

**PLANNING BOARD
TOWN OF KNOX
ALBANY COUNTY
Established 1822**

PLANNING BOARD MEETING MINUTES

August 14, 2008

Present: Dan Driscoll, Betty Ketcham, Bob Price, Brett Pulliam, Mike Scott, Tom Wolfe

Meeting called to order at 1935.

Minutes of the July meeting were approved without change.

The Board heard from Mike Cusack and Joe Tassone who were representing Verizon in regards to a proposed Verizon Wireless cell tower on the Kryszak property at 25 Pleasant Valley Road. Mr. Cusack told the Board that the cell tower at Thacher Park just off of Pinnacle Road is Verizon's anchor site but Verizon is trying to extend coverage to areas that are not currently reached. Verizon estimates that even with the proposed Town-owned tower on Street Road and two proposed towers in Berne, there will be areas of the town that do not have coverage. Verizon was waiting until the Town determined where its tower would be placed to estimate coverage in order to determine the best location to cover the most area possible. Ideally, Verizon was looking for a site that with an elevation that would be high enough to keep the tower below 200 feet and has enough land to locate the tower far enough away from property lines in case the tower ever fell. Chairman Price asked how much of the coverage data being presented by Verizon is dependent on the programmer entering the data into the software. Mr. Cusack stated that the program used by Verizon is custom designed by Verizon and has been used for years with very reliable results.

Chairman Price then pointed out that the tower being proposed is 100' tall and the compound it is located on is only 60' by 65', that doesn't leave much room for other carriers. Mr. Cusack stated that the tower is designed for 3 carriers and if those other carriers are T-Mobile and Sprint, then the site wouldn't need to be expanded because of the equipment enclosures they use. Mr. Cusack went on to explain that the Verizon trailer contains a generator that would run on diesel, but Chairman Price pointed out that the Town would prefer to have it run on propane which Mr. Cusack believed would be fine. Next, Chairman Price asked what kind of security measures would be taken at the site. A gate at the entrance, 6 foot tall fence with barbed wire on top and electronic security system would all be

provided. The electronic system includes sensors that are remotely monitored, if someone were to try to break in to the facility, security would be dispatched. The Board then asked about outside lighting and whether it would be full cutoff and were told that there will be a light at the entrance to the building that could certainly be full cutoff. Several Board members brought up issues that they would like addressed including the type of soil under the site to determine potential groundwater contamination and setbacks on one map in the presentation specifically.

Chairman Price asked if a balloon test had been done yet, Mr. Cusack said they were waiting to talk to the Board first so the Board could participate as much as possible. Dan Driscoll suggested that the tower would probably be most visible on Route 156 in the evening with the sun setting behind it but it was also suggested that the visibility of the tower from any trails in the Burke Wildlife Management Area (WMA), the Highlands Restaurant, Warners Lake Road, and Route 146 should be considered as well.

Dan Driscoll asked if other sites were considered for this tower or if co-location was considered. Mr. Cusack responded that other sites were considered but it mostly depended on where the Town was putting the Town-owned tower. Mr. Driscoll then turned to the Visible EAF addendum and noted that the Burke WMA is listed as being 0.25 – 0.5 miles from the proposed site but in actuality the WMA is directly adjacent to the proposed site and should therefore be listed as 0 – 0.25 miles. He also pointed out that any potential impact on wildlife should be considered since this is a Wildlife Management Area. Mr. Driscoll asked what was meant by stating that the facility would be “earthtone” in color and was told that it would most likely be a light tan, pebble finish. Mr. Driscoll pointed out that would probably make it even more visible from the WMA and requested that another color be considered. Mr. Driscoll further pointed out that the Visual EAF Addendum refers to County Road NY-156, but he thinks that should be NY-157.

Mr. Driscoll then pointed out that the easement for the property states that everything except the footing will be removed from the site, but the letter from Verizon (Tab 11 in the proposal submitted to the Board) states that all communications facility equipment shall be removed which is not really true. Mr. Driscoll also questioned why in the draft easement, both the lessor and the lessee are required to carry insurance naming the other as insured. Mr. Cusack responded that this provision is included in case development could damage or cut lines and insurance would cover that, but often in rural/agricultural

areas Verizon does not insist on this. Mr. Driscoll went on to ask if the generator will only be used in the case of a power outage, and Mr. Cusack said yes but that it will be tested for about an hour every week. Mr. Driscoll requested that sound testing be done to determine the noise from the generator. Finally, Mr. Driscoll pointed out that in the Full Environmental Assessment Form provided, Part 2, Sections 8, 11, and 13 will need to be readdressed with the Burke WMA in mind.

Chairman Price asked what the tax consequences of this from the Town's perspective. Mr. Cusack stated that Verizon pays taxes on their developments and typically taxes are comparable to a single family home. The preferred way to deal with the tax issue is to create a second parcel of the same tax map (perhaps adding a .2 to the end of the current tax map number) and have the taxes billed directly to Verizon.

Mike Scott pointed out the letter from Millennium Engineering in Tab 10 of the proposal that discusses exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields. Mr. Scott questioned if evaluating a single site is sufficient and wondered if all sites should be considered cumulatively. Mr. Cusack pointed out that in the Federal Telecommunications Act of 1996, the FCC pre-empts local governments from regulating these facilities based on radio frequencies but that Verizon understands that this may be an issue that will come up and that is why they prepare this report, to show that Verizon is at less than 1% of the safety standard. After further discussion, Mr. Cusack agreed to ask that this issue be addressed further and perhaps additional information to clarify be included.

Dan Driscoll asked if a site visit would be possible, Mr. Cusack suggested that site visits could be done at the same time as the balloon test. The primary date of the balloon test was decided as Thursday, September 4th with a rain date of Saturday, September 6th.

The Board then agreed that this meeting will serve as the sketch plan review and that the public hearing will be held at the next meeting on September 11th. Verizon will advertise the balloon test and the Town will advertise the public meeting. **Dan Driscoll made a motion to give Verizon a waiver from the requirement for a structural report until the Building Permit is obtained, but that the structural report will accompany the Building Permit application.** Motion seconded by Brett Pulliam, passed unanimously.

The next order of business was **Roadway and establishing 75' setback**. Bob Delaney has brought it to the Board's attention that unless it is documented that the Town, county or state has taken ownership of the road bed, that the property owner bordering the road owns to the center line of the road. However, the Board was of the opinion that in the case of a Road by use, the town or county owns the road because they maintain it. It was suggested that the setback requirement be re-worded to be 75' from the edge of the traveled way based on the center line of the actual road.

The Board then discussed **the ad hoc group of Knox residents who will be applying for money from NYSEDA and looking to create a community owned wind turbine complex**. A commercial wind turbine ordinance has not been written but Chairman Price believes it should be written soon. Dan Driscoll feels that the issue should be discussed but does not personally think commercial wind turbines should be allowed, so a new ordinance may not be needed. Mr. Driscoll feels the issue should be discussed and the information that has been gathered should be shared. Chairman Price suggested that the Planning Board should agree to discuss writing a commercial wind turbine ordinance, but Mr. Driscoll asked to simplify that further to say that the Planning Board agrees to discuss if commercial wind turbines are to be allowed in the Town of Knox. Tom Wolfe stated that is not up to the Planning Board to decide. After further discussion **Dan Driscoll made a motion to begin assessing commercial wind turbines to determine if the current ordinance needs to be changed**. Motion was seconded by Mike Scott, passed unanimously.

Finally, the Town Board has been made aware that the NYS Department of Agriculture and Markets has a grant program to protect existing farmland in the Town. The grant would cost the town approximately \$1,700 and would grant the Town \$25,000. The Town Board is considering having a joint meeting of the Town Board, Zoning Board of Appeals and CAC to create a supplement to the Zoning Ordinance to protect farmland.

Upon a motion made and duly seconded, the meeting was adjourned at 2145.

The next meeting will be on Thursday, September 11th, 2008 @ 1930.