the rest of our lives. There are other areas that are less densely populated, where the road may have to be cut and placed away from the homes. I feel that it is up to the zoning board to turn down this application and have AT&T, a multi-billion dollar corporation, to look for a much suitable location. If you would consider our concerns [inaudible 02:17:52] but something else I want to add. I would like to add that these are my neighbors and my friends and have lived here for many years and we're all under a lot of stress.

James Brewster-...:

I think he's wrapped.

Douglas Bernard:

We're stressed this is unbelievable. We will not want to see that walking around in our backyard. This is residential. It's not a natural phenomenon to have a 100 and some odd structures in your backyard or in your front yard.

Nadine Bell-atty...:

Time's up. I'm sorry.

Douglas Bernard:

I guess my time is up.

Nadine Bell -atty...:

I'm sorry, your five minutes has expired.

Kennie Leet:

Hi, I'm Kennie Leet, I live at 404 East Hill Road and I also live within ½ mile to the property. I work in the Environmental Science Program at Suny Broome. I just

wrote a few bullet points because I, like most others, had no idea about this project yet the rear of my property line is within a half a mile of the project. My kids ride into leaves, we go hiking, we run in the woods behind so although it seems like just wooden bare land, it is used by the residents who live on East Hill and along Brotzman Road. I have concerns with Castle Creek view map. I don't know if that's within the town or not. It's a nice ball field, a nice flat along creek. There's a children's playground. This project, I believe, according to the UMAP, will be visible by that park to kids and that's within the half mile to one mile range for playing in this area. Also, transportation I wanted to address. We had an issue this winter on East Hill Road where a tractor trailer truck could not make it up and it's pretty steep. And, unfortunately, truck drivers are using GPS just like we are and it had to turn around in my driveway and they did damage to that area. So I'm very concerned with road use and heavy traffic both on the East Hill Road and Brotzman. Both are very steep. And, although it's a short impact, that definitely is an impact to our community and our roads and our road conditions, which aren't always the best as well. Wildlife habitat disruption is also a big concern. Many of us hunt in this area. We fish. We have a pond on my property. Help protect Route 81. So, I also wanted to address the flooding issues that we've seen, hopefully. Increased rainfall, especially these heavy rain, short-term events have led to mudslides and flooding and drainage issues all along 81 and in the Castle Creek area. So any impact to the hill slope in that area will have some results, probably negative, in the increased rainfall events. So I'm very concerned about that as well. The highway has washed out. We've had severe disruption to Route 81 before in the last few years. Also, FCC rules state that even though the application is for a certain tower height, they are allowed to increase that tower height by 15 to 25 feet, if I remember correctly. I could be wrong. But the idea is that, once it's there, we can't stop it. They can go higher. They can add additional towers to that. So, I'm very concerned with any additional. I'm not sure. Honestly, because I didn't know of the balloon launch, if I can see it from my back porch but my back porch looks directly towards that cell tower site. And again, we use it for stargazing. I'm a science teacher. We use the view space for my classes. I actually because of COVID had to film my lectures down on my deck and my neurology class. So I use that view space and so I'd be very impacted if that... And maybe not at, I think, kind of 10 feet could I see it but certainly if it goes beyond that. And I think that's it. Thank you.

James Brewster-...:

Thank you.

Nadine Bell -att...:

Out of curiosity. Would everybody here, since I'm the keeper of the clock, do you want me to let you know when it's down to 30 seconds? Is that something you like or just tell you time's up? It doesn't matter to me.

Douglas Bernard:

30 second warning.

Nadine Bell att...:

I'll give you a 30 second warning at the end then, just so you kind of know. Sorry. Didn't mean to pit the flow, but thought it would be a good thing to ask.

David Howe : I'm David Howe I live at 702 Brotzman Road live directly across from where the tower's going to go up. By the way, thank you for allowing us to have the opportunity to speak in here. Jeremy and Tammy, I'd like to thank you for your lawyer Douglas Zamelis and his time up there. I'm going to cut this short because he said so many things, and I ditto the attorney's comments and such. I would like to point out that this tower could not have been in a worse place for residential properties to be located. There's probably a dozen, at least, properties within several hundred feet of that area that are going to be able to see this thing every single day. Someone pointed out every morning when you get up, you're going to look out the window, you are going to see that damn tower out there. It's going to be real frustrating. I would not have bought my property twelve years ago if there was a tower all the way there. So I know if I try to sell, people are not going to want to buy my property because I'm sure that they don't want to buy something that has an eyesore. So I can see my property values dropping and everybody's property values dropping. I can see a large increase of tax reassessing of properties [inaudible 02:23:33] put the town lower tax values. I'd like to point out too that there were a lot of people that are going to be making comments. The first meeting you guys had over 70 people at the Zoom meeting. The next one there's 50 people on there. Again, some are board members and whatnot. In this meeting here, there is quite a few people here. I think it's significant to say that a majority of people in the town and in the area of that tower is going to be there, do not want this there. So, if you will listen to people that voted for people that selected you guys, keep that in mind. Thank you.

James Brewster-...: Thank you. No, no. Diane. Can we get a mic check on that to make sure it's working? Okay. I think, residents, I think if you could step a little closer to the podium that the mic will pick you up better because it definitely was harder. I didn't hear you coming through but... Or if we can get an adjustment.

Nadine Bell -att...: In the municipalities I'm members on, you can tell a lot of the people [inaudible 02:25:28].

James Brewster-...: Yes.

Scott Swingle ...: Hello folks. I know this has been a nightmare of paper work for tonight. I appreciate that almost all of you were able to come out and those that weren't able did contact me, did make an effort so.
Dear zoning board members. Thank you for this opportunity to speak on behalf of my family, my neighbors and my friends. People of Brotzman Hill are people that are involved in your everyday life. I'm asking you to think about your friends and your family and your neighbors. Airosmith Incorporated would like to build a cell phone tower which will impact our community forever. This project will run the full length of my property 275 yards. It will run the full width of my property and down another 115 yards. This will remove the natural tree line that separates the properties. The road and the easement will be within 75 feet of my home. Four feet from my blackberries and four feet from my children's swing set. One real estate agent said that I would lose 30% of the

value of my property. Another agent suggested that at least 20% of prospective buyers would walk away immediately upon seeing the accessible road. I'm further concerned about the traffic that will go up and down the road within four feet of my children's swing set. And am I to tell them it's safe to play in the backyard anymore? From both of my porches I would see every construction truck, logging truck, concrete truck, diesel delivery fuel, 18 wheelers bringing the crane. The people who will snowplow the road and every worker for all six corporations that will come visit the cellphone tower forever. My view from my front porch and my back porch will forever be altered along with the safety of my little children. I'm not opposed to people making money or technology. What I am opposed to is the passing of cost onto innocent residents. There are several other locations Airosmith has admitted would be a good alternative but not the ideal site they would like. They certainly could use the existing towers and simply put the receiver down that they would need. They could easily go to Fox Road which could impact three homes in a 1400 radius instead of 34 homes. Many other locations within the Town of Chenango are available as well. The Town of Chenango is a good place to live where people care and they help each other out. When my neighbor's home flooded, many of the neighbors came down in the middle of the night to help build a barricade and protect the home from the water that was coming off the hill. I would like to think of the Town of Chenango as still a good place to live, where we take care of our friends and our neighbors. And I'm asking you, board members, to please choose your friends and your neighbors over Airosmith Corporation and their check. Last night, Airosmith was at Plymouth, New York at a public meeting attempting to push another cellphone tower. Did they stay around and help the community of Plymouth? You know the answer to that. And so here they are in the Town of Chenango, talking to another board, waiting to put up another tower and willing to hand out a check to anybody willing to take it. Whether they win or lose tonight, they're going to go back and leave our area, and go back to Saratoga Springs and visit another community next week. They will not stay here. They will not help you out in your time of need. They will not do anything to put back into this community. I am asking you board members tonight to prove the Town of Chenango is still a town of neighbors and friends, and to tell AT&T to find a better site. In judging the lack of preparedness that Eric Smith showed in the last meeting, failing to fill out the application they've spent a year on, not even checking basic check mark boxes, unable to answer questions. The company even needs help from the board to help fill out the form after it already passed through the Planning Board and the town's lawyer. Before this application got any further, it should have been handed back to them and they should have been told to do it correctly. This is not a company that wishes to do business with. They will continue to show the same indifferent at best, incompetence at worst. I visited the John Smith Road cellphone tower and spoke to the current landowner. He expressed frustration in the company's inability to even drive safely past his house with his children playing in the yard or swimming in the pool. He had spoken to them several times and they simply rolled down their windows and smiled as they kept going. I was curious about Airosmith's corporate philosophy. A quick Google search brought up the job recruitment site for Airosmith and it summed it up very nicely. They listed the pros and cons

of working for the company. One con was listed and I quote, "Boards that slow down the approval of town and hurt cash flow."

Nadine Bell -atty...: 30 seconds.

Scott Swingle: And that is what they think of you, board members. You are an obstacle to their cash flow. I respectfully ask the board members to please consider supporting the people who pay tax here and live here. The people you are involved with every day. Because, it will be us that will help the economy and not Airosmith. Please choose your community. Please protect my home. Please protect my two girls, Hannah, aged 10, and Abigail, aged eight, and let them know that their Town of Chenango still cares about its citizens. Thank you.

Robin Schultheis: I am Robin Schultheis. 710 Brotzman Road since I've had to come down here many times for the flooding issues at my home. I noticed you did not mention my during the zoom meeting my emails I sent you guys. And don't say you didn't get it because Mr. Freer, he saw it. Showed you exactly what that looked like. It looked like a waterfall coming straight across right down my house. There's no amount of drainage that we can do thereto fix the problem. If we can do better, and I've heard many times from the town people building the roads, well, why did you do it in a damn field? Why didn't you move uphill? It's very inconsiderate. Number two. I have a small business. I had to come to the town to get special variance. To do that, I went up and down my road, to all these people. Told them what we were doing. I got a petition before I even come to the town. We did not get that kindness of knowledge. You guys never came to our house. I haven't seen anyone you went across the road. Nobody had come over to our side. We're at the low land. We're the ones that get all the water. We've been up there 25 years. It wasn't that bad. The more houses go up, the more property that gets damaged up there and roads and terrain, we get more water. I'm doing an update on my home. You know, I'm trying to make everything nice, just like everyone else does. And we sure don't want to look at this big ugly tower every morning. And I've had people from Vestal Endicott, everywhere I go, including Buffalo. And there's one thing they said, that tower scares them. They have beloved animals. I love their animals just like my own. I don't want to see anything happen.

Laura Austin: My name is Laura Austin. I own property that is next to the Smiths and in front of the Swingle's. There are a lot of issues that people have already said. Property value is going to drop. One of the things that caught me off guard is that if I didn't have amazing neighbors that called my attention about the issue in the mail, after the balloon had already been taken down, I wouldn't have known what was going on. This almost flew under the radar but because I live in an amazing neighborhood which care about each other and inform each other and communicate, I became aware of what was going on. These are the same neighbors that we helped at 10 o'clock at night with flooding across the street with Robyn's house. As it is, you guys talked about the water table, being in the spring that runs roughly 32 inches. I drove my pickup truck to deliver [inaudible 02:34:24] to the

far side of my house today and I left rocks. We haven't had more than a trace of rain in the last couple of days and yet at the end of July I still had the natural springs in my yard and the low spot which will contain water. When we get large storms, it comes off my [inaudible 00:30:42], down my property pool and down my driveway, and affects my neighbors across the street. These are the same neighbors that we have that kind of talk at night so that they can get their animals out so they can stop the flooding of their personal property. I want to see what environment studies are being done. This tree line that's going to be completely taken out all along this tree line, that's going to be completely taken out all along Steve's property and then strategically along the Smith's. Is it going to affect the [inaudible 02:35:08]? It's not a direct road through the property. That road is being placed strategically so that it will minimally impact their property. So it's on the exterior of their property line. Which means, we lose two tree lines. Those are the same tree lines which help with natural water absorption, natural run off, create habitats for animals, which then are going to affect the rest of the neighborhood. And we're going to be using the natural wind break for the way the snow comes in, the way the rain comes through my back yard. Are these environmental studies not only taking into account where the ground water is going to be, but then how the snow is affected? We're looking at just the water table during the springtime. What about when we get that fall flooding? What about during the winter when I had 50 inches of snow in my backyard, three years ago? That needs to go someplace. It's going to continue to blow in my yard even deeper and affect my family, my animals, my chickens that live out in that backyard. So, are we taking into account replacing these trees? Are we going to replace vegetation and undergrowth? Not just large tree canopies that are going to provide you with shade from the sun but also from wind and other elements? We really need to be approaching this from an environmental standpoint. And we need to be looking at all four seasons. We can't take that into account, as you mentioned, that water table in the spring. Yeah, most people would say that's the wettest season. Mow my yard for me tomorrow, because I can guarantee there will still be ruts in my yard... and I am on top of a hill, in the last week in July. Thank you.

Patricia Walker:

Hi. My name is Patricia Walker. I've lived at 741 Brotzman, all of my life. Which, I could probably say I am the longest living resident on Brotzman Road. My grandmother bought the property, probably in 1930. Her name was [inaudible 02:37:25] [Norton 02:37:26]. She bought about 200 acres, which my parents then farmed. And like I said, I've lived there all of my life, as well. The property now has split up into different developments. From the McCabe's and Schulthies, I think, [inaudible 02:37:43] took off the neighboring farm. The Parameter's, [Tim Hayes 02:37:51] originally lived on Brotzman Road, the other families that now reside there. In all my years, I never thought I would have encountered this. Brotzman Road is one that's beautiful. And everyone that comes by or stops, just admires that area. If you're not familiar with it, I live at the far end of the cow's head, which is a long stable. Unfortunately, it's dilapidated, but maybe I'll get it fixed someday. But again, I just can't imagine having a tower in my backyard, literally. I've probably walked every inch of that

field at one point or another during the farm days. Again, someone mentioned the park in Castle Creek is used. When my father farmed the land, many times we would find arrowheads, dug up from the dirt. So, historically, maybe because there were Indians and stuff in the day. So, I just want to say, please consider our view, our aspect. And the love that we have for that area. Thank you.

David Burkhart:

Good evening. My name is David Burkhart. I live at 4 Leonard Lane, it's on Brotzman. So, one question I have why is AT&T putting up a new tower? The cell phone providers can share towers. They do that routinely. So, what is the explanation for that? The other question, this special permit that's been applied for, it's a little boring, but let me read it to you, because it's important. New York State Law, Section 274-B, defines special use permit as, and I quote, "The authorization of particular land use, which is permitted in a zoned ordinance, through a local law. Subject to the requirements imposed by such zoning ordinance per local law, to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect a neighborhood, if such requirements are met." Now, honestly, is that requirement being met? Doesn't seem like it's even close. The property value of that, if you go out onto the internet and you search for different surveys that have been done on the impact of cell phone antennas and cell phone towers, you can find survey results that say a lot of people are just going to walk away from buying a prospective property. Other people will expect a reduced value, 20% is a common number to hear. This data is available. So why should we impose that on our neighbor? That's a hardship. It's wrong. Who's benefiting from this profit? The landowner? AT&T? Who else? No one. Thank you.

Steve Camp:

Hi, I'm Steve Camp I live at 810 Brotzman Road . I am the second oldest person from that area. But I wasn't going to say anything. But anyways, this is quick and sweet. I give all the credit to these people to talk about what they're talking about because I don't. But I've been up there with my wife and it's just beautiful. And I can't believe it. And I can't believe it can't be done somewhere else. And I just want to say to whoever [inaudible 02:42:35], whatever you are, I don't mean that disrespectfully, but just, when you go to bed at night, you fight for the people, not the big business, and you will sleep good that night.

Leanne Avery:

Leanne Avery, I live at 4 Leonard Lane, which is off Brotzman Road. Several points I'd like to make. First, I want to acknowledge you're doing a public service and as others before me have stated, that you have been elected or appointed to serve the community. We are the community which you serve. Which is more than the landowners that are working with AT&T for personal benefit and gain. You serve a community. And I can relate to that. As taking an administrative position, recently at my work, I work for the State of New York. All of you kind folks pay my salary and I'm a professor. I also am the chair of a department. I answer to parents, I answer to students, I answer to families, I answer to my constituents. I want to be honest with you. I appreciate all that you're doing, the time you've dedicated to this and to listening to us. But I have to say, coming to this, I was frustrated, initially by the accessibility. It took some time for me to be able to get the emails of all of the members of the ZBA. I am happy

and I am grateful that [inaudible 02:44:22] that has now been provided, because I think transparency, in the position I'm in, is all about transparency. So I am hoping that we will be more transparent, moving forward. So, public service. I also want to talk to you briefly about process. And I recognize that, like [inaudible 02:44:42] before me, mentioned special permit. I thought that was interesting. As an area variance, we had asked the ZBA, as well as the [inaudible 02:44:52] to identify five items, two of which [inaudible 02:44:58] talked about before, impact on neighborhood, impact on community character. It also requires the application and the landowners to have an argument or rationale for hardship. There are laws that I could read to you that state, for example, they're what they call [inaudible 02:45:18]. One comment, I just will say is that it behooves the applicant, in this case, landowners, show hardship. I don't know what the hardship is. Did they buy the land initially to develop it and weren't able to? I'm not hearing that. And rather than read the components of the area or these variants, but I will say, too, I thought it was interesting, it was a special permit and not a variance that would require additional information. I'm going to ask the Zoning Board of Appeals to reject the application and make them, force them, to use the use for area variance so they have to address further impacts on the community. I would like to also invite the ZBA and zoning board to look at current literature in environmental psychology that is aiming to better understand people's connections to place. For example, people have shown a place identification [inaudible 02:46:17] and I quote, "Membership of a group of people who are defined by their location and who share in common interactions with each other, as well as other inhabitants and who are bound in a complex connectivity through a habitat." People before me have shared with you, the connections we have as a community, to support each other, who are there when we need. So, the next time... I've went through, as many of you, flooding in 2006, 2011, faced loses. I'm sure I can call on our [inaudible 02:46:47] AT&T, who will come and help scrub furniture. That'd be great. Perhaps members of the board can also come. So, community is important. Please do not forget, are we looking for an exception to benefit one and a company? Or are we here to serve the broader community? Please consider that. Place and people are incredibly important. The last thing I would say, [inaudible 02:47:12] reading [inaudible 02:47:13] things that I had here to read is, I was involved when the town created a comprehensive plan. One of the requirements for the ZBA is to show that this variance and if granted, how is that connected to the comprehensive plan? I would suggest the land use analysis portion of the comprehensive plan. The survey that was done with residence, 95% of suburban and rural residence saying that Town of Chenango is a great place to live. [crosstalk 02:47:46] telecommunication cell tower development. So please, I would argue that you review the comprehensive plan, [inaudible 02:47:54] it being proposed is not in alignment with [inaudible 02:47:55]. Did you just tell me my time is up? I'm sorry, [crosstalk 02:48:00]

Nadine Bell - att: Nope, just 30 seconds.

Leanne Avery: So, comprehensive plan. This proposal is not in alignment. The last thing I would say, I bicycle on Brotzman Road almost every day. Many of you have seen me

going [inaudible 02:48:21]. I enjoy what it looks like [inaudible 02:48:21] nature. And I'm asking you, please do not change that. When I rode again today, I noticed that there were 27 homes with signs up, presently 5 that did not. I do not know the reason for that. But 80% or more of the residents do not want this cell tower.

Nadine Bell- att: Time's up, ma'am.

Leanne Avery : ... it's in alignment with national data from the board [inaudible].

Erin Abbey: Hi, my name is Erin Abbey, and I live at 690 Brotzman Road. I have lived on Brotzman for my whole life, for 30 years. I grew up there and then after college. I bought a house there so I could be close to my family. And now I'm raising my three kids there. And I am across from the Smith's. So, I am directly across from that cell tower. And it worries me because there are about 13 to 15 kids really close, within that proximity, and I know some have health issues. And you can deny that EMFs are harmful, but there is significant research that shows that they are and that is my biggest concern, besides for looking at a blinking tower. My parents can see one on John Smith and the beautiful, scenic mountains, now have this big blinking tower. And now they have another one a mile away from them and just across the street from myself, is just really disturbing. And hopefully you'll take that into consideration, that there's a lot of growing kids up there that don't need this radiation. Thank you.

Tina Bernard: Hi, I'm Tina Bernard, 682 Brotzman Road. Dear Ordinance, I'm against the proposal for the cell tower to be built on Brotzman Road. This area may be classified as an agriculturalist, but I would say, it feels more like a residential area. Many homes and families will be affected. The pictures online look like it is in the middle of trees and hardly any houses around. But just take a drive up there and you will see the many homes that are close by. The neighborhood will be forever changed. Property values, the physical beauty of our area and the environment of our neighborhood will decline. A hundred and thirty four trees have been cut, leaving possibly run off into the creek, aside from the homes, land and crops and making this tower much more visible to our neighborhood. This tower needs to find another location, away from homes, in a more reasonable area. I am not aware of gaps in our coverage area as I have not had any issues when driving around our area of being unable to receive a signal. Does it affect our health? What does it do to vegetation, domestic animals, insects? The answer is still out on that, too soon to tell. Even though the microwaves and non-ionizing, they are still able to damage tissue. The National Toxicology Program, run by the Department of Health and Welfare observe that high exposure to 3G radiofrequency radiation has led to some cases of cancers, tumors, heart, brain and the general glands. At radiationhealthrisks.com, 1G to 4G GHz frequency uses between 1 to 5 GHz frequencies, while 5G uses between 24 and 90 GHz frequencies. Within the radiofrequency radiation electromagnetic spectrum, the higher the frequency, the more dangerous it is to living organisms. We all know that this tower will eventually become 5G. The 5G will require build outs of thousands of new wireless antennas in our

neighborhoods, towns and cities, need to be placed every 500 to 1,000 feet, according to estimates. This means that they would be on telephone poles, buildings, other structures, destroying many of our neighborhoods and values of our homes. I ask the Zoning Board of Appeals to turn this cell tower down. Do not destroy our beautiful area

Jeremy Smith:

Hi, my name's Jeremy Smith. This is my wife Tammy, right here. We're up on 697 Brotzman Road. I'm the guy behind [inaudible 02:53:54]. I really didn't have anything prepared today. I just wanted to make sure I came up and speak my peace a little bit about bringing [inaudible 02:54:06]. As a lot of the other community members said, we were kind of blindsided by this. [inaudible 02:54:12] got thrown up on a Saturday afternoon, the same day that we got the card in the mail. Saw a lot of discrepancies with a lot of the town members, if you will, behind the scenes, doing a lot of unethical things, if you will. And it was pretty disappointing. So, I actually put the gentlemen here, Bill [Christiansen 02:54:37], works for us, and along with Doug on it to straighten everything up. But one thing I do have to say that's really helped us along the way is we asked the board members to come out. And each and every one of them came out. I got to meet them, I think and I have a friendship with them. They got to see everything. We showed them the property and everything. I'm really not concerned. I'm pretty sure they're going to do the right thing. But to anybody that had to deal with Doug, I apologize, but we had to do the right thing to get everybody up on the same page. So that we could be heard, because I didn't feel like we were being heard. And we even had to educate some of the board members, on proper protocol. And I apologize for that, but that's what we had to do to try to get this tower blocked. But it was a dream of mine to always... I have a nice house like that, up on Brotzman. My wife and I, she does all the landscaping and I mold the property different ways and stuff like that. We take a lot of pride in it. And to think that I'm going to look out back of my house, sit out by the pool or watch my daughter go out and ride her horses, to think that this cell tower's going to be up behind it, and that anybody in this room, anybody, would think that's okay, boy I have a big problem with that, as I think a lot of people in here do. There are plenty of other places to put this stuff, these towers and things of that nature, which is wrong. But anyways, like I said, you can tell this speech wasn't written down. I just want to thank the board members, because I really appreciate them guys taking time in the middle of this pandemic to come out and meet us, see our property, not just my property, the McCabe's property. It just speaks volumes of what a lot of these other people said about our community. And when you get a villain to come in the community and try to change it, we will stand together, send them packing.

Joseph McCabe:

This is going to be quick. Because I know I've got 5 minutes and 38 seconds speech down. So, before I begin just really quick. I just want to thank the town board, like everybody had said, we really appreciate you coming down, seeing for yourself what's going on. I want to thank Ms. Bell for representing the town, bringing a level of legitimacy to a process that's certainly seemed like it was lacking. Okay, so I'm going to start. The first thing I would like to talk about is the significant impact of property value of area homes, including the decrease

and loss of property values. Most of you who have seen this area, I'm sure, you can now recognize our concerns. Many of these properties could see a 20 to 30% decrease in property value. And there's plenty of information out there to confirm this. And I also submitted to you a letter from the local real estate agency that states that it additionally lose the interest of a large group of potential home buyers. Secondly, it would be a significant impact on the visual aesthetics of my residents. Please see the photos that I submitted of this tower, to you, in my front yard, which was conveniently left out of the original application. You will see that I will have to look at this unsightly tower from every angle of my home. To say it would devalue my home is an understatement. I have served my country and my community for over 32 years, and it's downright criminal how AT&T plans on taking our beautiful neighborhood away from us. Third, the project will forever change the character of our neighborhood. This proposed tower would be an eyesore and in one instant, devalue everything we have all worked for. And for what? To bow down to yet another corporation that could care less about our town. We all know that Mr. Parmeter has been trying to make money off of his property for a long time. He has made this well known in the town for years. And to be honest, I could care less. But now, it devalues everyone else's property. So, when he got AT&T interested in putting a tower on his land, does anyone think that it's a coincidence now AT&T is trying to tell us that this is the best and only location for it? I don't think so. So, I submit to you that AT&T, along with Airosmith Engineering, they're deliberately choreographing their reports to tell us just that. Let me go over some reasons why. AT&T public website coverage map shows us that there's a complete coverage in this area. But the engineering report says otherwise. AT&T would show the need for this project, right? So, I would suggest that the engineer's report, along with many aspects of [inaudible 02:59:26]. Let me explain why. Would you be surprised to know that the AT&T engineer that prepared the report, in fact, lives in the area. So he stands to benefit greatly from this since he lives and works in that area frequently. Another coincidence, I don't think so. And since the town has long qualified to interpret an analysis report, we must believe that this is accurate and no biased. Incredible. That's like me appraising my own house. The original application left out Johnson tower, page eight of the original RF analysis report, which is exhibit five. Of course, now AT&T has now submitted... or I should say Aerosmith has submitted a new version of this report, just yesterday. That's pretty convenient. You will see that the area that they circled that they were trying to improve on 81 and 11, is also [inaudible] where the engineer is. The John Smith Road is actually three quarters of a mile closer to that area than the Brotzman Road tower would be. And if they say it doesn't do anything for Castle County, they have Jackson Heights, which is less than a half a mile. Please note that the new RF maps in the bunch of circles on it, looking for improvement in those areas and those are comprised of mostly fields and wooded areas, trying yet again. In addition, one of the lists of the potential sites, exhibit 11, the site selection, how is it that one of the persons listed as a viable option for this site, has been deceased for over a year? He'd been in the nursing home the year before that. So you're telling me you talked to him two years ago? Why is he on that list? The discrepancies are kind of ridiculous. The other one that's on the list doesn't

recall ever having a conversation with any AT&T representatives about this specific project. So that's two out of your five or six that you had listed. I do have some grave concerns regarding the questions related to an email that's dated July 16th, and the attorney Nick Cortese, who allegedly recused himself, should be looked into. Ladies and gentlemen, the truth of the matter is basic. There are 800 acres of other undeveloped land in the [inaudible 03:01:44]. There's no reason, no reason at all that it should go where it's at. Thank you.

Dan Browne:

My name is Dan Browne, I reside at 759 Brotzman Road. I live next to Mr. McCabe. I thank the board for taking the time to listen to everybody. I thank everyone who showed up, for being here. I'm one of the last people [inaudible 03:02:26] just a few things. I believe the question about the generator, the [inaudible 03:02:36] generator. I did a little quick research, while other people were talking. A 50 KWh generator's going to be 85 decibels, about. If it's a 1500 KWh generator, it would be 105 decibels, which would be a jet airplane, about 1,000 feet overhead. The town ordinance by the way, says something around 60 decibels daytime, 50 decibels, nighttime. So that answers that question for you. I'm not going to read off where the zoning board members live. I'm just going to say that you know darn well, if it was going to be built somewhere in the vicinity of [Marion 03:03:13] Drive, Warner Road and River Road, [inaudible 03:03:18] [Carry 03:03:19] Road, now some of these are not zoning board members, but they know who they are. You wouldn't want it in your backyard. I can tell you that several of the board members, a lot of the town people know what I do for a living. I'll just sum it up with I'm a paid observer. So, sitting here, I've observed the board has been very focused on these procedures, as they should be. So I focused on the AT&T rep. Here's what I can tell you that I saw. I read body language and faces all the time. I saw that he was surprised at some times, frantic as he scribbles down notes. I saw that how some people are speaking about heartfelt issues, a look of disdain. What I didn't see was any sympathy or apathy [inaudible 03:04:11] and I'm sure that, as everyone else has mentioned, you're not going to see that. They're in it for the money and that's it. I think that's all I have. Thank you.

Rhonda Swingle:

Hi. Make sure you can all hear me. I agree with what Dan has to say. My name is Rhonda Swingle, I live at 715 Brotzman Road. I've talked to most of the zoning board members, and I think, we've been on the phone. This is a picture of my home that I submitted. That's the backyard view from my home, out the window. The backyard, the proposed tower site is right here. I happened to be out cutting my grass the day that the balloon test was being flown. Didn't even know it was there, until someone came up my driveway and leaned out and said, "Hey, do you know about the balloon test for the proposed cell tower?" "No, what are you talking about?" I decided, wow, the tree line is going to grow in. So I better go take a few pictures. So I did and I'm thankful that I did. Couple of my concerns is my property... let's see, here's the proposed plan. The access road is this yellow road that comes right on through back here, to the edge of the tree line. My property line is right here, this red. And this is my home, right here. So, I have 1,055 feet of my property would border the approximately 1700 feet of proposed access road to that tower. So, for my five minutes this evening,

I am just going to use a little publication that I recently got in the mail. I'm just going to see use a little publication that I recently got in the mail. Just as a tool to help me kind of steer me tonight. Let's see. So this publication is a third quarter brochure recently received from Vision Federal Credit Union. The publication is called Visions Money Matters and the subtitle reads "Money matters to people, people matter to us.", Like I said, it's the third quarter brochure. First, I'd like to say thank you to the town. They recognize here, this third quarter people who have helped out in the community. So I want to say thank you to the Zoning Board of Appeals through taking the time to come up to my home. Meet with us, hear our concerns, walk our property lines. I appreciate your kindness to care and take your position as our town representative seriously. Some of you have gone over and beyond, and I'm super appreciative of that. Their little brochure here says there's kindness [inaudible 03:06:59] pay, and they call out a volunteer person whose kindness has helped our community. So let's see what else. So 650 feet of this access road is right now, my neighbor's driveway. So for the past seven and a half years, that I've lived there from my front yard, from my backyard, from my front porch, and from my back porch, I waved to my neighbors. I've shared produce from my garden. I've talked about our children's growth and their accomplishments, even their scholarships they gotten and how hard they've worked and even all the different activities that our children are a part of. When this driveway becomes a commercial access road for trucks to have access to seven days a week, 24 hours a day, 365 days of the year, then this driveway no longer exists. We've already talked to the town about the zoning, even though it's a driveway, it's going to become a commercial. So now it becomes a barrier for me, as I keep my children safe. Now I worry when they play in our backyard, next to a commercial road that is the access of my property. My children's play sets sit right here. Now it becomes a barrier. When I hear the rumble of trucks and the smell of diesel fuel, the peaceful pleasures of my neighborhood, my backyard will no longer exist. So I'm very concerned about the property value of my home. Here Visions tells us that when I consider how to save big as a homeowner, things like cleaning and replacing filters and swapping out a high energy light bulb, those really fall short when I consider the impact and loss of potentially 20 to 30% of my home's value due to the proximity of this tower in my backyard. So what am I to do? Well, when I consider all things digital. I'm all for that. I need to realize that changing technology is important to our community.

Nadine Bell- att: Thirty seconds.

Ronda Swingle: However, I question the need for the cell phone tower in this specific location, when approximately two miles south are cell phone towers, there's one actually right up here that nobody even addressed right across from the [inaudible 03:09:30] parking lot. You can go to [inaudible 03:09:34].net, there's some T-Mobile has a tower, Sprint, AT&T has another separate tower [inaudible 03:09:41] road. Verizon has a tower right here at the Price Shopper [inaudible 03:09:46]. There's no need for another cell phone tower. So I guess I have to summarize. Thank you, board for hearing our concerns. I do question again. What really matters? Is it just money? Do people matter? Yes they do. I walked

my road, I talked to let's see their names... Angie, Rick Alex, Muriel, Olivia, Davis, Rick, Nancy, Terry, Bonny, John, Steve, all are people who don't even live within that 1500 feet, who will have to hear the trucks drive past their homes across the road and smell the diesel fuel. Just like I have to, so I strongly urge you board to deny this special permit. Preserve our neighborhood, and my home, and our community. Thank you.

Jeff Schultheis:

Good evening everybody. My name is Jeff Schultheis, I reside at 710 Brotzman Road and you've heard from my wife Robin earlier. And Robin and I probably have met most everybody here, we haven't lived on [Brotzman Road as long as Patty and Steve there, but we're folks, not too far from this. But, I do appreciate the board giving us the time to speak and listen to us. And hopefully that will take this in consideration when you make your decision on voting for approving the cell tower here. There's been a lot people expressing concerns in different areas, and I'm probably going to express the some of the things. One of the areas is flooding. I know at the last Zoom meeting, the comments were made was minor, but like how I've pointed out, you all got emails from us showing the water pouring over the road, down the hill and flooding our house and our neighbors comment how they came to help bail us out. That's not minor, that's major. And the time we've been there, we've got more flooding lately than we've had in the past. More homes, more development, and every time you put a road, every time you change the vegetation of property, like they said, it's going to roll downhill. And who's downhill, it's us. We're the ones downhill. We're the ones you got the videos of, and that's what it's going to affect. First time we were flooded, we went to the previous town, the other building on the other side of town. Nobody was here. They basically said it was on us, and somebody even made the comment, "Why did you buy downhill, you should have [inaudible 03:12:36] some other place." So when you look at that, please reconsider the environmental part where it is flooding because there is an effect. Second, everybody is really almost has brought up about the value of the homes being affected. We're improving our home. We've gone about it the right way, we've got a building permit, we've been inspected two or three times, and we're doing it the right way and as a matter of fact we even flipped direct drainage in front of the house, but that still won't stop the water you saw pouring over the hill from coming down. The ground can't absorb it that fast. So please consider that. And lastly, I know when we were told you really can't consider it, but health concerns, but I'm going to let you know of my health concerns. My neighbor brought up about his chemo treatments he is going through. I had brain surgery five years ago. I had a tumor. So I have to be evaluated every year to two years. Matter of fact, I'm going in for another evaluation. So that's something that, yes there's science saying there is an effect, there's science saying isn't. But you have to consider that. But it does affect all of us. So I do appreciate the time you guys are giving us. Take a look and consider what everybody said. And then also take a look at those other locations. I venture to say, you're going to get less pushback from those other locations than you will on this one. As you can see, most of the neighbors up and down Broxton Road are here. Everybody that the sign was pointed out is here. So it is a concern. And we hope you all will consider that when you vote.

And remember the effects it's going to have on us too. You all don't live up on that hill. We do and we will see that every day. But appreciate your time and consideration. Thank you.

James Brewster-...: Okay. It seems as though there's no longer a line and I want to thank everybody who did get up to speak tonight. Do we have time for rebuttal or answering questions? I do. Okay. At this time, I do want to address something that was brought up for the board and also for myself. I do want to, if you identified any questions that you feel needs to be addressed, Mr. Santoire, you can have the floor again to address those questions. If not, I'll keep the microphone.

George Santoire...: There's a long list of some things that are misconceptions and that should be researched, or should be [inaudible 03:15:55] more, there's a lot to answer.

James Brewster-...: Okay. Go ahead and take [inaudible 03:16:07] there.

George Santoire...: I'm just saying there's certainly a lot of different points. I mean some are misconceptions I think some were different than what we had discussed with the board, and some things were different than what was in the application. There were different studies that I could cite that are different than what you referenced. So there's, there's certainly a lot. I don't have all this data in front of me, but I don't know if it's better to it addresses in different situation. There are probably some things we should research further.

James Brewster-...: Thank you. We might have that. And in light of the fact that we've asked our attorney to also provide synthesis for us to look at, if you feel that you need to research, then I would agree that you can do that and provide commentary.

George Santoire...: Comments as well.

James Brewster-...: That would probably be the best at this point.

Unknown Speaker : Will you'll keep the public hearing open?

James Brewster-...: I haven't spoken. I'm speaking now. So I did want to address the procedure that early on that you all noted. And I'm just going to state the fact, I think this evening, you got a glimpse of the procedure that we go through when we receive an application and then moving forward to the public hearing. So we went through, assured that at least the... And also we get advice from the engineer and ordinance to ensure that the application on first look is complete enough to be moved onto a public hearing. Well, so we did get to that in April and at the same time, this deals with a whole new chapter that the zoning board deals with Chapter 73 routinely. So we're pretty familiar with that, with the variances and this all of a sudden came out of the blue and the said, "Oh no, you have to use chapter 72." And we were advised, "There's all this, that, and the other thing that we had to do." Namely, scheduling the balloon test, scheduling where photos were going to be taken. And so what I'm trying to say

is everybody was really blindsided on this and we had to move quickly in order to get these things scheduled. Compared to the history of the town, and those of you have been here long enough, we are fairly young board, especially in my position. So, you know, we were not prepared for chapter 72 right away. So hopefully you noticed that we made great strides in providing the information online that you wanted and needed as quickly as we could, and then made, you know, obviously we're here tonight several months later.

James Brewster-...: So I do want to thank both the applicant and our board for making adjustments on the fly. I personally thought it was important to do that. So everybody had to make some quick decisions and concessions to make it here and I'm really glad that we were able to pull this off. And again, thank you the whole town staff for helping us out to get a COVID safe facility. And secondly, as far as board members, either visiting or not visiting, I only speak for myself on this one and in the beginning, having taken over as chairman and it's my second year of being actually a zoning board member, I came into it with a little bit of a different approach, being that we are a quasi-judicial body. I wanted to stay sanitized until the public record, until the public hearing, when I could hear people speak on the record officially. So therefore I chose to not visit for all of last year. And then up to the point where I wound up talking with my board members and I did visit a few sites. So it was a learning curve for me about going out and visiting the public. So those of you that I didn't get through, I do apologize personally for that. And I'm going to make strides to, now that I understand that it is an appropriate thing to do, moving forward that I'll definitely make strides to visit the community on that. I'm not going to have a debate here back and forth here, but...

Mr. Bernard : Can we still, if everybody's done talking, nobody else can talk again after their five minutes are up? I'm just curious.

James Brewster-...: It is. Yes, it is in our rules that if you do want to speak, you can.

Mr. Bernard: Just one minute, I just have one thing to say. It's not really a concern. The town on the charter, says you guys, you and the planning board are there to help protect the health and welfare of the residents of the town. That is in the charter. Every member is required go to the site whether planning board or zoning board. To visit the site before the meeting. If that would have been done, when the planning board was the only board. I think a lot of this could have been eliminated. Many people would come across and know what was going on, instead of being blindsided. So, I do ask the board, you got a tough decision to make. I know I've been on the board. All I'm asking you to do, is go around with people, and they are asking you to do one thing. Be courageous tonight. That's all I ask. Be courageous to do the right thing to protect the health and welfare of the people in the Town of Chenango. Because I've lived here for an extremely long time, 1986, Thank you.

James Brewster-....: I'll ask my board members if they have any additional comments. But just on any kind of procedural or questions, comments, you've heard, like something similar to what I addressed.

Melanie Pandich...: I just appreciate the neighbors, allowing us access to your property, to be able to get a more full view of all the properties surrounding the immediate area. You're very cooperative in getting us up there. So I appreciate that access to be able to see it in person.

Unknown Speaker : How long will be you be taking comments? Is it over or there more discussion?

James Brewster-....: Okay. No the public hearing will not be closed tonight. So there is an open time. At this point, it's to be determined.

Unknown Speaker : Can I ask like, the guidelines and be updated on the process?

James Brewster-....: Hold on, I'm speaking. I need to go with counsel here for a quick question. How do we set the time?

Nadine Bell - att....: For the next public hearing, for the next meeting.

James Brewster-....: I mean you draft and the whole...

Nadine Bell-att....: What do you want to do? What's your availability?

James Brewster-....: I don't know yet, that's the thing.

Nadine Bell-att....: Well, what you can do is you can discuss with the board and decide right now, you guys can discuss when there's availability. And when you want try to reschedule, you can do that right now.

James Brewster-....: Okay.

Nadine Bell-att....: Or you can inform everyone that they will be notified.

James Brewster-....: Okay.

Nadine Bell-att....: But that's a little strange... I mean, you know what I mean?

James Brewster-....: Yeah. That's what we've been doing.

Nadine Bell-att.....: But that's how you have been doing it?

James Brewster-....: Just because it's been...

Nadine Bell-atty....: Okay.

James Brewster-...: Okay. Just for disclosure, I was asking for procedural next to move forward. So you had your hand up.

Unknown Speaker : I wanted to know as this moves on, are we somehow, over the internet or website kept informed as the different steps proceed from here, or is there a timeline sort of, or...

James Brewster-...: Well, as far as official timelines go, we have received the applicant, acknowledged our request for extension. So it's just a matter now of the board discussing when we would like to meet again and obviously give Nadine time to prepare.

Unknown Speaker : I'm not asking for dates or times, I'm just saying, as different steps are done, will we know it to kind of be updated on how the process is going? Instead of all of a sudden, I've never heard of again and there's a bulldozer going up the road. Or actually there won't be a bulldozer.

James Brewster-...: Tom.

Thomas Eldridge...: So I'd just like to say this for some people that may not understand how this works. I know some people have stood up tonight and thanked us for what we do and being understanding. But I just want to make sure everyone understands that we are volunteers. Okay? No one on this group sitting up here is looking to blindside anybody sitting out there. We are members of the community, no different than you. Some of us live very close to where this site is going to be. It may not impact us, but we live there. Okay? We are trying everything we can do to see both sides like we are supposed to. But no one is trying to blindside anybody at any point in this. Okay? We are right there with you. I mean, we do have town rules to follow.

Unknown Speaker : Follow up date or we get a flyer in the mail. Like when a certain step has been made.

Nadine Bell-att...: Do you want me to address a couple things?

James Brewster-...: Sure.

Nadine Bell-att...: Is this on? No, that's not on. I think I'm on, yeah, now I'm on. For what it's worth, only under statute is the requirement for publication as extensive for a public hearing. Regular meetings, they will publish their agenda. Do you put your agenda online?

James Brewster-...: Yes.

Nadine Bell-att...: So, the agenda, you would know for any meeting that the ZBA has, this application or anything, what items are on the board's agenda when it's online. How soon? Yes. How far in advance does the board post their agenda?

James Brewster-...: Diane, how far in advance typically is the agenda posted?

Diane Aurelio ...: About two weeks.

James Brewster-...: The agenda.

Nadine Bell-atty...: So there's typically, well, most municipalities have deadlines for when things have to be submitted to be on an agenda. So it appears that two weeks in advance an agenda is set. So that should be available online at the very minimum. As far as whether or not there's something personally sent from the town to every individual in this room, I'm going to, is that normal for public hearings only?

James Brewster-...: For public hearings, we have requirements.

Nadine Bell-att...: There's a requirement, but otherwise a regular meeting there would not be.

James Brewster-...: I will have ordinance folks and those that control the website do what we can to get things up there as quick as possible when we make a decision. So...

Unknown Speaker: How long is it going to take to do that assessment?

Nadine Bell-atty...: Really? That's okay.

James Brewster-...: We need to wrap up by 11.

Nadine Bell-att...: By 11. Well, when does the board want to meet next? I can get something prepared. I will crank something out as needed. It depends on what the availability of the board is, but I do need time to prepare it.

James Brewster-...: Your availability is kind of primary too.

Nadine Bell-att...: Well, tell me what I'm looking at.

Unknown Speaker : One thing you got to keep in mind is you're scheduling an out of sync meetings, is the time you get it posted. Because it won't be a regularly scheduled. I don't know how long that takes and what the requirements are.

James Brewster-...: Right. Which is exactly why I need more research time to figure that out. So I was going to ask the board just now, if we could, it seems like we have five public hearings coming up in August. So it's more than likely I'm going to have to offer up another special meeting or request another special meeting from you all.

Nadine Bell-att...: So for the sake of those in attendance tonight, any special meetings have a notice requirement. Whereas regularly scheduled meetings, the town establishes that at the beginning of the calendar year at their organizational

meeting and you don't have to publish every single meeting after that. So a special meeting will have special notice.

Unknown Speaker : We just want to know where do we go from here? We leave here tonight, then what?

James Brewster-...: I'm working on that. Not to be glib. I'm really working on that right now. So I will make a commitment right now that we're going to have to call as a special meeting, most likely before our regularly scheduled August meeting. It's just at this point in time with schedule availability, I can't really propose...

Nadine Bell-att...: The only thing I can tell you, second week of August, I'm on vacation. So...

Unknown Speaker : We're not asking you to give us a date.

James Brewster-...: Well we have to come up with one.

Unknown Speaker : But it's got to be posted before we get posted. Why don't you come up with a date that works.

James Brewster-...: That's what I'll do. I will come up with a special meeting date that meets all of our objectives and it will be, it's required to be noticed. I just can't tell you right now. Near future, let's put it that way. So to recap...

Nadine Bell-att...: District chairman, somebody's.

James Brewster-...: Oh, I'm sorry. Yes. Ma'am.

Ms. Swingle : I just wanted to reiterate a little bit of what I cut off with because of my time restraints. In regards to the cell phone towers in the area as I've done more research, I've gone onto cellmapper.net and Savage Road, right down here by Price Chopper has a tower that has several different components that other companies are attaching to. I believe it's Verizon based. So that's south. We've talked about the John Smith Road which I believe is the Sprint tower. Couple miles, two more miles up north, we've talked about the Jackson Heights road. And again all of these have attachments to it just like this tower is proposing. So the Jackson Heights tower, I believe is T-Mobile. Then you go just a little further north into the Town of Clarkburg and it's Highville what they're calling it. And I believe that is an AT&T tower as well. There's a lot of coverage area, so I would just ask the board to research.

James Brewster-...: Anybody else who would just like to fill in anything or I'm going to move on here with the final part of the agenda.

Mr. Smith: Jim, one more question. Sorry. How long is the extension that George has agreed too. How long does that go, Is that indefinite?

James Brewster-...: Right now it's open-ended, am I correct?

Nadine Bell-att...: Yes. But recognizing that we're going to be respectful of the applicant and do everything we can to still expeditiously address this. No. That's, that's not the intent. ,

James Brewster-...: So yeah, we've done a lot of procedural stuff to go through and then we've of course got the heavy August meeting. So we're going to do our best to expedite, but yet do it right. And judiciously collect the information we need. Yes, sir.

Unknown Speaker : Was there a specific rationale for the extension? Is there some rationale?

Nadine Bell-att...: The request for why they wanted a postponement?

Unknown Speaker : Correct.

Nadine Bell-att...: There wasn't a particular reason, if I recall.

James Brewster-...: I don't recall a reason.

Nadine Bell-att...: They just asked for a postponement.

George Santoire...: Maybe a [inaudible 03:34:15] representative will tell them?

Nadine Bell-att...: Well, the request has been made and the board pursued or continued with the public hearing. And because of the fact that additional information may be submitted, I'm sure everyone in this room wants the opportunity to review whatever may be submitted and comment on it. So that would be why the public hearing's not closed.

James Brewster-...: Correct. Okay. I've come to the end of my notes and therefore, without anything further, I will seek a motion from my board to adjourn. Mr. Aston. That was when I went through everybody's name. Just another procedural thing. So I have a motion, but no second.

Melanie Pandich...: I'll second it.

James Brewster-...: Okay. Motion by Mr. Aston, seconded by Mrs. Pandich to adjourn the meeting, all in favor? Aye. Thank you very much, everyone.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Donna Webster & Diane Aurelio
Stenographers of Zoning Board of Appeals