

George Leveille
Chairman

Nicholas Behuniak
Member

Thomas Coffey
Member

Christine Motta
Member

Kate Powers
Member

Stephen Rice
Member

John Smolinsky
Member

TOWN OF BETHLEHEM

Albany County - New York

PLANNING BOARD

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Assistant to the Board

MINUTES May 18, 2010

- 1 The Regular meeting of the Town of Bethlehem Planning Board was convened in public session in the
2 Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY at 6:00 p.m., on Tuesday, May 18, 2010.
3 Attendance was recorded as follows:
4

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Counsel Present</u>	<u>Town Staff Present</u>
George Leveille Nicholas Behuniak Thomas Coffey Christine Motta Kate Powers Stephen Rice John Smolinsky		Keith Silliman	Michael Morelli Robert Leslie Deborah Kitchen
<u>Others Present</u>			
James Loder Chuck Radliff, Sr.	Trudie Waldenmaier Charles Waldenmaier	Thomas Butler Charles Preska	

- 5
6 Chairman Leveille called the meeting to order and noted the presence of a quorum.

7 8 **Public Comment on Regular Agenda Items**

- 9
10 • ESCO Towers Telecommunication Facility (Site Plan/Special Use Permit)

11
12 There was no public comment on regular agenda items.

13 14 **ESCO Towers Telecommunication Facility – 73 Van Dyke Road, Delmar**

15
16 Mr. Leslie referred to the May 4, 2010 Planning Board meeting and noted the following: 1) Member
17 Motta had recused herself from participating in discussions and votes related to the proposed project; 2)
18 Chairman Leveille had informed the applicant that submission of a complete site plan/special use permit
19 application would be required irrespective of what has been submitted to the Zoning Board of Appeals
20 (ZBA); 3) A letter was sent to the ZBA stating that the Planning Board would serve as Lead Agency for
21 coordinated SEQR review. He noted that the ZBA accepted the Planning Board's Lead Agency letter on
22 May 5, 2010. It was also noted that Mr. Leslie, will be serving as staff liaison for the ZBA and Planning
23 Board. Variances would not be granted until the Planning Board has made a determination of
24 significance. Future expansion of the tower would require additional variances and site plan/ special use
25 permit approval and this stipulation would be noted as a condition in the approval documents. The
26 building permit application would include a Maximum Permissible Exposures (MPE) study.

27

28 Jennifer Dougherty, Esq. of Phillips Lytle LLP was present to provide information and answer questions.
29 Thomas Butler & James Loder, of ESCO Towers Inc., and Charles Preska, the property owner, were also
30 present. Ms. Dougherty stated that ESCO Towers is a locally owned company seeking approval to
31 construct a 120 foot lattice telecommunications facility on the Preska Farm. The zoning for the parcel is
32 Residential A. Photo simulations and images showing coverage gaps were displayed using an overhead
33 projector. It was noted that the applicant had originally proposed a 175 foot tower. The plan was
34 amended and the proposed height is now 120 feet, expandable to 150 feet. The tower location was also
35 shifted 20 feet closer to Van Dyke Road. The applicant is waiting for ZBA comments regarding the
36 revised proposal.

37
38 Ms. Dougherty noted that the site is particularly attractive to carriers because of the location and distance
39 from neighboring property owners. Verizon Wireless & ATT have identified coverage gaps and are
40 interested in expanding services via the proposed site - - Verizon at 110 feet and ATT at 120 feet. There
41 is a 20 foot easement/access drive off the existing road. A fenced compound measuring 85 x 85 feet will
42 surround the tower. Existing trees will provide screening. The site is not visible from the VanDerHyden
43 House, at 823 Delaware Avenue which is listed on the National Register of Historic Places. Traffic
44 impact is estimated at one vehicle per month. The project will not generate solid waste. Erosion is not a
45 concern. No significant environmental features were identified in the area of disturbance. Co-location is
46 allowed By-Right subject to a building permit. A structural analysis will calculate the weight of
47 equipment for multiple carriers. Radio frequency (RF) emissions are regulated by the Federal
48 Communications Commission (FCC). The applicant will need to submit an emissions study based on
49 maximum exposure from the proposed carriers and provide data related to hazards on human health. It
50 was noted that the distance between the site and the nearby schools is well over the minimum
51 requirement.

52
53 Ms. Powers stated that she had read a study related to the impact of cell towers on children and she would
54 share the written material with the applicant. Mr. Leslie referenced the NYS Dept. of State, Planning &
55 Design Manual for Review of Applications from the Dept. of State. He urged the members to read
56 through the manual and noted that it answers some of the questions that are being raised by the Members.
57 The issue of health is addressed on page 29. The manual states, "municipalities may not make decisions
58 based on the affects of radio frequency emissions".

59
60 The applicant is seeking a SEQR Negative Declaration for a 150 foot tower; a ZBA variance for a 120
61 foot tower; and site plan approval for a 120 foot tower. SEQR review will not commence until an
62 updated site plan / special use permit application form has been submitted. Cumulative impacts will need
63 to be considered. The applicant is in the process of updating the long Environmental Assessment Form
64 (EAF) and will be expected to demonstrate why the tower is needed. Mr. Silliman noted that Part 2 of the
65 EAF should include a comparison of different types of towers and their visual impacts, i.e., lattice,
66 monopole, stealth, frankenpine (monopine). The applicant should also provide reasons why carriers
67 would not be able to co-locate on existing structures. Ms. Dougherty stated that a radio frequency
68 analysis will address the reasons why co-location is not an option. She also referenced Exhibit D of the
69 April 8, 2010 submission to the ZBA because it relates to FCC guidelines. A copy of the exhibit was
70 included in a document submitted to the Planning Board on April 28, 2010.

71
72 Mr. Smolinsky would like the applicant to provide details about the photos, specifically camera type, lens,
73 focal length, coordinates and GIS layer on photo simulations in future submissions. Mr. Leslie suggested
74 that the applicant address the basic principles of design on the photos they plan to submit, i.e., scale, line
75 and form. It was noted that the ZBA members and Planning Board Members may wish to participate in a
76 "drive by test" and a crane could be used to simulate the tower. Mr. Coffey stated that he would like the
77 applicant to identify the improved coverage area and anticipated results of the project. Mr. Silliman noted
78 that there is a frankenpine tower located between Exits 23 & 24 of the NYS Thruway. Mr. Leslie stated
79 that lattice towers can become unattractive if there are a lot of wires.

80
81 Mr. Morelli asked what precautions would be taken to preclude the land owner from removing the
82 existing trees? Mr. Preska stated that the location of the tower was shifted to accommodate the ZBA's
83 request to increase the distance between the tower and the nearby trees. He also stated that a few
84 diseased trees were removed but most of the timber that was cut on the property came from a different
85 tree lot that is not in the project area being discussed. Mr. Rice stated that it may be beneficial for the
86 applicant to provide the Board with a health assessment of the existing trees.
87

88 The project was referred to the Albany County Planning Board (ACPB) in June 2009 because it is located
89 in an Agricultural District. The ACPB recommended that variances should not be granted unless National
90 Grid (NG) gives written indication that the setback from the utility right-of-way is acceptable. A letter
91 from NG, dated July 2009, states that it does not object to the modified plan to construct a tower with a
92 height no greater than 150' so long as the height of the tower does not exceed the tower's setback distance
93 from NG's property lines.
94

95 Chairman Leveille summarized the discussion and noted that the applicant must submit a complete
96 application and radio frequency information prior to the Board conducting an environmental review.
97

98 Upon motion by Mr. Behuniak, seconded by Mr. Rice and unanimously approved by all Members
99 present, further discussion regarding the proposed project was tabled. Ms. Motta abstained.
100

101 **Minutes**

102

103 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey, the Members voted to approve the April 6,
104 2010 minutes, as written. Ms. Motta abstained because she was not present for the April 6th meeting.
105

106 Upon motion by Mr. Behuniak, seconded by Mr. Coffey, the Members voted to approve the April 20,
107 2010 minutes, as written. Mr. Leveille abstained because he was not present for the April 20th meeting.
108

109 **Meeting Schedule**

110
111 06/01/2010 - Town Hall - 6:00 p.m. - Public Hearing / Regular Meeting – Hauerwas Subdivision
112 06/15/2010 - Town Hall - 6:00 p.m. - Regular Meeting
113

114 Respectfully submitted,
115 Deborah Kitchen
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