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2 STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD

In the Matter of

5 NEW CINGULAR WIRELESS, PC, LLC

7 Project No. 14-7005
10 Ann Kaley Lane
8 Section 108.2; Block 4; Lot 43.410

10 PUBLIC HEARING
SITE PLAN

18 ALSO PRESENT: RONALD BLASS, ESQ.
19 PATRICK HINES
KATHI NATLAND
MICHAEL MUSSO

21 APPLICANT'S REPRESENTATIVE: KIMBERLY NASON, ESQ.
ADAM WALTERS, ESQ.

1 NEW CINGULAR WIRELESS, PC, LLC

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2 MR. TRUNCALI: We're going start the
3 meeting. Please rise for the Pledge.

4 (Pledge of Allegiance.)

5 MR. TRUNCALI: I would like to
6 introduce our new Board Member, Steve Clark.
7 Welcome to our Board.

17 I would like to table the approval of
18 the minutes to the next meeting.

19 MS. LANZETTA: Can I just make an
20 amendment, or whatever, to the minutes for the --
21 the last minutes that we received for June 15th.
22 At the end under Dockside there was a discussion,
23 and I do believe -- I don't see it recorded in
24 here but I do believe -- Pat, correct me if I'm
25 wrong -- I asked to be a party to that meeting

2 with the DEC and yourself --

3 MR. HINES: Yes, that's correct.

4 MS. LANZETTA: -- and any other people.

5 MR. HINES: It has not been scheduled
6 yet. It was going back and forth.7 MS. LANZETTA: I didn't see it in the
8 minutes. It might have been that part where we
9 were talking about including the DOT. I think I
10 said please include me as well.11 MR. TRUNCALI: First up is New Cingular
12 Wireless.13 MS. NASON: Hi, everyone. My name is
14 Kim Nason. As you remember, I'm an attorney with
15 Phillips, Lytle representing AT&T. With me is my
16 colleague, Adam Walters. We also have Dan
17 Goulet, AT&T's RF consultant, and Marianne Terry,
18 the site acquisition consultant for this project.19 As you know, we appeared last month
20 before this Board to discuss a reduction of the
21 height of our proposed site at 10 Ann Kaley Lane
22 to 130 and also to discuss our extensive
23 alternatives analysis that AT&T performed at the
24 Town's request. That alternatives analysis
25 yielded one vital alternate location, as you

2 know, at the high school. Tonight we're here
3 looking for clear direction as to how the Town
4 would like us to proceed. If you'd like us to go
5 to the high school, we would be tabling this
6 application and then filing a new application for
7 that site. And if you'd like us to stick with 10
8 Ann Kaley Lane, then we'd be submitting some
9 supplemental information, answering a lot of
10 Mike's questions that he gave us in early 2014.

11 So at the last meeting we explained
12 that although the high school was a viable
13 location, the 10 Ann Kaley Lane site remains the
14 optimal site for the facility because the high
15 school would not provide reliable coverage to the
16 hamlet, Western Avenue, Route 14 or the middle
17 school. We understand at the time of that
18 meeting the Board was still waiting for Mike's
19 comprehensive review of our alternatives
20 analysis.

21 Additionally, we also submitted some
22 supplemental information at the end of June, at
23 the Board's request, regarding an alternative
24 location and height at the high school to see if
25 there was anything we could do to meet that

2 coverage gap that the high school site leaves,
3 because the Board wanted to know if there was
4 anything we could do moving up to the higher area
5 on the site.

6 So just to summarize that report a
7 little bit, Dan Goulet did an analysis and found
8 that for the original proposed location at the
9 high school we gave you, that alternate location,
10 we'd have to move that up to 190 feet, at least,
11 to get comparable coverage to the 10 Ann Kaley
12 Lane site. So that would be significantly higher
13 than the 110 foot site, a lot more visual
14 impacts. That northeast corner of the high
15 school property where there's a little bit higher
16 elevation, if we were to move the facility there
17 we would need to go up to at least 175 feet for
18 comparable coverage to Ann Kaley Lane. That
19 would be in a bit more open area. So both of
20 those sites would be very visually intrusive, and
21 we don't have -- AT&T does not have leases for
22 either one of those sites at this time. As such,
23 we still maintain that the 10 Ann Kaley Lane site
24 is the optimal location and provides the best
25 coverage to the Town.

2 Our supplemental filing also noted that
3 although it is not appropriate to make a zoning
4 determination solely on the basis of revenue for
5 the Town, should the Board feel that the high
6 school location is better for providing coverage,
7 better for providing a lesser community impact,
8 if that's the finding the Board makes, AT&T is
9 prepared to move the facility to that location.

10 We understand that Mr. Musso completed
11 his review and provided the Board with a
12 comprehensive report last week. His report
13 echoes AT&T's findings that although the high
14 school is a viable site, the Ann Kaley Lane site
15 remedies the coverage gap more effectively than
16 the high school.

17 So at this time, as we said, we're just
18 looking for some clear direction as to how the
19 Board would like us to proceed so that we can go
20 about remedying this coverage gap as soon as
21 possible.

22 If anyone has any questions for us or
23 for Dan or Marianne, we're prepared to answer
24 them.

25 MR. TRAPANI: I have one question. The

2 high school property, the practice football
3 field, the elevation up there, how is that
4 compared to the elevation on Mr. Osborn's piece
5 of property? Is it higher at the high school?
6 I'm not saying where the pole is but the
7 geographic elevation. I was wondering. I think
8 it's higher over at the high school on top of
9 that field than it is at the other property. I'm
10 wondering.

11 MS. NASON: Maybe Dan can speak to the
12 elevation. While he's looking for an answer to
13 that, while the elevation may be higher, it has
14 to do with the rest of the terrain as well. So
15 even, for example, if we move it up to what I
16 think is the higher point of land on the high
17 school site, you're still going to need 175 foot
18 tower to provide equivalent coverage than the 130
19 foot tower at the 10 Ann Kaley Lane site. So
20 even if you stayed at the elevation that's higher
21 at the football site, it has to do with the rest
22 of the terrain around it and how the signals
23 would interact with the other towers as well.
24 It's not elevation alone, although that does play
25 a part for sure.

2 MR. TRAPANI: We're saying in
3 Marlborough we'll need a thousand towers with the
4 elevation. I mean you've got up and down all
5 over the place. If it's up high and it's going
6 to hit something down low. I can't understand,
7 you know, how you can get enough towers in this
8 Town to cover everything. I'm all for it because
9 my cell phone -- I'm here, I'm talking to Mr.
10 Clark, and I can see him over there working, and
11 I can yell to him and he can hear me, but he
12 can't hear me on my phone.

13 MR. CLARK: Or you just don't call me
14 back.

15 MR. TRAPANI: That's true. Sometimes.

16 I'm just wondering if these are the
17 best places to put the cell tower that we can get
18 the optimum amount of coverage for one tower.

19 MR. WALTERS: Perhaps I'll answer
20 because I've been doing cell siting probably for
21 about twenty years. So a little longer than Kim
22 here.

2 there's a big process involved, public hearings
3 with folks coming out and explaining their views
4 and concerns. We like to build, frankly, as few
5 sites as possible to cover as large a geographic
6 area as possible. There has to be some balance.
7 You can't just build 200 foot sites everywhere.
8 The terrain, particularly where there's traumatic
9 terrain change -- New York State has various
10 terrain features. Some areas are very flat and
11 you can build a little higher and get a little
12 bit additional projection. Some areas have a lot
13 of terrain.

14 The alternatives analysis we did I
15 think really supports the fact that the Kaley
16 Lane site really is an ideal site in terms of the
17 bang for the buck. You get a tremendous amount
18 of geographical coverage in key areas of the
19 Town, you get really good hand off to the
20 surrounding sites outside and within -- I think
21 there's one other site within the Town, the rest
22 are outside of the Town. So you really get very
23 good coverage. You don't need a thousand sites
24 on top of that. You're going to get very good
25 coverage from this particular site. That's

2 really the magic, if you will, in siting. You
3 really do try to find locations that will give
4 you the best terrain coverage, yet are somewhat
5 screened from surrounding properties. If you
6 look at the high school location and where that
7 would be versus Kaley Lane, you know -- was it
8 Cross Street? You're kind of right off of Cross
9 Street there where the tower would be. There's
10 some homes in very close vicinity that are going
11 to be looking at that tower. There's not a lot
12 you can do to screen that. The Kaley Lane site
13 is a little more isolated from the public right-
14 of-way, a little more difficult to see it,
15 particularly where it's going to be located on
16 that site relative to the public right-of-way.
17 We try to balance all those factors, but then we
18 call on Dan to really do the magic and tell us
19 how low can we go and really get good coverage,
20 and that really resulted in dropping the Ann
21 Kaley site proposal to 130 feet. We went back to
22 Dan and said look, the community is very
23 concerned about visual impact. How low can we go
24 and still get good geographical coverage from
25 this site. That's when Dan did his magic and

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came back and said, you know, I think 130 feet
would do it because you still -- you're looking
to lose a little bit of coverage between 150 and
130 but you're still going to get very good
geographical coverage. It's really the best we
can hope to do in this area of the Town with the
terrain features and changes. It goes up on one
side, obviously, and down as you get closer to
the river.

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I talked a lot while Dan has pulled out
his maps. Dan, come on up.

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MR. GOULET: Dan Goulet. The

difference between the high school field location
higher up on the hill and where the current
location is at the high school is about 30 feet.
The problem -- I don't know if you can see this
from here, but what I did was I threw in an extra
plot here. I wanted you to look at the terrain
relative to the current location at the high
school and why the big difference. I don't know
if you can see this but -- so this is the high
school field location. Right now we're down
here. So you said okay, can you move it up here,
up on the hill. That's where the 30 foot higher

2 elevation is. The problem is you only have --
3 you have this huge neighborhood here and you have
4 a ridge right here, you have another ridge right
5 here, and then you have the hamlet and the middle
6 school and Route 14 which is on the other side of
7 those ridges. So what I did was I plotted -- if
8 you look at this, it is a profile view right
9 here. What I did was this is just taking a
10 radial, going from the high school location and
11 directed to the hamlet, and this is showing you
12 the topography. This doesn't include trees, this
13 is just terrain. So now you stick 65, 70 foot
14 trees on top of the terrain and that signal has
15 to get through that.

16 The Ann Kaley Lane site works well with
17 the rest of the network. It isn't just a matter
18 of let's just put up 190 foot tower, because you
19 have to be very careful that you're not
20 introducing interference because of where that
21 signal is reaching, and it could be getting into
22 areas that you don't want to get into because now
23 you have competing signals from some of the
24 neighboring sites.

25 So when we figure out where the site

2 should go, what we're doing is we're taking --
3 we're taking all the existing sites. Here's the
4 existing coverage here. So what you see here,
5 green is your in-building coverage. For this
6 type of market we're talking basically a lot of
7 wooden residential structures and then some
8 concrete buildings. The orange is where you
9 would have the coverage if you were moving along
10 in a vehicle. The white areas, I'm not saying
11 it's no coverage but if you were out in your yard
12 you may get coverage because you don't have any
13 attenuation from the metal around your car,
14 et cetera.

15 But the Ann Kaley Lane site, the
16 significance of that is it works well with the --
17 this coverage that you see here is from existing
18 sites. So unfortunately the hamlet, the middle
19 school, the high school area, South Street, all
20 these areas here are just getting residual
21 coverage from some other site, and these sites
22 are in the range of I think 2 1/2 plus miles
23 away. I believe I provided the network map.
24 Yeah. So this is -- the closest site is 2.6
25 miles away. Then you've got almost 6 miles, over

2 6, 5, almost 6, 4 1/2, 4, 3, 3. Those are all --
3 that's very far for this type of technology. So
4 I don't know if that answers the question but it
5 isn't just a matter of let's just get the height
6 and we'll put it up to 200 feet at this other
7 location and we'll cover the hamlet. Now the
8 problem is what does that do to other areas of
9 Marlborough and the surrounding towns. Where
10 does that site at that height become more of a
11 problem because it's an interference.

12 So when this Ann Kaley Lane site was
13 engineered into the network, you have to --
14 there's a balance there. How can we meet the
15 coverage objectives, get most of the residential
16 parts that we're trying to cover and the roads
17 that we're trying to cover without causing
18 substantial interference with the rest of the
19 network.

20 MR. TRUNCALI: So on this last packet
21 that you provided us at the last meeting, if you
22 look at the 175 foot tower at the high school, it
23 looks like there's much better coverage on that
24 one than on the 130 foot tower at Kaley Lane.

25 MR. GOULET: Yeah. That's not at the

2 location that we currently have approval to be at
3 at the high school. That's at this theoretical
4 location up on the field, which means that,
5 number one, in order -- you know, you've got to
6 stay within the bounds. You've got setback
7 issues. You have a single row of trees before
8 you hit all these neighbors. So a height -- a
9 tower at 175 feet at that theoretical location I
10 would think would probably end up having this
11 room filled with people that are going to be able
12 to see it and have a concern about that, and yet
13 it still doesn't cover -- it covers a lot of the
14 areas that we're trying to cover but I don't -- I
15 didn't do an analysis of what the interference
16 was going to be. How much of this coverage with
17 that site at 175 feet is redundant coverage.

18

MR. TRUNCALI: It gives much more

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coverage to the rest of the Town, not just the
village. It helps a lot of the other towns to
the west and the south and the north.

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MR. GOULET: I'm not going to argue
that point.

24

MR. TRUNCALI: Wherever you get it

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you're going to have to room full of people here

2 complaining because nobody wants it in their
3 backyard. They're all going to see it from
4 wherever you put it.

5 MR. GOULET: Right. I look at it and
6 the visibility at that location is much, much
7 greater than the visibility at the proposed Ann
8 Kaley or the other high school location where you
9 have a tree buffer.

10 MR. CLARK: In terms of percentage, I'm
11 looking at these maps as I -- I just got this
12 today. As I flip from one to the other I don't
13 see any significant difference. What's the
14 difference in terms of percentage from one site
15 to the other?

16 MR. GOULET: You have to just clarify
17 which sites.

18 MR. WALTERS: The proposed site at 130
19 and the high school at 110?

20 MR. CLARK: That's the two sites you're
21 looking at. That's what I'm talking about in
22 terms of percentage. Do you have an overlay map
23 where you can look at one versus the other?

24 MR. GOULET: We provided -- I thought
25 we provided numbers.

2 MR. BLASS: If I can interrupt. Mike
3 Musso's report, if I can refer the Board to --

4 MS. LANZETTA: Steve, Steve, maybe when
5 Mike gives his report --

6 MR. MUSSO: Our report actually has a
7 match-up.

12 MR. MUSSO: It's a complicated
13 analysis. You're right. We do have a map that
14 overlays the two and shows the differences in
15 different colors.

16 MR. GOULET: And just to clarify, it's
17 very difficult visually, that's why we quantified
18 it with numbers. It gives you at 130 feet
19 coverage versus the high school at 110 feet.
20 It's a thirty percent reduction in coverage for
21 residential pops, it's almost forty percent
22 reduction for business pops. You have road
23 coverage is --

24 MR. CLARK: I was looking more for
25 total percentage. What total percentage of the

2 area is going to be covered from one site versus
3 the other? I'm not --

4 MS. NASON: The percentages in the
5 report are from the May 21st filing, that was
6 when Dan submitted his RF analysis report. It's
7 hard to say it's going to cover this percentage
8 of the Town compared to this percentage of the
9 Town. Dan broke it down into in-vehicle coverage
10 on main roadways, in-building coverage to Town
11 residents and then in-building coverage to
12 businesses in the Town. His report states that
13 there's -- if you're going from the 110 foot site
14 at the high school to the 130 foot site at 10 Ann
15 Kaley Lane, you're getting forty percent more
16 in-vehicle coverage on the main roadways, you're
17 getting forty-three percent more in-building
18 coverage to the residents, and then you're
19 getting sixty-four percent more in-building
20 coverage to businesses. So it's sort of broken
21 down that way, by population and by areas of the
22 road. Dan can get into a little more detail.

23 MR. MUSSO: Before you do that, I just
24 want to say that's really the one thing in our
25 technical analysis that I had trouble confirming.

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MR. CLARK: You're saying sixty-four

percent -- you only have thirty-six percent

coverage now and you're going to add sixty-four

percent?

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MS. NASON: It's a percentage change

between the two sites.

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MR. CLARK: That's why I'm asking for

the total percentage. Because percentage change

-- if you're dealing with a small group,

percentage change can sound pretty enormous. If

you're dealing with the whole Town -- that's what

I'm asking. What is the difference between the

sites percentage wise of the whole Town?

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MR. GOULET: If I could. The

percentage numbers come from the gap. We define

an area as the gap, which is in your exhibit.

This is exhibit 3-A. There's a yellow line,

that's the target area. That's the gap. All of

the comparative percentage numbers between Ann

Kaley Lane and the high school at 110 are

relative to the gap.

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MR. TRUNCALI: Don't you agree the 175

foot tower provides much better service to that

gap area?

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MR. GOULET: We didn't do that analysis

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because that --

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MR. TRUNCALI: You have a map that

5

shows it.

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MR. GOULET: We did a map. I didn't go

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through -- to do coverage counts and pop counts,

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that's a totally different analysis. The way we

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do that, just so you understand, we do what we

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call best server plots. All of those surrounding

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sites, what happens is we say okay, at this point

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right here, this little 30 meter which is 90 feet

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by 90 feet at this bin, which of the sites covers

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that best and it gets plotted. So what you end

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up with is a multi-colored plot. So say this

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site, everything it covers is purple. The site

17

over here, everything where it is the strongest

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server is a different color. And then what we

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create contours from that and we say okay, this

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is what's already covered, what's the incremental

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added coverage for roads, population, business

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pops. The software tool crunches that out and it

23

tells us at this height with this footprint, this

24

is your incremental coverage for all of those

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categories.

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MR. CLARK: What's the base coverage?

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MR. WALTERS: All the green and all the
4 orange is the base coverage.

5

MR. GOULET: The green and the orange.

6

What is not covered is the white is what we're
7 talking about. But you have to remember we're
8 trying to improve this orange. We're trying to
9 get in- building coverage to those areas.

10

MR. WALTERS: Right. So that is the
11 base coverage?

12

MR. GOULET: The base is this yellow
13 polygon that was drawn. That's the gap that
14 we're targeting.

15

MR. WALTERS: Maybe it would make sense
16 to jump over to Mike.

17

MR. MUSSO: Sure.

18

MR. CLARK: How many customers are we
19 talking about?

20

MR. WALTERS: Did we put the numbers or
21 do we have the numbers?

22

MR. GOULET: We have all of the
23 numbers.

24

MR. WALTERS: So maybe we could read
25 those to you. Maybe you want to hear from Mike

2 and then we'll circle back on that.

3 MR. MUSSO: I think this is certainly
4 an important point to confirm. They're 30 foot
5 by 30 foot pixels, if you will, in that yellow
6 polygon. Each site gets one highlighter based on
7 it's signal. The stronger signal from the two
8 will turn a color for 130 Ann Kaley or 110 high
9 school. It's counting up all those 30 by 30
10 foot.

11 MR. GOULET: Not quite. We do it in
12 two steps. We have all the existing coverage,
13 they each have a color. Then we turn on Ann
14 Kaley at 130, --

15 MR. MUSSO: Got it.

16 MR. GOULET: -- and that gets -- the
17 incremental gets a new color.

18 MR. MUSSO: Got it.

19 MR. GOULET: After we get all those
20 numbers, we shut Ann Kaley off and we turn on the
21 high school at whatever height we're analyzing,
22 which in this case was 110.

23 MR. MUSSO: Just to define, when you
24 say business pops, what does that mean exactly?

25 MR. GOULET: Based on the 2010 census

2 data. The State of New York actually provides
3 business pops, population counts. So they do a
4 GIS mapping and each of -- you get hundreds and
5 hundreds of polygons and it will tell you within
6 each of those little polygons how many business
7 pops.

8 MR. MUSSO: I see.

9 MR. GOULET: It's just like the
10 residential but it's business.

11 MR. MUSSO: I think that's important
12 because I think that answers a question what this
13 is all based on. It's also based on 2010. It's
14 a relatively current land use --

15 MR. GOULET: The last census.

16 MR. MUSSO: -- that's on file with New
17 York State.

18 MR. GOULET: Right. We're lucky
19 because New York State has business pops where
20 some of the other states --

21 MR. MUSSO: Do they have them for every
22 county?

23 MR. GOULET: We have them for the
24 State. I don't know if they're for every county
25 but we did have them for this one.

2

MR. MUSSO: Does the DOT roadway come into this? Is that information in business pops or is that a different --

5

MR. GOULET: That's a different table but it's also GIS. We use GIS mapping. That's what the software uses. So we have the roads. So as we're doing the coverage, the tool tells us -- for example, this gap here, it tells us exactly how big that gap is all the way to the hundredth of a mile.

12

MR. MUSSO: So that was used also for

13 your in-vehicle incremental?

14

MR. WALTERS: Right. That's the road coverage.

16

MR. GOULET: And then we broke the roads out into, you'll see the secondary roads and main roads.

19

MR. MUSSO: Right. They have different codes.

21

MR. GOULET: Right.

22

MR. MUSSO: So I think for the Board, it's not -- I think you can see it there certainly in your exhibits. There's a yellow polygon which is a bit tough. I'm not sure if

2 the public can see it. That is what we called in
3 our report the target coverage area. That's only
4 for AT&T. That's not for another carrier.

5 That's based on how they go about filling in
6 their network, filling in these gaps. So it's
7 important to see when they get to the
8 differential that Steve was asking about there,
9 there are areas of the Town that are going to
10 line up in preference to the 110 high school
11 alternative. Many of those are outside of the
12 yellow polygon. Something to consider here is
13 that AT&T and their FCC license, et cetera, they
14 are defining this targeted coverage area. I
15 think that's important to keep in mind. I think
16 you can see it on there, or at least in the
17 exhibits. I'll put an exhibit up as well.

18 MR. TRUNCALI: The west side of that
19 yellow circle is not getting helped much.

20 MR. MUSSO: No, it's not.

21 MR. TRUNCALI: They're just trying to
22 target the hamlet and the higher density area of
23 the Town. I want to have the best tower that's
24 best for the whole Town.

25 MR. HINES: That's where Ben's comment

2 came in earlier, you have to keep adding --

3 MR. MUSSO: I work only for
4 municipalities, I don't work for -- HDR does not
5 work for the carrier side of things. I can tell
6 you that this is the trend. I mean just going
7 into neighboring towns here in Orange and across
8 the river, where we used to see 175 to 200 foot
9 towers being built and carriers coming in in
10 1999, 2000 saying this is it, we'll be out of
11 here. A much different story. Here in
12 Marlborough I think we've been relatively
13 fortunate. There's one tower on Mount Zion, an
14 old radio or cable TV. I think there's an agenda
15 item tonight on that. There's been no other
16 infrastructure built, to my knowledge, for
17 wireless. No other rooftop sites or water tank
18 sites. This is a trend that, I think for
19 probably better, that Marlborough hasn't seen
20 yet. This is the trend I'm seeing, that instead
21 of trying to cover an entire municipality at one
22 time, one tower I think is out of the question,
23 but coming in with two towers at a time you may
24 not see AT&T again for years. It could be
25 months, it could be years. They do have

2 coverage on the north end of that Town in that
3 Mount Zion tower. This is the rationale, you
4 know, and we confirmed those methods in our
5 report.

6 MR. WALTERS: One thing perhaps to keep
7 in mind as the Board evaluates the difference in
8 coverage between the high school at higher
9 heights and the Ann Kaley site at 130; as the
10 gentleman points out, there's more green if you
11 go higher, and that's absolutely true. There is
12 going to be more green. That doesn't mean, to
13 your point, that you won't need another tower in
14 the future. Coverage is one item or one aspect
15 that drives build out of the network but the
16 other thing is capacity. A single site can only
17 handle so much network traffic before it starts
18 dropping calls. When that happens, that's when
19 you build a second site. Basically you angle the
20 antennas down a little more so they're more
21 directly pointed down on an existing tall site
22 and you start building sites around there. So
23 that's an issue as well. I guess I'm just
24 encouraging you -- we appreciate you want to get
25 the best coverage for the Town, and we've got to

2 balance visual impact versus benefit from
3 wireless coverage. Don't think if you just go as
4 high as you can with a single site at one
5 location, that that's going to do it forever,
6 because each site does have a capacity. Dan can
7 talk more to how that comes into play, but it
8 doesn't mean if you build a very tall site here
9 and you get better coverage throughout other
10 portions of the Town, that you're still not going
11 to need additional sites, either in the Town or
12 right over the border, to provide that additional
13 coverage as the networks continue to be built
14 out.

15 MR. TRUNCALI: Do you have more, Mike?

16 MR. MUSSO: I do. I put together a
17 technical review that I'd like to run through
18 briefly, and certainly get into more details if
19 you have questions on that.

20 Just putting these two sites into some
21 perspective, they're about a mile away from each
22 other as the crow flies, the two sites. The
23 elevation differential is about 30 feet between
24 where the 110 foot site is, the southern end of
25 the high school, and Ann Kaley. Ann Kaley sits

2

higher -- a little bit higher. So some of the things are a no brainer, it provides better service, but you do have to evaluate the topography and other things, which I'll show you. We've also done independently some of the cross-section plots in a look at the alternative sites.

8

Our outline of this memo that I submitted last week is going through this May 23 alternative site analysis by the applicant, and also the memo that they submitted on June 29. We looked at their methods, the way coverage maps were developed, we looked at the need for sites. You see the white there, what that means is we agree there is a gap as would be defined in our experience and by the FCC. We also looked at existing AT&T sites. As I mentioned, Mount Zion is the only one in Marlborough, but there's several within a five or six mile radius. I personally worked on some of those sites for other municipalities.

22

In order to meet that target area, provide service to that target area, really none of those on air sites in other towns could be readily upgraded. There's complications with

2

them. We wouldn't know exactly where AT&T sits.

3

And, you know, they've been working in their own

4

targeted areas in those municipalities and

5

they've been interacting with the network as

6

well. It's very difficult to go in often times

7

and say yeah, let's go to that site down the road

8

in Newburgh and put 20 feet on it. It normally

9

can't be done. Here we confirmed with distance

10

and topography that's not really viable.

11

Then we looked at this AT&T targeted

12

area, this yellow polygon. We did due diligence

13

on all 23 alternatives. We agree that all of the

14

alternatives except one are not viable, and I'll

15

show you a couple plots if you want to see those

16

to confirm those coverage -- distance and line of
sight coverage from these places, like Cluett

17

Schantz Park, the ambulance corp, the wastewater

18

treatment plant, reservoir 1 and 2. We looked at
Central Hudson poles, although that's speculative

19

whether they would be allowed to co-locate. They
ran out those values as well. Really we're left

20

with two sites. I guess that was one conclusion
with our report is 130 Ann Kaley and 110 at the

21

high school are viable alternatives.

22

23

24

25

2 visual influence map, a map of Marlborough that
3 shows where there would be visibility, where
4 there wouldn't and where there would be maybe
5 intermittent visibility due to trees and
6 obstructions.

7 We also have what's called photo
8 simulations where they actually flew a balloon at
9 150 feet, drove around the area, took pictures
10 and superimposed images of what a tower might
11 look like. Now, something goes to Ann Kaley,
12 something goes to the high school, that's
13 something that an application is going to have to
14 parse out, exactly what you would like to see,
15 what color you'd like to see. These are only, you
16 know, sort of first cut looks at what something
17 would be. But importantly, we don't have that
18 same visual assessment for the high school. We
19 put together some photo images that I'll run
20 through. You know, it's not a comparable
21 analysis but I think it's something that you guys
22 could think about, at least, with that.

23 Last we looked at in this memo, we
24 looked at things like zoning, setbacks, aesthetic
25 and environmental resources that might be in

2 proximity to these two candidates. I did some
3 comparison tables, the three tables within this
4 report that you can go through.

5 One thing I want to bring up as well,
6 and it just deals with I guess speculation.
7 We've been seeing this maps, very optimistic, 175
8 foot map. From where HDR stands, and our
9 understanding is the school district is looking
10 to entertain one option, and that's 110 feet at
11 the southern end. We did a site visit. We met
12 people from the high school after the June 1st
13 meeting. Indeed that practice field, I would
14 agree, it's 30 feet taller than the southern end
15 of the woods. I think there would be visual
16 impacts from that area over the high school,
17 Cross Road and to points further north and west
18 around that area. Again, we don't have visual
19 influence, we don't have photo simulations, so
20 it's hard to say exactly.

21 I do want to bring up the fact of co-
22 location. If a tower is built, if it's approved
23 and built at whatever location, I think there's a
24 very strong possibility that another carrier
25 would want to co-locate on that pole. The way

2 the code is written, and it's written smartly, if
3 a carrier wants to provide service the same way
4 as we're hearing from AT&T, their first priority
5 is to go to an existing structure. If the pole
6 is built they're going to want to go to that
7 pole. One thing that is uncertain, at least from
8 where I stand, maybe it's not uncertain, is that
9 110 foot at the high school, whether or not the
10 school would even entertain that, whether they
11 would entertain co-location in the future if a
12 site is built by AT&T there. So one of the
13 things you think about about planning, we think
14 about other carriers that might be coming in. I
15 think it is an important consideration in dealing
16 with co-location.

17 So the high school site, I think
18 co-location might be speculative at this time. I
19 just don't know otherwise. We saw the June 29th
20 letter, so we don't really know anything more
21 about the school. I, of course, can't speak for
22 the school district. I do submit to you
23 respectfully, I think that's an important
24 consideration.

25 The Ann Kaley Lane site would be

2 amenable for co-location.

3 So I think these are a couple things I
4 just want to get out.

5 MR. HINES: The reduction from 150 to
6 130 may impact future co-locations on Ann Kaley.
7 That's something the Board should look at at that
8 site. You're reducing it by 20 feet, you may
9 impact a number of co-locators causing additional
10 towers to be required.

11 MR. MUSSO: That's true, Pat. That's
12 something that could be handled with foundation
13 design, pole design. If there's an increase in a
14 pole, if coverage maps are provided by another
15 carrier that says we just can't go below 80 feet
16 on this pole, that is something that could
17 possibly be entertained. That would be reviewed
18 during an application process when many of the
19 details are sorted out.

20 MS. LANZETTA: But it's your opinion
21 that even at 110 at the high school -- even at
22 110 at the high school, that that still might be
23 a prime spot for other -- a place of interest to
24 other --

25 MR. MUSSO: Yes.

2

MS. LANZETTA: -- places for co-

3

location?

4

MS. NASON: Just to clarify, our lease
with the high school does allow co-location.

6

MR. MUSSO: That's an important piece
of info.

8

MS. LANZETTA: Thank you.

9

MR. MUSSO: So 110. Tree height we
modeled in the photo I'll show you in a bit,
about a 45 foot tree height, kind of a
professional judgment. You have about a 10 foot
separation distance between arrays. I'm sure
you've driven by cell sites and you see the
different guides on the pole. 130 foot is
probably a little better than 110 before getting
down to the trees. I think that's important to
note the school would entertain co-location. I
think it's very important for you guys to
consider.

21

So just scrolling through our report,
here's a listing of the existing -- these are on-
air sites. You can see the first one on the list
is Marlborough. It's about 2 1/2 miles from Ann
Kaley, maybe 3 miles or so from the high school.

2 You see the other townships that are providing
3 service, possibly through a little piece of
4 Marlborough. Some of these are across the river,
5 some of them are from points south or points
6 north. This is the map that Dan had up there
7 with the arrows going to different sites.

8 We note that none of those facilities
9 can be readily upgraded so that coverage would be
10 remedied. Hence the need for a new site is
11 justified in our opinion.

12 We then put a table -- I'm not going to
13 go into tremendous detail but these are the 23
14 alternates. The high school is fifth on that
15 list there. The column off to the right tells
16 you what they assumed based on the tower height
17 or antenna height, meaning a new tower where AT&T
18 antennas would be located at the top. From many
19 of these they provided coverage maps. For each
20 one of these. Some of them they did not, and for
21 those we did a topo analysis which I can show you
22 in a minute.

23 So going through here you see the high
24 school is at 110 feet. That was our coverage
25 map. Water tank , that would be a co-location.

2

That's only 50 feet. That's not a new tower.

3

Central Hudson poles. A bunch of sites would be
4 all land sites where a new structure would be
5 provided. Now of course with determining that
6 these are not viable or insufficient compared to
7 the two candidates, we didn't do any other visual
8 of these, what things might look like at the
9 cemetery or on Dock Road, on the water. We
10 determined that it just wouldn't line up as a
11 viable alternative.

12

I also want to note that in our site
13 visits and in our analysis of this we didn't
14 readily identify any other alternates that might
15 be out there. Part of that was, you know, based
16 on drive-throughs and looking at zoning maps.
17 Part of it also was I know the Town had provided
18 a number of sites to the applicant to get them
19 going. In my experience this is really one of
20 the most in-depth alternate site analysis we've
21 worked on, and this is over 20 different sites
22 here.

23

I want to show you this image here.
24 This is a little zoom in just to give you an
25 aerial view of the high school. South is off to

2 the right. You see a pretty nice tree buffer,
3 about a 6-acre area tree buffer here. You see a
4 pretty nice tree buffer area here.

5 In meeting with the school, there is a
6 cross country path that runs through here.
7 There's also -- you really can't see it but
8 there's an inset here for composting and some
9 materials that are stored. In looking back here
10 and walking through, this looks like a cell site.
11 It looks like many cell sites that I've been to
12 where there is an area that's kind of carved out
13 and you can kind of envision 100 foot by a 100
14 foot area. There would be a lot of engineering
15 and site development, a lot of tree removal
16 within a little pocket of this.

17 The other site where there's no
18 agreement but where coverage maps were provided
19 was way up here in this area. So this gives you
20 a general aspect of the area itself. You can see
21 that there are homes along Cross Road. I think
22 one of the differences here, a 110 foot pole
23 would rise, you know, above this tree line. The
24 views from the school, you know, people at the
25 school, the views from the vehicles in the area

2 and homes such as these, there are certainly
3 other homes around the school, they'll be getting
4 a piece of that 110 in view. Normally that's
5 going to be looked up and framed against the sky
6 from this particular site. So, you know, there's
7 some merits there of the site. I really do like
8 this buffer. I really don't like this alternate
9 up at the northeast area, having driven through
10 that area and kind of walking up there. I just
11 thought that that would really open up views to
12 that area. So that's just an aerial image.

13 We then started laying out a comparison
14 between the two candidates. Again we looked at
15 130 feet and 110 -- at Ann Kaley Lane, 110 feet
16 at the high school. You can see some of the
17 differences in the parcel sizes. Big parcels in
18 general. We would assume like 100 foot by 100
19 foot lease area that's been specified for Ann
20 Kaley Lane. The high school would probably be
21 something similar to that. There would also be a
22 little access road that would be carved into the
23 woods there. Zoning, AG district and an R-1
24 zone. Towers are allowed in both areas based on
25 the zoning. Elevations, you see the difference.

2

This is about a 30 foot elevation difference.

3

Ann Kaley sits a little bit higher just based on
it's raw ground level. Site setbacks, that would
be interesting perhaps at the high school being
in proximity to the fields and what not, we'd
want to do things safely, but I think that could
be engineered. There would be a variance, it
looks like, for Ann Kaley Lane based on one of
the setbacks, which, you know, isn't anything too
unusual with towers, but it would be another
setback. There are some ecological wetlands,
ecological features near or on both sites, just
doing some map reviews that the DEC puts out.

15

16

17

18

19

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25

Neither is in the flood plain. No historic
significance. Archeological potential was
flagged and rare species were flagged. That's
probably just the luck of how the mapping was
done. Again, the important thing is that a view
shed analysis and a visual analysis was completed
for Ann Kaley Lane but not the high school.

So just to jump through the -- get to

the visuals a little bit. In order to create

this we used a CAD base from Ulster County, a GIS

tool. In a darker room you see a couple folds of

2 the land but we put in the image of the high
3 school, 30 foot and 50 foot in the middle of the
4 structure, and we put in a very thick 110 foot
5 pole. We didn't model what the antennas might
6 look like. The width of that pole is probably
7 much thicker than you would see in a regular
8 photo simulation. We then looked from the north
9 end of the high school, looking southward over
10 the high school, and 110 feet from a ground
11 perspective you would see the pole at 110 feet.
12 That could have antennas off of it or what not.
13 But the visual impact wasn't great from that end.
14 I mean you're at a distance with the campus and
15 you do have some peaking over of the building
16 there. That's at 110 feet at that south end.
17 Again, photo simulations were not done along
18 Cross Road. You get an idea from the plan view
19 aerial along Cross Road. Just south of one of
20 the baseball fields, if you hang a left there's
21 kind of a parking area there, and that would
22 serve as a possible access drive on the south end
23 of the property. And from there, a closer
24 distance, not a perfect simulation by any means,
25 there would be thicker trees or maybe some other

2 trees taken down, but that's what a structure
3 might look like. Again, the width of that thing
4 is exaggerated here for sure. That's based on
5 aerial -- it's based on GIS, it's based on
6 topography and based on some images that are put
7 in. This is really apples to apples when you
8 look at what was provided for Ann Kaley.

9 Just to go over this quickly. Again,
10 this was submitted in the original application
11 materials and it's based on two things. It's
12 based on the desktop exercise where you have a
13 map of the Town of Marlborough and it's based on
14 site recognizance with a balloon that's floated.
15 This was done at 150 feet. This is before the RF
16 -- the team's RF engineer entertained the drop in
17 height. So what's interesting about this is the
18 green in the middle shows where that tower would
19 be visible from. Of course right at the site and
20 around it, a large part of that, that 20 acre
21 property. The red dots are where they actually
22 took photos and superimposed what the tower would
23 look like. Again it's 150 feet. As you go a
24 distance, red would be not visible, and that's
25 based on GIS topography and simple line of sight,

2

not even including for trees and other things.

3

The tower wouldn't be visible from those areas.

4

There's also a lot of yellow there and some blue,
which means that it could be visible through
vegetation or partial views and things like that.

5

So it's -- you know, it is a focused -- a bit of
a focused visual influence with this.

6

The first ring is a one mile radius of
the site. Looking at the Route 9W corridor, this
may be visible just intermittently or shielded
quite a bit. We get into the Hudson River, not
visible. Further into the Hudson you could have
some visibility of it. If you're looking at the
resource of the Hudson River, looking back up the
tower would be framed much by the ridge line that
runs behind it. So I think the difference here
would be, at least from some of the views, is a
direct view looking up and framed against the sky
versus views that are looking up framed against
the background.

7

These are some of the visual
simulations that were done. I'll just enlarge
some of these. So this is a pretty good shot I
guess from Ann Kaley or Prospect.

2

MR. WALTERS: Mike, those are at 150

3

feet?

4

MR. MUSSO: Yes, these are at 150 feet.

5

MR. WALTERS: So it will drop by 20

6

feet if we go to the 130.

7

MR. MUSSO: You can see it there kind of in the middle. They're assuming a monopole, conventional arrays.

10

This is another simulation.

11

This is one looking toward the river.

12

That's certainly an open view on property looking at it. It's pretty close.

14

This is further out, obviously looking down towards the river.

16

Here's another view, too. I think that's a good perspective. Going down, it's going to diminish these somewhat but it's not going to make it invisible by any means.

20

MR. WALTERS: Agreed.

21

MR. MUSSO: One other aspect I'd like to cover if I may, and it's looking at some of the cross section plots. This gets into the service, Steve, that you had asked about awhile ago. I'm getting to it. I'm almost there. What

2 we had done is used what's called a Terrain
3 Navigator Pro or program. What we said is we
4 looked at these coverage maps, we've superimposed
5 a lot of information. Like the map that was put
6 up by the applicant a few minutes ago, we wanted
7 to look at plots, not including vegetation or
8 structures but raw topography. Going from the
9 130 foot tower at Ann Kaley Lane, that's what you
10 see off to the left, the red would actually be --
11 if you scaled that it's 130 feet. And then we
12 drew some angles down into the hamlet area. So
13 we said well, where should we -- where do we draw
14 them to. We did a couple plots like this. We
15 looked at the middle school and elementary school
16 areas. We looked at areas along Route 9W and
17 right at 9W around Western Avenue because reading
18 the application materials, that was kind of
19 ground zero of their target coverage area.

20 Ann Kaley Lane here, you see you do
21 have a pretty good line of sight, touching the
22 top of that hump, that ridge line. You are
23 getting some interference , at least on this plot
24 that we did, at the very end. The yellow would
25 indicate where some ground would be hit. So then

2 looking at the high school to that same point
3 that we picked, and this point happened to be
4 Route 9W and Western Avenue, you could see how
5 the topography would differ. Again, this is one
6 section that I chose to do. We did a couple more
7 as well. I could go to other points along 9W,
8 the high school would point a more optimistic
9 picture. This is one plot that does demonstrate
10 that topography that the applicant's RF engineer
11 was talking about a little while ago. Cluett
12 Schantz, you can see this is one of the
13 alternatives that was ruled out, and this is why
14 it was ruled out. Milton Park Landing, Memorial
15 Park, we looked at those because no coverage maps
16 were provided. So Ann Kaley to the intersection
17 of Lattintown and Plattekill Roads, it's a plot
18 moving up towards the top here, you have a pretty
19 good line of sight to that. That's one of the
20 roads in the desired or targeted coverage area.
21 The high school also sees that. You can see it's
22 a little closer to the ground, not accounting for
23 trees that might be around. Still it gets there.
24 These match up with coverage maps, by the way.
25 The orange and green on the coverage maps would

2 coincide with this somewhat.

2 the high school where we do hit some topography
3 off the back.

4 So these plots were kind of a random
5 sampling of the desired coverage areas. They do
6 play out to verify those coverage maps, and also
7 to rule out some of those other alternatives. We
8 had used them for that.

9 So the last exhibit then I'd like to
10 show you is figure 2 of our report. I think this
11 is an important one. As we heard about the
12 population counts, the roadway statistics and
13 these percentages that were thrown at us. You
14 know, the percentage increase of the incremental,
15 we didn't do that. I mean we didn't emulate
16 that. What we wanted to do was say let's boil
17 down a couple of the coverage maps. Maybe you
18 can see that yellow polygon better. That's the
19 desired coverage area. We say how would these
20 match up to each other. The brownish area would
21 be existing coverage and negative 85 DBM in
22 vehicle. That is either there now or would be
23 there from either site. So 110 foot at the high
24 school or 130 foot from Ann Kaley. If either one
25 of those would be built, that's -- the brown is

2 the coverage that would result. So that's a lot
3 of those areas. The green is existing coverage,
4 and coverage that would only be added by the high
5 school at 110 feet. So that's a difference. You
6 see off to the left half of that polygon
7 especially and outside, that points west, and
8 you'd expect that because the high school is seen
9 a little bit better to the west, as we noted.

10 But I think, you know, what's -- what was
11 confirmatory with our analysis, if you look at
12 the pink shading, the pink shading is existing
13 coverage plus Ann Kaley at 130 feet. You can see
14 9W, Western Avenue, Purdy Lane around the area of
15 the site, the middle school area, a little bit on
16 the elementary school area. Whether or not those
17 are very large, this is based only on coverage.
18 This is a map exercise, overlay map. We're not
19 taking into account the populations of the roads.
20 It's really that ground zero area where the
21 applicant has stated where they want to target
22 their coverage. Ann Kaley seems to be looking a
23 little bit better as far as going to the east --
24 the eastern part of that polygon.

25 Now, the overwhelming thing I think

2 with this map is brown. There was a lot covered
3 there, existing coverage plus for either site.
4 That's a lot of coverage there. The maps that
5 were provided -- the coverage maps that were
6 provided are based on -- getting into something
7 technical here -- 85 megahertz. AT&T, like other
8 operators, they operate at several different
9 frequencies. You hear commercials for 4G LTE,
10 that stands for long-term evolution. They have
11 frequencies at 850, as I just noted. That's what
12 these are based on. They also have frequencies
13 at 1900 and 2100 now. In general, the higher the
14 frequency the less optimistic coverage footprint
15 there is in my experience. If we were provided
16 maps that had 1900 or 2100 higher frequencies,
17 the differences would probably become more
18 prominent. So green areas probably would be more
19 green, but also the pink areas would be more
20 pink. So this is based on one of their
21 frequencies. And it's a conservative one to do.
22 I think it's really good to show the optimistic
23 form of coverage.

24 Figure 2 I think is, you know, key one
25 for the Planning Board to consider. I would also

2 submit the background we heard tonight about, you
3 know, what goes into developing some of those
4 percentages and the differences. I think this
5 map exercise is important but I think there is
6 another side of it as well to say, you know, what
7 that incremental difference is.

8 I know I probably took too much of your
9 time but those are the main things that we wanted
10 to focus on with this alternate analysis, the
11 service, the difference, maybe some food for
12 thought in terms of visual impact and maybe some
13 site information.

14 But there's two candidate sites.
15 There's a need for a site. There's a need to
16 focus within this targeted area.

17 MR. TRUNCALI: So do you have any
18 documentation saying that the third site is not a
19 candidate site, that the high school does not
20 want it at that site?

21 MR. WALTERS: After the last meeting we
22 contacted the school district at least fifteen
23 times between now and tonight -- between that
24 meeting and tonight and no response. What we can
25 tell you is we have no authorization to go on the

2 higher site. As Mike said, he really doesn't
3 like the higher site from a number of
4 perspectives. If you're giving us guidance and
5 you're really looking to nail this down, I think
6 you have to look at Ann Kaley at 130, the high
7 school at 110. That's what we have leases for.
8 We don't have the power of condemnation. We
9 can't take property. We can only do what a
10 willing landowner is willing to do. We took a
11 year to negotiate a lease with the school
12 district so we could come back to you and say we
13 can go either place. One is clearly better from
14 our perspective. I think Mike confirmed a lot of
15 that tonight. It's not dramatically better.

16 Right?

17 MR. MUSSO: Agreed.

18 MR. WALTERS: As he points out, the
19 brown -- the reason AT&T is saying either is a
20 viable candidate is, as Mike points out, it's the
21 brown. You do get enough coverage. It makes
22 sense. We would build this site if you said this
23 is what you want.

24 It really does come down to some
25 direction from the Board at this point so we can

2 move forward with one or the other and really get
3 this moving.

4 I'm sorry, I probably stole Kim's
5 thought.

6 MR. TRUNCALI: I agree the site at the
7 high school doesn't seem to be the better site at
8 110 feet. I don't know why you couldn't go
9 higher at that site.

10 MR. WALTERS: And just to nail that
11 down one thousand percent, so at that location
12 Mike did raise the height -- I'm sorry. Dan did
13 raise the height to try and figure out what it
14 would take to get those pink areas green, and --
15 was that 195? 190? The highest height --

16 MR. GOULET: The alternate high school
17 was 175.

18 MR. WALTERS: 175.

19 MS. NASON: That's the alternate.

20 MR. MUSSO: At the southern areas it's
21 190.

22 MR. GOULET: Current high school
23 location --

24 MS. NASON: 190.

25 MR. GOULET: Right. It would be 190.

2

MR. WALTERS: 190. Just so we're

3

clear, in order to get those pink areas green

4

you'd have to go to 190. So it's a difference

5

between 190 at the high school at the site we

6

have locked up, we have rights for, versus 130 at

7

Ann Kaley. At this point that's the balance.

8

MR. MUSSO: That's for equal coverage.

9

MR. WALTERS: Right. But again, we

10

went back to RF and said -- to Dan and said give

11

us the minimum height that is acceptable from an

12

RF perspective, and that's the 110 because that

13

gets you enough brown that it makes sense to do

14

it. It doesn't get you those hard to cover areas

15

because you're not going to get them from that

16

site.

17

MR. GOULET: Can I elaborate on

18

something?

19

MR. WALTERS: Sure.

20

MR. GOULET: I just want to touch on

21

something that Mike eluded to. As he mentioned,

22

what we provided here was only the 850 frequency

23

band. AT&T does have licenses, and I think we

24

stated in the report. What they have found, this

25

is in the case of just dropped calls, this is --

2 we're talking voice and data. People want
3 wireless in their homes, they want to connect to
4 the internet, they want to get -- people are
5 working from home, they want to get their
6 e-mails, et cetera. What has been the experience
7 with the carriers is as soon as they launch at
8 the lower frequency bands, right away that usage,
9 it just almost immediately approaches capacity
10 because people are downloading videos, they're
11 downloading huge amounts of data, and there are
12 statistics to show it. So what happens is then
13 AT&T has to come along and do an overlay with the
14 same antennas, 1900 megahertz, which has, as Mike
15 said, a much smaller footprint. What that means
16 now is you have to realize homes that could have
17 had coverage on the 1900 can't. They can only
18 have coverage on the 850. So you're pushing the
19 envelop as far as capacity. You haven't hit the
20 balance that you would prefer to hit is all I
21 want to mention.

22

23

24

25

MR. WALTERS: I think all of that is
kind of different ways of saying it's not quite
as good coverage. You get better coverage from
Ann Kaley Lane on an apples to apples basis.

2 I think Mike did a nice job of kind of
3 highlighting the visual differences.

14 At the end of the day, a
15 year-and-a-half later, we have two viable sites.
16 We just need -- again, AT&T thinks Ann Kaley is
17 better from a coverage perspective, but we'll go
18 -- we do not want to spend a lot of time fighting
19 about where we should go. We're prepared -- AT&T
20 is prepared to do whatever direction the Board
21 would prefer. We just need to know.

22 MR. TRUNCALI: Do the Board Members
23 have any questions?

24 MR. CLARK: Are there any emerging
25 technologies that are going to make this --

2

MR. WALTERS: I'll ask Dan to answer.

3

I'm going to say --

4

MR. CLARK: What happens -- what's the difference between this and a wi-fi or a hot

5

spot?

6

MR. GOULET: I'm sorry, what's the difference between this --

7

MR. MUSSO: A wi-fi hot spot and a cell site.

8

MR. GOULET: Oh, well the wi-fi hot spots are providing just data. No voice, number one. Number two, the macro site has a much larger footprint than a little access point that you have say at a school. What's happened is a lot of -- a lot of people want this wireless 4G LT service -- LTE service, and 3G also, because cable companies don't want to go out to the rural markets and provide internet service. So people are using the carriers for internet service.

9

Plus I want to mention, I don't know if I mentioned before, 45 percent of all E-911 calls came in over wireless devices. In fact, the FCC has -- the Government has now said that they want the carriers to improve E-911 so that they can

2 better locate within a building exactly where
3 that device is. They don't want to know that the
4 device is in this courtroom, they want to know
5 that the device is in this courtroom and it's in
6 that back room. So I mean the service is
7 critical. You know, emergency services are using
8 it, residents are using it and business people
9 working at home are using it.

10

11 MR. WALTERS: But at this point there
12 is no emerging technology that's out there that's
13 going to make the cell towers go away. Our
14 predictions are we're just going to have more
15 cell towers as time goes by.

16

17 MR. CLARK: I thought the technologies
18 that -- Uber for example. The taxi industry is
19 being turned upside down because of something
20 that has occurred in the last couple years. I'm
21 just asking do you see anything out there like
22 that that's going to be a game changer?

23

24 MR. MUSSO: No. I think the trend that
25 I gave you is more sites, lower power. The first
cell site now is broken out into two or three or
four sites to handle calls, to handle data, to
handle e-mails, to handle somebody downloading a

2 movie or whatever else is going on. Terrestrial
3 based systems lining this, they're going to be
4 around for awhile.

5 MR. WALTERS: And we were just
6 discussing whether your local law has a removal
7 requirement. If you do stop using it, you have
8 to take it down. It would go away if we stopped
9 using it.

10 MR. TRUNCALI: So what else can you do
11 to help the rest of the Town where there's zero
12 service or poor service?

13 MR. WALTERS: The build-out process
14 really takes place -- it's a never-ending
15 process. I started doing AT&T siting work in the
16 late '90s and it was supposed to be like a
17 two-year window, we're going to build out the
18 state and be done. Every year the network gets
19 re-evaluated. Every year usage is going up. In
20 the early 2000s we used to talk about wow, in a
21 few years they're projecting data usage is going
22 to go through the roof. It didn't happen until
23 smart phones came online about four years ago and
24 it just has peaked. So they're constantly
25 evaluating the network, constantly building out,

2 if you will, and improving coverage. It really
3 comes down to when it makes sense to build sites.
4 You start with the more dense areas and you work
5 your way out. In the old days we started just on
6 the roads. We covered the Thruway and 86,
7 various highways, because people were using them
8 in their cars. Now the goal is to cover houses
9 and as many as possible. So when we get this
10 site down, there will be a constant evaluation of
11 the network. At some point there will be another
12 proposal, whether it's right over the border or
13 in the Town, to cover more of the Town. This
14 will significantly improve what you've got.

15 MS. LANZETTA: I would like to say that
16 there's no doubt that we need additional cell
17 coverage, and there's also no doubt that there
18 probably will be more people coming to us for
19 additional cell towers. As you noted, we have a
20 co-location to consider later on at this meeting.

21 I was part of the group that helped to
22 develop our wireless telecommunications facility
23 law that we have in place, which I'm happy that
24 Mike acknowledged that it's a pretty good law.

25 MR. MUSSO: It is.

2

MS. LANZETTA: I'd like to remind

3

everybody that the first priority in us finding
our locations is supposed to be on Town land.

4

When we put that into the book it was with the
thought that as people will benefit from having
the cell towers, there's also impacts that aren't
as favorable as being able to get better phone
messages. So in order to help compensate the
public for those and to help mitigate for those
kinds of impacts, we felt that the public should
be given some kind of benefit, and that would be
the utilization of Town, i.e. public land.

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You've looked at the other Town properties and
you know that they are not viable. The school
site has been acknowledged as a viable
alternative. Revenues that would come in from
this are part of what we can consider as part of
the public health, safety and welfare. So it's
important to us, it's incumbent on us to consider
that, not to -- I know we can't deny, and we're
not looking to deny you, but we can consider that
in where we think the best site will be.

Also, you know, when we talk about the

coverage, the coverage is really just as good, if

2 not better, in different senses from the high
3 school site as the Ann Kaley site. So we're not
4 -- if anything, we're actually -- I mean that
5 would certainly give the public the kind of
6 coverage that they need. We wouldn't be -- we
7 would be doing our due diligence in watching out
8 for their safety and their welfare.

9 So I again would say that I would
10 prefer to look at the high school site and
11 possibly, you know, negotiate with them for a
12 higher antenna. You know, not saying you can get
13 that, but it's certainly something that I would
14 like to see in conjunction with us looking
15 seriously at that as the preferred site. That's
16 my opinion.

17 MR. WALTERS: Right.

18 MS. LANZETTA: I don't know what the
19 rest of the Board's opinion is.

20 MR. WALTERS: The only thing I would
21 say is we agree with everything you've said with
22 the exception that revenue to the municipality is
23 an appropriate general health, safety and welfare
24 consideration. The one court that has looked at
25 it, and we cited in our last submittal just so we

2 get it on the record, has said that is an
3 unlawful zoning consideration. You have to look
4 at zoning factors, where are your municipal
5 sites, how do they relate, how are they zoned,
6 et cetera. They just said revenue is not an
7 appropriate zoning consideration. We do not
8 think it is. We would suggest you do not use
9 that as your guide post. But if you prefer the
10 school site, again we said we would go there.

11 MR. BLASS: If I may, there's something
12 to be said about the consistency of cell tower
13 improvements and public buildings and public
14 properties other than the receipt of revenue by a
15 municipality.

16 MR. WALTERS: Absolutely.

17 MR. BLASS: I think that if you would
18 put people in a room and ask the question whether
19 they would be less concerned about having a cell
20 tower at the town hall or a town highway garage
21 than in their backyard in a residential
22 neighborhood, the results are arguably
23 predictable. I wouldn't want to stipulate by any
24 means or have the Board stipulate that the sole
25 purpose of the local law of the Town, or whatever

2 this Board does in terms of giving the applicant
3 guidance, was solely motivated by revenue
4 concerns as opposed to arguably consistency of
5 cell tower facilities associated with public
6 buildings.

7 MS. LANZETTA: Also, we would be
8 setting a precedent because we're saying that we
9 would prefer the use of public lands for the
10 location of the cell towers. If we start
11 allowing individuals to have these on their land
12 -- you know, we've just all acknowledged that
13 there's a good possibility that there's going to
14 be more. So I would rather not open up that
15 Pandora's box by continuing to focus on public
16 lands for the location of these facilities.

17 MR. BLASS: If I may interject one more
18 time. I apologize. I want to remind the Board
19 that this is a continuation of a public hearing.
20 There's been an extensive presentation by the
21 applicant and an extensive presentation by the
22 Town Consultant. There's also a public hearing
23 that's open this evening as well. You may want
24 to take that into consideration and solicit
25 public comment.

2

MR. TRUNCALI: I'd like to add to

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Cindy's comments that although I don't think that the high school location is the best for the hamlet, it is better for the western and southern part of the Town. I would also like to see it at a higher --

7

MR. WALTERS: Height.

9

MR. TRUNCALI: -- height if it was possible.

11

So if there are no other Board comments, we can open it up to the public to have some questions.

14

MR. BRANDS: I have a question.

15

MR. TRUNCALI: Please state your name.

16

MR. BRANDS: Chris Brands. I'm just curious. What's a typical lease acquisition and rental fee for something like this? What's the total money layout?

20

MR. WALTERS: It really varies and there's a lot of competitive issues. We would not be -- that would be confidential business information --

24

MR. BRAND: Average?

25

MR. WALTERS: -- that I would not be

2 comfortable sharing in a public hearing format.
3 It's just -- revenue should not be a key
4 consideration in any factors in siting of cell
5 sites. I understand, you know, we may have
6 different perspectives on that. That's okay.
7 Let's focus on the visual impact, those kinds of
8 things, the coverage. Basically the balancing.
9 What the courts have said is balance the impact
10 to the community versus the benefit from
11 coverage. That's what we would encourage you to
12 do.

13 MS. LANZETTA: Under SEQRA aren't you
14 allowed to consider the economic impact of the
15 project?

16 MR. BLASS: What we're really talking
17 about this evening is one judicial decision
18 coming from a State of New York trial court on
19 the issue of whether revenue generation is an
20 exclusively -- revenue generation is a legitimate
21 basis for drafting a cell tower site law.
22 Interestingly, there are probably hundreds of
23 cases in the Federal Court under the
24 Telecommunications Act challenging the treatment
25 of carriers by local municipalities. I'm not

2 aware of any authority in that area of extensive
3 and specialized litigation that deals with the
4 striking of a local zoning ordinance by virtue of
5 motivation towards revenue generation.

6 So I think that it's a case that's
7 existing. I think it was workmanlike by the
8 applicant to define it and bring it to your
9 attention. I think it would be wise for the
10 Board, in light of that case, not to stipulate or
11 pronounce that it's decision making process is
12 driven solely by revenue generation to the
13 benefit of the school district and the school
14 district's taxpayers but as well to take into
15 consideration the fact that consistency of land
16 uses is also a factor which is promoted by the
17 pecking order in the cell tower siting
18 legislation.

19 MS. LANZETTA: I thank you for the
20 explanation as to just that.

21 MR. TRUNCALI: Vince.

22 MR. MANNESE: Vincent Mannese. A quick
23 question. It was stated that because of the
24 height of the -- rephrase that. The lowering of
25 the height of the tower at Ann Kaley would not

2 have a visual impact or as much of a visual
3 impact as the one at the high school. That also
4 means it's kind of secluded and protected and not
5 as much at the high school. Therefore would it
6 not cut down the amount of coverage that it's
7 giving versus the high school?

8 MR. MUSSO: The maps -- this is based
9 on the lowering of the height, the coverage maps
10 and analysis. We made sure to look at all the
11 revised coverage maps at 130 versus 110. So my
12 perspectives on coverage, this map overlay, what
13 you heard about the business pops and everything
14 else, that's 130. All we're saying is that the
15 applicant, in their initial submittal, they were
16 looking at that time at 150 feet. That's what
17 their visual was based on.

18 The images that I showed you there that
19 I had up on the screen that had the simulations
20 of the tower, those are based on 150, not 130.
21 That would come down a little bit.

22 MR. MANNESE: That's my whole point.
23 The lower it comes, the more condensed it's going
24 to be versus the open area at the high school
25 which is going to cover south and west

2 Marlborough as well as good if not better than
3 the township itself or the village.

4 MR. MUSSO: I mean the coverage is
5 here. You're right, the high school is further
6 west. You can see the green on this map a little
7 further north. It's on and outside of their
8 coverage objective. I mean that's a true point.
9 I think the Board Members also picked up on that.

10 MR. MANNESE: Not to interrupt. It
11 goes beyond their coverage objective. I thought
12 the township was the coverage objective.

13 MR. MUSSO: The yellow polygon you see
14 up here which is a subset of the Town, it's not
15 the whole Town, it's that area that's focusing on
16 what they call the hamlet, 9W corridor, Western
17 Avenue, County Routes 14 and 14A, Plattekill.
18 It's in their detailed application where they
19 want to target coverage, in vehicle, in building,
20 homes, commercial buildings in there. It's
21 really in that yellow polygon. That is what
22 we're seeing from other applicants. They are
23 getting that specific as a targeted coverage per
24 application. It's no longer, you know, within
25 the Town of Marlborough political boundaries.

2 This is a more focused area.

3 MR. MANNESE: It's more business than
4 residential.

5 MR. WALTERS: It's both.

6 MR. MUSSO: It's really both.

7 MR. WALTERS: It's more residential and
8 more business. It's a little more rural on the
9 western and southern side.

10 MR. MUSSO: With the visuals, I didn't
11 mean to confuse you if I did before, or maybe I
12 misspoke. The perspective I want to put out
13 there is the views to 110 foot at the high
14 school, there's nothing behind it. These will
15 rise to the tree line. Ann Kaley is not going to
16 be invisible. I'm not saying that of either
17 site. One perspective is the Hudson and 9W. The
18 Hudson is a recognized sensitive viewshed.
19 Looking up you may see that framed against the
20 back of the ridge line, the back of the slope
21 there.

22 MR. MANNESE: Which?

23 MR. MUSSO: Ann Kaley Lane versus up at
24 the sky. Certainly some views it's going to be
25 visible. I'm not saying it's not going to be

2 visible. It is something to consider when you're
3 looking at perspectives and visuals.

4 MR. TRUNCALI: Any other comments?

5 MR. OSBORN: I'd like to make a
6 comment. Steve Osborn. I own one of the
7 properties in question. Just for full
8 disclosure, I'm also the Town Supervisor. I come
9 not as a private person. I gave my views on this
10 as a private person.

11 On a technical point that was brought
12 up the last few minutes here, as the Town
13 Supervisor I want to guard the Town against legal
14 problems. Just as we heard that there is some
15 ruling that you're not supposed to use economic
16 considerations in the determination that the
17 Planning Board uses tonight, I also think we
18 should be a little careful about how the Town law
19 is written. I believe the Town law is specific.
20 It says Town owned properties. I don't know if
21 -- if the Planning Board uses public properties
22 as it's motivating feature, I don't know if we're
23 getting into a similar problem since there's no
24 law saying that. I'm just asking the question.

25 MR. TRUNCALI: Do you have any comment

2 on that, Ron?

3 MR. BLASS: I think in this particular
4 case, this particular situation, the applicant
5 has made it clear that he's prepared to go to
6 either site. I don't think that this particular
7 situation is flawed with legal --

8 MR. OSBORN: I'm only worried about
9 your Planning Board's considerations and what
10 it's basing them upon. Because the applicant --
11 I'm just -- you know what I'm saying.

12 MR. BLASS: I do. I do. The
13 alternatives process here also involved many
14 public properties that are not Town owned. What
15 came out of the process engaged by the applicants
16 was two viable sites. One happens to be your
17 site and one happens to be the school site. It
18 also happens that the applicant has negotiated
19 and is in possession of a signed lease at the
20 school site. So those are fairly special --

21 MR. OSBORN: As I've said personally
22 many times, I have -- I like the idea of having
23 it at the school. All I'm worried about is the
24 Planning Board is not basing it's decision on
25 something that's not law.

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MR. BLASS: So I think that on the record being made here, the Planning Board's decision is being based on submissions of the applicant and the applicant's statements that the site is viable and they are just looking some for direction.

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MR. WALTERS: I think --

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MR. BLASS: That's not a fact pattern which I would necessarily say would repeat itself over and over.

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MR. WALTERS: I think we would agree. Again, AT&T is trying to be cooperative and work with the Town. We heard some concerns when we first came in with the Ann Kaley site. We've done a lot of work since then. We're not headed in a path where this is going to end up adversarial unless, and I'll say this out loud on the record, unless you tell us to go to the high school site, we go to the high school site, six months into that process the public comes out up in arms and the Board says you know, Ann Kaley was the right choice. That would be problematic. We just need clear direction. It sounds like two Board Members are strongly favoring the school

2 site. That's fine. If the other two agree,
3 we're on our way. We'll look at alternative
4 heights. We will have further discussion with
5 the high school about moving it. I think Mike
6 expressed some concern about going up. We'll
7 look at that as part of that application, which
8 would also include photo sims because you require
9 a balloon test. We would do that as well. In
10 essence it's a new application for the high
11 school site. We would look at alternative
12 heights. We would probably come in and certainly
13 do photo sims at 110, but maybe there's a higher
14 height to discuss. We can look at that further.
15 We'll look at the alternative location. If the
16 indication is to go to the high school, we'll do
17 that, we can't just go there and then have the
18 rug pulled out down the road. That's all I would
19 throw out there.

20 MR. TRUNCALI: Any other public
21 comment?

22 (No response.)

23 MR. TRUNCALI: Anything else from the
24 Board?

25 (No response.)

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MR. TRUNCALI: If not, I'll entertain a motion of what direction AT&T should go with this application, which site you feel is the best.

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MR. TRAPANI: Close the public hearing first.

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MS. LANZETTA: Should we close it?

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MR. TRUNCALI: Do I have a motion for what direction we would like to --

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MS. LANZETTA: I would like to make a motion that we ask the applicant to focus on the high school as their site for the location of the cell tower.

14

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MR. TRUNCALI: Do I have a second? A second? A second?

16

I'll second that motion.

17

All in favor?

18

MS. LANZETTA: Aye.

19

MR. TRUNCALI: Aye.

20

MR. TRUNCALI: All opposed?

21

MR. CLARK: I abstain.

22

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MR. TRAPANI: I'm not opposed but I'm not really decided which way yet. I just want what's best for the Town overall. I abstain.

25

MR. WALTERS: That would mean it

2 doesn't pass. Right? We don't have a majority
3 saying yes. That would mean we're proceeding
4 with Ann Kaley. We don't have clear direction to
5 do something else.

6 MR. TRUNCALI: I don't think it would
7 mean that. I think it would mean you have to
8 wait until we have another vote.

9 MR. BLASS: There's no escaping the
10 fact that the Board has an application in front
11 of it for the Ann Kaley site. There's no
12 escaping the fact that the Board does not have an
13 application in front of it with respect to the
14 high school site. The applicant was willing to
15 suspend one and pursue the other if it received
16 clear direction. There's no question of fact
17 that the applicant is not getting clear
18 direction. So the outcome of that situation is
19 that the current application has -- there's no
20 option but for it to proceed and to be reviewed.

21 I think that the Board should also
22 engage in conversations with the applicant with
23 respect to setting out a timeline for review
24 that is in some way consistent with FCC
25 regulations since you have gotten all of the

2 supplemental site information that you requested
3 and it was brought to your attention June 1st,
4 about a month-and-a-half ago. So I think that I
5 should engage on your behalf in some discussions
6 with counsel about a timeline for the prosecution
7 of the Ann Kaley site as well.

8 MS. LANZETTA: Can we write up a letter
9 -- I mean a resolution of determination that can
10 be voted on at the next meeting?

11 MR. WALTERS: I actually think we do
12 have some outstanding items. Mike did a review
13 of our initial application. One of the things he
14 highlighted was alternatives, and then we entered
15 into a long dialogue with the Board and the Town
16 on sites and alternatives. We still do have
17 items pending to Mike.

18 MR. MUSSO: Yes.

19 MR. WALTERS: We just weren't going to
20 spend the money, time and energy doing those if
21 we weren't moving forward with this site.

22 MR. MUSSO: We submitted a memo before
23 the in-depth alternative site analysis. There
24 were some deficiencies in that. It's not a
25 complete application by any means.

2 MR. WALTERS: From a timing
3 perspective, what would happen without clear
4 direction from the Board is we would then respond
5 to all of Mike's comments on the Ann Kaley site,
6 realize we're going to put a lot of law in front
7 of you about what you can and can't do under
8 Federal Law now that we don't have clear
9 direction, right, because we haven't gotten into
10 that. We've been here in I think a fairly
11 cooperative fashion. We're going to continue
12 that. Without clear direction from the Board we
13 have no choice but to perfect our application on
14 Ann Kaley and move forward with that. There will
15 be some constraints on the Board as a result of
16 the record as it currently exists. Your attorney
17 will undoubtedly provide you with a lot of
18 additional information.

23 MR. CLARK: I got this information
24 about two days ago.

25 MR. WALTERS: And you're new to the

2 Board.

3 MR. CLARK: I can't make a decision
4 based on the information I got. I'm just not
5 going to do it.6 MR. TRAPANI: Do we have a formal
7 application from the high school?8 MR. WALTERS: You have nothing from the
9 high school.10 MR. TRAPANI: How can we even consider
11 it then?12 MR. WALTERS: Because you're
13 considering it in the context of the Ann Kaley
14 application. Federal Law says you can require us
15 to look at alternatives. We've done that. We've
16 given you -- there were two viable alternatives.
17 It's now we can either proceed with the current
18 application or we can switch. We can't do both.19 MR. TRUNCALI: You have an agreement
20 with the high school?

21 MR. WALTERS: Do I have --

22 MR. TRUNCALI: An agreement with the
23 high school.24 MR. WALTERS: Yes. We have a lease. We
25 have a signed lease with the high school. That's

2 why it's a viable candidate.

3 MR. TRUNCALI: I think that was his
4 question.

5 MR. TRAPANI: I just wanted to know if
6 you had something, they can't come back and say
7 no, we don't want it here.

8 MR. WALTERS: We have a signed lease
9 with the high school, with the school district.
10 We're good on the landlord side. We don't
11 consider it a viable candidate until we've locked
12 up our property rights. Otherwise you have yeah,
13 sure, then you have a public hearing and
14 everybody is like no and the district school says
15 no, we don't want a site here. We actually did
16 this dance. You may not remember. I think we
17 covered this with an earlier application last
18 year. We spent three years with the school
19 district trying to get a site at the high school
20 four years ago, and after two-and-a-half years
21 everything was headed for a lease, they said oh,
22 we've changed our mind, which is why when we came
23 back we didn't end up at the high school. All of
24 that is behind us. It's just about moving
25 forward.

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We do have a signed lease at the high school. It really would be up to this Board, do we go with the high school. It's totally in your camp. Again, with some clear direction we would change. Without clear direction, I think we're prescribed to go forward with Ann Kaley.

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MR. TRAPANI: So you're looking at me to change my mind. I've seen what's going on with this playground equipment where everything has been changed between boards and the school, and what's been said and what's been done, and that this can not be used by the people of the Town out here. That's why I have concerns both ways. I have to stick by my concerns. I'm sorry.

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MR. WALTERS: That's fair. That's

fair. That's why you're here.

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MS. LANZETTA: So you would rather have people put up cell towers on their property, whoever wants to put one up?

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MR. TRAPANI: No, but if we have a park here that can not be used by the Town's people, right out here, it's school owned, and we have a park up the road that we've had problems up

2 there, with people up there going up and
3 harassing mothers with young children, that's why
4 I have concerns both ways. Things can't be
5 changed where they said they can't control what's
6 going on in our Town park because it's owned by
7 the State now or something.

8 MS. LANZETTA: That not true.

9 MR. TRAPANI: That's what I've been
10 told. I've been told by the school district and
11 I've been told by other people here. I'm not
12 going to say who it is. That's why I have
13 concerns.

14 I had a son that was harassed with his
15 caregiver up there and the Town can not do
16 anything for that. That's why the people can not
17 use the park out here, because the Town says one
18 thing and the school district says another. So
19 that's my concerns. I'm sorry.

20 MR. WALTERS: That's okay. That's
21 fair.

22 MR. TRUNCALI: Okay.

23 MR. BLASS: So just to summarize. In
24 effect, the applicant has stated to the Board
25 that it's willing to put it's Ann Kaley

2 application into suspense if it gets clear
3 direction that the Board feels that the high
4 school site is a preferable alternative. That
5 direction is not at this time forthcoming. So
6 the applicant has told you what it has to tell
7 you, that it will proceed with the Ann Kaley
8 site.

9 The first order of business, it seems
10 to me, is to whether to adjourn this public
11 hearing to a future date or to close the public
12 hearing.

13 MR. TRUNCALI: I think we need to
14 adjourn it. I'm sure the public is going to have
15 more comment.

16 MR. BLASS: One justification for
17 adjourning the public hearing is the applicant's
18 admitted need to respond the comments received
19 from the Town's Consultant. That would be a
20 justification for adjourning the public hearing.

21 A month or two months? Any thought?

22 MR. WALTERS: We would probably suggest
23 -- it's your second July meeting. We've got to
24 time this for a first meeting again, first
25 meeting of the month.

2

MR. BLASS: First meeting of September.

3

MR. WALTERS: I think we are looking at the first meeting of September. We would get Mike everything. Shoot for two to three weeks before the meeting, give him plenty of time to do his review and give a report to the Board.

8

MR. BLASS: You can adjourn the public hearing to the first Tuesday in September.

10

MR. TRAPANI: Monday is usually the holiday. We usually go to Tuesday.

12

MR. WALTERS: The first Monday is Labor Day.

14

MR. MUSSO: September 7th is Labor Day.

15

MR. BLASS: So you'll meet on September 8th I think. Your practice is to meet on the Tuesday following. So you'll adjourn the public hearing to September 8th.

19

MR. WALTERS: Very good. I understand.

20

MR. BLASS: Do you want to take a vote on that?

22

MR. HINES: You have to make sure there's not court that night.

24

MR. WALTERS: What if we adjourn it to the first meeting in September and we'll figure

2 out what that date is?

3 MR. BLASS: I need a date certain to
4 avoid publication and notices and that sort of
5 thing.

6 MR. HINES: I don't know if the

7 Court --

8 MR. TRUNCALI: Tuesday is the second.

9 Actually, Tuesday is the first.

10 MR. BLASS: First of September. So the
11 8th.

12 MR. TRUNCALI: 7th.

13 MR. HINES: The 7th is Labor Day,
14 Monday.

15 MR. TRUNCALI: So it's the 8th.

16 MR. WALTERS: The 8th is highlighted on
17 the court calendar, if that's relevant.18 MR. HINES: I don't know how late --
19 it's been an issue in the other building.20 MR. TRUNCALI: If we have court here
21 that night.

22 MR. HINES: Usually they are done.

23 We've had to wait. I don't know.

24 MR. TRUNCALI: Why don't we just say
25 we'll adjourn it to the first meeting in

2 September and you can figure out the details of
3 what that is.

4 MR. HINES: For the public hearing
5 remaining open we need to know.

6 MR. BLASS: I would like to do that but
7 I think you need a date certain in order to avoid
8 -- everyone here tonight probably is entitled to
9 a date certain or a republication of a date
10 certain. So the 8th we're not really sure about.

11 MR. TRUNCALI: Right.

12 MR. WALTERS: Adjourn it to the 8th.

13 If it turns out not to be the 8th, we'll have to
14 do a republication.

15 MR. BLASS: We can just do a
16 republication. Okay.

17 MR. TRUNCALI: We need to put that in
18 the motion.

19 MR. BLASS: The motion would be to
20 adjourn to September 8th.

21 MR. TRUNCALI: Can I have a motion to
22 adjourn the hearing to the September 8th meeting?

23 MR. TRAPANI: I'll make that motion.

24 MR. TRUNCALI: Do I have a second?

25 MR. CLARK: I'll second that motion.

2 MR. TRUNCALI: All in favor?

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. CLARK: Aye.

6 MR. TRUNCALI: Aye.

7 All opposed?

8 (No response.)

9 MR. TRUNCALI: So carried.

10 MR. WALTERS: Thank you for your time,
11 everyone, tonight.

12

13 (Time noted: 9:17 p.m.)

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C E R T I F I C A T I O N

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

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23 DATED: August 8, 2015

24

25

STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD

In the Matter of

CELLCO PARTNERSHIP
/b/a VERIZON WIRELESS

Project No. 15-8007
Mt. Zion Road
Section 102.3; Block 1; Lot 36.1

AMENDED SITE PLAN

Date: July 20, 2015
Time: 9:18 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA
STEVEN CLARK

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: E. HYDE CLARKE - ESQ.

MICHÉLLE L. CONERO

10 Westview Drive

Wallkill, New York 12589

(845) 895-3018

2 MR. TRUNCALI: Next up we have Cellco
3 Partnership.

4 MR. CLARKE: Good evening. I'm Hyde
5 Clarke, I'm an attorney with the law firm Young/
6 Sommer. We represent Cellco Partnership d/b/a
7 Verizon Wireless.

8 What we have tonight is an application
9 for amended site plan review. This is a co-
10 location on an existing tower that was already
11 discussed previously on Mt. Zion.

12 The tower is 260 feet tall. We're
13 proposing to co-locate at the 160 foot center
14 line twelve panel antennas. Also included in our
15 application is 12 by 30 foot equipment shelter.
16 That will be a slight expansion of the current
17 fenced compound. If you look at our zoning
18 drawings, that will show what the expansion is.
19 It's just to allow for the equipment shelter to
20 exist within the compound.

21 I believe the Board should have a copy
22 of our application. I can walk them through what
23 we've provided. We did fill out the Town's
24 complete site plan application, including the
25 letter of agent. The tower owner is American

2 Tower. That shows we do have permission to and
3 are authorized to be before the Board to pursue
4 this application.

5 The first tab is our short form E.A.F.

6 The second tab goes over the Rosenberg
7 decision. It just sets out that Verizon Wireless
8 is a public utility and as the Board looks to any
9 variances or decisions, that that should be taken
10 into consideration.

11 Tab three is just the documentation
12 under the Telecommunications Act.

13 Tab four is the Middle Class Tax Relief
14 and Job Creation Act. In that act is a provision
15 that says any co-location on an existing facility
16 is considered what they call an eligible facility
17 request, and that requires Board approval as long
18 as there's not a substantial increase to that
19 base station. So as long as we're not increasing
20 the height, not increasing what that base
21 compound is to a certain extent. Right now we're
22 not increasing the height. Like I said, 260 foot
23 tower going at the 160 foot mark. The slight
24 increase in the fence compound is not significant
25 enough to take us out of that eligible facility

2 request.

3 Tab five is just our FCC licenses.

4 Tab six is our Ag GML review letter
5 that was provided by our engineers.

6 Then we have our zoning drawings.

7 So like I said, I think as a co-
8 location, we're just looking for amended site
9 plan review so we can submit our and obtain
10 approval for our building permit.

11 If the Board has any questions, I'd be
12 happy to answer them now.

13 MR. TRUNCALI: How many cell tower
14 companies are on there now?

15 MR. CLARKE: If you look at tab C-3-A
16 in the zoning drawing, the top left corner shows
17 an image of the current tower. So above our
18 panel antennas there's currently one grid
19 antenna, one pole antenna, one panel antenna.
20 Below there's also another panel antenna, an omni
21 antenna and a grid dish. I don't have the exact
22 carriers that are on that tower. If that was
23 information the Board would like, I could obtain
24 that. I'm not positive as to who exactly is on
25 there. I believe possibly AT&T is on there

2 but --

3 MR. MUSSO: They're on there.

4 MR. TRUNCALI: Pat, do you have any
5 comment on this?6 MR. HINES: No. We're recommending --
7 Mike Musso is here -- the Board refer it to Mike
8 Musso's office for review under your Wireless
9 Act. It should be a typical procedure. Mike's
10 office handles those for us.11 It is a very high tower, it's 260 feet.
12 A structural analysis may be warranted for the
13 traditional equipment.14 MS. LANZETTA: I know on a new facility
15 you're supposed to do a long E.A.F. Is a short
16 sufficient for this or do they also have to do a
17 long E.A.F.?18 MR. HINES: I'm going to defer to Mike
19 on that. I heard the attorney's opinion that the
20 increase in the base station wasn't significant,
21 but it looks a third in size of what's there now.22 MR. MUSSO: I think, looking at the
23 plans, what was brought up before was the 2012
24 FCC Middle Class Tax Relief and Job Creation Act
25 which defined substantial changes to an existing

2 cell site. I think if you put it parallel to the
3 SEQRA or E.A.F., the short form is normally
4 sufficient. Upon looking at it or looking at
5 what the plans are, if there was a sensitive
6 resource nearby you may ask for a photo
7 simulation or something. Normally the short form
8 would be sufficient for a co-location on an
9 existing structure.

10 MR. BLASS: I don't think there's any
11 -- we'll have to take a look at the application
12 to see whether it's possible that this is a Type
13 1 action under the SEQRA regulations. If it's a
14 Type 1 action under the SEQRA regulations, then a
15 long form E.A.F. would be required. We're not
16 quite sure yet. That's one of the things that
17 we'll take a look at. I don't think your
18 Telecommunications Siting Law mandates a long
19 form E.A.F. for co-location. I don't think
20 that's a requirement of the local legislation.
21 So it's really a question of whether it's a Type
22 1 SEQRA action or not. It's probably unlikely
23 that it's a Type 1 SEQRA action by virtue of it's
24 nature.

25 I think this is being referred to Mike,

2 and it's good that it does get referred to Mike
3 because this is a co-location on an existing
4 tower, so FCC regulations that have been around
5 for two or three years put a fairly tight
6 timeframe on the Board's taking of action on the
7 matter. So it's probably important to get a --
8 unless the application is reasonably deemed
9 complete in certain areas that Mike could be
10 commenting on within the time period set forth in
11 those FCC time constraints. So I think that I
12 agree with Pat, that would be the appropriate
13 first step.

14 MR. CLARK: I didn't review this. Just
15 off the top of my head I don't remember. That
16 tower is what, sixteen years old. What about the
17 structural integrity of it? Is there an
18 improvement to the structural integrity? I
19 assume these things can hold a lot.

20 MR. CLARKE: We do have the original
21 structural report from American Tower. It's a
22 very technical report. I do not have a separate
23 independent structural report. If that's
24 something the Board would require, we can
25 certainly provide that.

2 MR. CLARK: I just heard a story where
3 a tower was going up, a piece fell. There was a
4 bent piece in it. I don't know if it affects the
5 structural integrity. I just wondered if you're
6 going to be adding more weight at that elevation,
7 I really want to know it's going to be able to
8 handle it under severe conditions.

9 MR. CLARKE: Okay.

10 MR. BLASS: Is the Board inclined to be
11 looking for a digital simulation? If so, you can
12 give the applicant guidance this evening that
13 you're interested in that.

14 MR. CLARKE: What's that?

15 MR. BLASS: A visual simulation.

16 MR. CLARKE: We did not provide that.

17 MR. TRUNCALI: I don't think that's
18 necessary. I don't know if anybody else does.

19 MR. CLARK: Nobody is going to know if
20 they put these things up.

21 MS. LANZETTA: I think if Mike is going
22 to review it he'll be able to tell us whether or
23 not we need it.

24 MR. TRAPANI: I know when we had to
25 come up with the support system on that, the

2 cables, they were on somebody else's property. I
3 think that was taken care of at that time. I
4 don't know if --

5 MR. HINES: The guide wires.

6 MR. MUSSO: I remember that years ago.

7 MR. HINES: I think there was an
8 easement extended on a previous application.

9 MR. TRAPANI: There was something where
10 they did a land swap or something.

11 MR. TRUNCALI: All right. I think we
12 need a motion to refer this application to the
13 Town's cell phone specialist -- cell tower
14 specialist for review.

15 MR. TRAPANI: I'll make that motion.

16 MR. TRUNCALI: A second?

17 MR. CLARK: I'll second that.

18 MR. TRUNCALI: All in favor?

19 MR. TRAPANI: Aye.

20 MS. LANZETTA: Aye.

21 MR. CLARK: Aye.

22 MR. TRUNCALI: Aye.

23 All right. You'll have a review and
24 then you'll be back.

25 MR. CLARKE: Is the typical review for

2 the next scheduled meeting, or how long does it
3 usually take? Are we automatically on the agenda
4 or do we coordinate with the specialist?

5 MR. BLASS: I think that unless it's
6 stipulated otherwise, the FCC shock clock
7 regulation will require a comment letter within
8 thirty days, if I'm not mistaken.

9 MR. MUSSO: It's ninety.

10 MR. BLASS: Is it ninety. It's ninety
11 and a hundred and fifty from there. I'm not
12 talking about the time to pull the trigger on the
13 decision, which is ninety days from publication,
14 plus --

15 MR. MUSSO: Complete is within thirty
16 days.

17 MR. BLASS: Complete review needs to be
18 done within thirty days. We have to do that
19 anyway. So maybe it would be right to be put on
20 the September agenda.

21 MR. TRUNCALI: August agenda?

22 MR. BLASS: I don't think there will be
23 time. Oh, August. It could be the second
24 meeting in August.

25 MR. HINES: It depends on Mike's

2 schedule.

3 MR. MUSSO: I'll look at my calendar.

4 That's the 17th?

5 MR. HINES: The third Monday.

6 MR. MUSSO: Yeah. Would this be a
7 public hearing or --

8 MR. BLASS: No.

9 MR. TRAPANI: It's the 17th.

10 MR. MUSSO: Yes, as long as we get any
11 requested information in.

12 MR. CLARKE: Absolutely.

13 MR. HINES: One of the things you're
14 going to need to generate is the structural. It
15 sounds like the Board has an interest in the
16 structural. There's at least one carrier on
17 there.18 MR. MUSSO: We might have some other
19 clarifications that might need to get answered
20 with phone calls or whatever. I have a copy of
21 the application at this time.

22 This is an extra copy?

23 MR. CLARKE: That's for you.

24 MR. MUSSO: Great.

25 MR. TRUNCALI: Is there anything else?

2 MR. CLARKE: So we are on the -- I just
3 request we be placed on the agenda for that
4 meeting.

5 MR. TRUNCALI: Okay. For the August
6 17th meeting.

7 MS. LANZETTA: At that time we'll
8 determine whether or not the application is
9 complete, and then based on that declare lead
10 agency.

11 MR. MUSSO: Right. And perhaps even
12 set a public meeting if you're comfortable at
13 that time.

14 MS. LANZETTA: Okay.

15 MR. MUSSO: That should work.

16 MR. CLARKE: Just for clarification,
17 this would require a public hearing or not
18 require a public hearing?

19 MR. BLASS: I'm pretty sure it requires
20 a public hearing.

21 MR. HINES: Our ordinance requires it.

22 MS. LANZETTA: This isn't anything that
23 gets reviewed by County?

24 MR. BLASS: Good question. It depends
25 on where it's located in terms of any County

2 roads up there.

3 MR. HINES: No.

4 MR. CLARK: It's hardly a driveway.

5 MR. BLASS: Absent a County road, or
6 County facility, or being within 500 feet of a
7 Town line, which I don't think it is, I don't
8 think there's a referral to County Planning.

9 MR. MUSSO: We could check that,
10 though.

11 MR. CLARKE: Thank you.

12 MR. TRUNCALI: Okay. Thank you.

13 MR. TRUNCALI: Is there any new
14 business?

15 MR. TRAPANI: No.

16 MR. TRUNCALI: If there's nothing else,
17 I'll entertain a motion to adjourn the meeting.

18 MR. TRAPANI: I'll make that motion.

19 MR. TRUNCALI: A second?

20 MS. LANZETTA: I'll second it.

21 MR. TRUNCALI: All in favor?

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. CLARK: Aye.

25 MR. TRUNCALI: Aye.

2

(Time noted: 9:31 p.m.)

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C E R T I F I C A T I O N

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7

8 I, Michelle Conero, a Shorthand
9 Reporter and Notary Public within and for
10 the State of New York, do hereby certify
11 that I recorded stenographically the
12 proceedings herein at the time and place
13 noted in the heading hereof, and that the
14 foregoing is an accurate and complete
15 transcript of same to the best of my
16 knowledge and belief.

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DATED: August 8, 2015

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