

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

November 22, 2021

Members present: Thomas Pratt; Gary Mason; Val Koch; David Vredenburg; Luke Gianforte, Alternate Member; Michael Palmer, Alternate Member

Members absent: David Silverman

Others present: Roger Cook; John Langey; John Dunkle; Robert Cowherd; Jared Lusk; Donna Love; Gary Leshkivich; Vicky Leshkivich; Brendan Rigby; Mary Mc Grath; Betsy Nash; Micael Speirs; L. Andrew Nash; Stuart Singer; Michael Montalto; Doug Morrison; Cristina Knapp; Eric F Knapp; Kate Hill; Jen Wong; John Tallett; Bill Fox; Marjorie Tormey; Jenny Coughlin; Gregory Alton; Kyle Reger; Barbara Lindberg

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T. Pratt called the meeting to order at 7:30 p.m.

Roll was then taken.

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Motion by G. Mason seconded by V. Koch, to approve the October 25, 2021 meeting minutes was carried unanimously.

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The next regularly scheduled meeting will be Monday, December 27, 2021.

There will be a work session Tuesday, December 21, 2021.

T. Pratt also welcomed Michael Palmer as the new Alternate Member of the Board.

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T. Pratt asked that the rustling of papers, the clicking of pens, and other background noise be minimized for the sake of the recording.

T. Pratt advised the public to provide their name and address and to come forward when speaking during the public hearing. He asked that they make statements, not ask questions, address the Board not the Applicants, and they not repeat previously stated comments.

He said in Mr. Silverman's absence, Luke Gianforte was a voting member for this evening's proceedings.

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*Hoagland, Paul - #19-1 – B & B Special Use Permit Renewal – 5099 Rathbun Road, Cazenovia*

T. Pratt explained this was a special use permit renewal for the operation of a Bed & Breakfast (B & B) issued in 2019. He asked Mr. Cook if he had an opportunity to inspect the site.

R. Cook said he and Mr. Hoagland will have the inspection completed for the December meeting.

Motion by D. Vredenburg seconded by G. Mason, to continue the file until the next meeting was carried unanimously.

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*Cowherd, Robert C. Jr. - #01-73 – Special Use Permit Renewal – 2350 Route 20 East, Cazenovia*

Robert C. Cowherd Jr was present to represent the file.

T. Pratt said the special use permit was to sell cars. He asked Mr. Cook if he had inspected the site and if there were any complaints.

R. Cook responded that there were no complaints, and as the Board could see in the inspection report, Mr. Cowherd was meeting the criteria set forth by the Board those many years ago.

Motion by V. Koch, seconded by D. Vredenburg, to renew the special use permit with the same terms and conditions as previously approved was carried unanimously.

*Sparks, Cheryl - #20-1 – B & B Special Use Permit Renewal – 1995 Stanley Road, Cazenovia*

T. Pratt said this was a renewal for a B & B. He asked Mr. Cook if he had inspected the B & B and if there were any complaints.

R. Cook answered there were no complaints and Ms. Sparks was in compliance.

Motion by G. Mason, seconded by L. Gianforte, to approve the special use permit for the B & B with the same terms and conditions as previously approved was carried unanimously.

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*Lounsbury, Tucker & Lisa - #21-1393 – Use Variance – Off Cobb Hill Road, Cazenovia  
(Thomas Pratt) Blue Sky Towers III, LLC/Verizon*

T. Pratt explained the application was to build a 150-foot telecommunications tower. He asked if Mr. Langey would explain the use variance for this special occasion before they begin the discussion.

J. Langey said it has been 10 – 15 years since a use variance for a cell tower has been submitted to the Town. He said the legal standard for a normal use variance would not be applicable for this application. A special standard would be applied since this was deemed a public utility by the Federal Government. He elaborated that the burden on the Applicant was to demonstrate a need for the tower – that there was either a gap or a weakness in the coverage that exists. The Zoning Board of Appeals (ZBA) can make inquiries regarding the environmental impacts of the project, can assess if this will be the best location or if there are other locations the Applicants should consider, and can require the Applicant to demonstrate the need for the height requested.

J. Langey said the Engineer for the Town, John Dunkle, was in attendance this evening, and in his conversations with him, the Board may want to confirm some of the information with a specific expert regarding the gap coverage. He suspected the Board will consider a motion to hire an additional expert on that issue. Mr. Dunkle will advise the Board on other (engineering) aspects including the environmental review.

J. Langey repeated the standards for other use variances will not apply to this application. The standards to be used are those set forth by the Federal Government and case law.

J. Langey thought the only decisions to be made at this meeting would be initial environmental determination to be the Lead Agency and to identify the other Involved and Interest Agencies associated with the project.

T. Pratt asked the Applicant to come forward at this time.

Jared Lusk, Esq. of Nixon Peabody, LLP was present to represent the file. Also in attendance was Donna Love of Blue Sky Towers III, LLC, Mike Montalto, the Project Engineer from Costich Engineering DPC, and Doug Morrison.

J. Langey said it was his advice that the ZBA assume the role as Lead Agency. He explained two (2) approvals were needed from the Town – one from the ZBA and one from the Planning Board. He said the Planning Board would be an Involved Agency. He said the Madison County Planning Board, who already issued their opinion regarding the proposal, would be an Interested Agency. He asked Mr. Lusk if he knew of any other permitting agencies that would be deemed Involved Agencies.

J. Lusk indicated he knew of no others.

J. Langey, in considering other Interested Agencies, thought that New York State Department of Agriculture & Markets (Ag & Markets) should be included. He then asked if there were any historic resources to be considered.

J. Lusk did not know if any.

J. Langey noted the question addressing that item, found on the Full Environmental Assessment Form (FEAF) Part 1 on page 13 under E.3 e had been left blank.

J. Dunkle noted the box for the same section regarding whether the site contained or was substantially contiguous to an archaeological site was also unanswered.

J. Lusk added another unanswered question found on page 2 C.1 should have been checked “no,” but was unmarked as well.

T. Pratt asked Mr. Lusk to give a summary of the project.

J. Lusk said he was the attorney representing Blue Sky Towers as well as Verizon. He said the need for the tower was outlined in Exhibit F of the application. He then read from page 2 of Exhibit F saying, “The purpose of the Cobb Hill wireless telecommunications facility is to provide an adequate and safe level of emergency and non-emergency Verizon Wireless 4G communications services across underserved areas within the western portion of the Town of Cazenovia. More specifically the facility will offer significant improvements in both coverage and capacity (ability for the network to adequately satisfy the demand for high speed wireless services) to the suburban neighborhoods and rural communities in and around the Cobb Hill area in the Town. Specifically including 1.4 miles along County Route 13, 1.1 miles along Cobb Hill Road, .8 miles along Ballina Road – as well as a few other local and rural community roads.”

J. Lusk said page 3 of Exhibit F showed the coverage and he pointed out a section in white that was the area they were trying to cover.

J. Lusk said the Radio Frequency Design Engineer (RF) for the project was having health issues and was not in attendance. He said the RF Engineer had provided some information. He pointed out there was an existing tower near Delphi Falls and a site in Cazenovia to the north of the area being proposed. He said a few other sites provided extraneous coverage to Cazenovia, Cazenovia Central, Nelson, New Woodstock, and Sheds. He explained the white area (shown on page 3 of Exhibit F) did not indicate an area where there was no coverage; it indicated that coverage was unreliable. The power level -85 decibels per milliwatt (dBm) was the level considered to be reliable. He explained a common problem throughout Upstate New York was the amount of traffic that was being demanded. Due to the number of devices being used, the increase in demand for data was 65% since 2017 – 2018. He said this volume of traffic resulted in the need for more towers. He said there was the problem of capacity as well as the problem of coverage.

J. Lusk said page 4 of Exhibit F showed the coverage that would be provided by a 146-foot tower with a 4-foot antenna. Another page showed the coverage if the tower were only 100-feet, illustrating the point that the 150-foot proposal was needed for the desired results.

J. Lusk said Exhibit G addressed site selection which was based upon topography and geography. Figure 1 found on page 6 of the report outlined the search area. He said Doug Morrison's job was to identify parcels within the search area and to contact landowners to see who would be interested in leasing to Blue Sky/Verizon. Figure 3 found on page 8 of the report showed the landowners who were contacted. He said 11 properties were identified; the following eight (8) landowners either did not respond or were not interested:

- 1) Chard,
- 2) Perry,
- 3) Moore,
- 4) Raymond,
- 5) Grover,
- 6) Von Schrader,
- 7) Spencer, and
- 8) Knapp.

J. Lusk said three (3) property owners responded. The first was the McLeans at 3751 Rippleton Road which had 154 acres and was an older residential home with the remainder of the property being wooded. He said due to the excessive length of the driveway and the number of trees that would need to

be removed, the RF Engineer did not choose this as the first priority. The tax map number was 118.-1-48.

J. Lusk said the second property belonged to Kevin Ridlon located at 3699 Route 13. That parcel was nine (9) acres, contained a single-family residence and wooded area, and was just outside the target area.

J. Lusk said the third property was the Lounsbury property at 3639 Cobb Hill Road. This property was 21 acres and is a single-family residence and a working horse farm. It was near the center of the search ring and was large enough to accommodate the required setbacks for the tower. Due to the location and the topography, this was selected as the primary candidate by the RF Engineer. The site provided natural screening due to the dense vegetation. It has an existing driveway which services the house and the barn, and could be extended behind the barn to the tower site without requiring the cutting of trees. He said from a location and a development perspective, this was the best site.

J. Lusk explained the entire search area was within the Rural A (RA) Zone (which is for residential use), so any location chosen for the tower would require a use variance because towers are prohibited in the RA Zone. He said to deny the variance would result in the denial of coverage for the area.

J. Lusk then showed the Board the drawing entitled *Overall Site Plan CA 100* last revised 09/16/2021 by Costich Engineering found in Exhibit M. He showed the features of the property with the existing driveway, and explained how they would avoid the wetlands as they extended the driveway to the tower site.

G. Mason noted the driveway would have to cross the existing natural gas line and asked for a letter from National Grid allowing them to drive over the gas line.

J. Lusk said the driveway would be the typical design to accommodate pick-up trucks and vehicles of that nature, saying, “it would be fine for the utility corridor.” He said he knew that was a concern raised.

M. Palmer asked if two (2) parcels were shown.

J. Lusk explained the landowners’ home was on one parcel and their barn was on another parcel. (The site of the proposed cell tower would be on the barn parcel.)

J. Lusk said the site would be surrounded by trees.

G. Mason remarked the trees would not be the height of the tower.

J. Lusk agreed they would not be.

J. Lusk said it was important that the Board note all the information in the plan. He then turned to the tree survey information also provided in Exhibit M (drawings CA 130 & 131). He said most of the trees in the vicinity would be 40 – 60 feet tall pine trees. He said the entire compound would be surrounded by the trees that were already there.

J. Langey asked for clarification that the need was to “obtain adequate coverage, not the best coverage that’s available anywhere in that area; it’s to find the best spot that provides adequate coverage to fill the gap that your RF Engineer would certify.”

J. Lusk stated the correct term was “adequate and reliable,” meeting the -85 dBm level.

J. Langey asked that they answer the question from their engineer’s perspective at the top of page 13 of the FEAF informing the Board that the site itself would not be substantially contiguous to a building, archaeological site, or district which is listed on the National or State Register of Historic Places or that has been determined by the NYS Office of Parks, Recreation and Historic Preservation (SHPO) to be eligible for listing on the State Register of Historic Places. He said that was question “e” which was left unchecked on the form so he asked that the Applicants submit that page with the correct boxes checked so the Board would have a complete EAF.

J. Lusk asked Mr. Montalto about that, believing that was usually checked automatically by the Department of Environmental Conservation (DEC) Mapper.

M. Montalto explained they used the DEC online Mapper and went to SHPO’s “circles and squares” and the area “did not come up as archaeologically sensitive, so that was why the two following questions were checked “no.” He said they would update the missing answer correctly.

J. Dunkle said he would verify the answer as well.

T. Pratt had some other items on the FEAF he wanted to address too.

T. Pratt asked that under question C. 2 b. on page 2 that the viewshed be acknowledged. He saw that a viewshed form was submitted as the Visual EAF Addendum, but he believed it should be acknowledged that it was special area on page 2.

J. Lusk asked if it was the Route 13 viewshed.

T. Pratt was unsure of the specific name of the viewshed.

T. Pratt noted D.1 g. on page 4 said the total number of structures would be one; he asked if there would be a structure (as well as the tower).

J. Lusk answered there would be equipment cabinets which would be 2’ X 4’ locked, exterior equipment cabinets on a 4’ X 8’ concrete slab. He said years ago there used to be equipment shelters, but they no longer use that design.

T. Pratt asked Mr. Cook if the equipment cabinets would be considered a separate structure.

R. Cook answered the tower and the equipment shelters were always considered one structure and added they were also never considered as accessory structures on a lot without any dwelling.

T. Pratt asked about the answer for D. 2 c. on page 5 where it was stated the proposed action would not create a new demand for water. He wanted to verify that was correct.

J. Lusk said that was correct – it would be an unmanned utility structure.

T. Pratt then asked about the answer provided for question D. 2 e. on page 6 asking if the proposed action will disturb more than one acre and create stormwater runoff, either from new point sources or multi-point sources.

J. Lusk believed the answer was checked “no” because there would not be more than an acre of disturbance.

J. Dunkle noted the form said .84 acres would be disturbed.

T. Pratt asked about the answer given for question D. 2 k on page 7 asking if the proposed action would generate new or additional demand for energy. The answer given was “no”, but the answers given in the sub questions indicated there would be.

J. Lusk said the answer “no” should be corrected to be “yes.”

T. Pratt continued by asking about the answer recorded for question D. 2 m on page 8 asking if the proposed action would produce noise that will exceed existing ambient noise levels during construction, operation, or both. He saw that the noise during construction was acknowledged, but he wondered if the generator would also produce noise.

J. Lusk responded the noise of the generator would be that of a residential generator, similar to a window air conditioner, so the noise would not be above ambient levels.

G. Mason asked how often the generator would run.

J. Lusk answered it would exercise for 15 minutes once a week and then run whenever the power was out.

J. Langey asked if it would be gas powered.

J. Lusk said it would be diesel.

M. Palmer asked the kilowatts and the decibels.

J. Lusk believed it would be 50 – 60 dB.

M. Palmer thought the decibels should be known and should be provided with the generator specifications.

G. Mason agreed.

M. Palmer commented he was more concerned about sound than he was the power of the generator.

T. Pratt said for question D. 2 n it was stated that the proposed action would have outdoor lighting, but he did not find any details about the lighting in the drawings.

J. Lusk explained the 2' x 4' cabinet that contains the radio would have a gooseneck LED light on a timer inside the cabinet in case the technician needed to work in low-light hours and the timer would extinguish the light within 30 minutes if the technician forgot to shut off the light. He called it a trouble work light. The details for the light were found on drawing CA 501.

V. Koch asked if there would be any Federal Aviation Administration (FAA) lighting associated with the tower.

J. Lusk said there would not be.

J. Langey asked about the answer given on the FEAF, “(1) 25W flood light mounted on H-Frame, 8' above grade” would be outdoor lighting and if that was the light Mr. Lusk had just described.

J. Lusk affirmed it was. He affirmed the light would be eight (8) feet above grade over the cabinet and only used when work was being done in the cabinet during low light, repeating the light would be on a timer in case it was mistakenly left on.

J. Langey asked for clarification that there was no FAA requirement for lighting or striping.

J. Lusk stated that was correct.

T. Pratt noted the answer to question E. 2 d on page 11 was that the average depth to the water table on the project site was 1.5 – 2 feet.

M. Montalto said that figure was based on the wet soil survey and the seasonal high ground water, saying that figure fluctuates with the seasons, so in the springtime, when ground water is higher, it would be likely that there would be “water up there.”

T. Pratt presumed there would be a foundation beneath the structure. He and the Applicants acknowledged the condition.

T. Pratt also noted under question E. 2 h i on page 11 that the project contains wetlands.

J. Lusk said the closest wetland area was the one where they propose to adjust the driveway to the tower to skirt the wetland.

M. Palmer asked if it was a designated wetland or a wet area.

It was clarified that it was an Army Corps of Engineers (ACOE) Federal wetland.

T. Pratt said under the list of activities found on the second page of the State Environmental Quality Review (SEQR) Visual EAF Addendum it should be noted that there are hiking trails in the area for recreational activity.

T. Pratt said there was no doubt that the proposal would be in the viewshed area impacting that resource, so he asked that a time be coordinated to float balloons so the Board and neighbors could better assess the location and impact.

J. Lusk asked if the visuals in the submission had been seen.

G. Mason affirmed they had.

T. Pratt said the color for the array and the tower should be neutral, and he noted there would be no stripping.

T. Pratt asked about guy wires.

J. Lusk said there would be no guy wires. He said the pole would be galvanized which he clarified qualified as a neutral color.

T. Pratt asked about the new impervious surface areas and the related storm water management, clarifying that had all been addressed.

J. Lusk responded that would comply with State law regarding erosion and sediment control.

J. Dunkle interjected that he would be reviewing that plan.

T. Pratt spoke about limiting tree cutting.

T. Pratt said the Board presumes there would be no vibration, no noise, no odor, no traffic impact, and no FAA concerns.

J. Lusk responded that was correct.

T. Pratt asked about a maintenance plan.

J. Lusk said Blue Tower/Verizon maintains their towers as required by the Federal Communications Commission (FCC) and the American National Standards Institute (ANSI) standard which must be maintained for compliance. He said he could provide information about that maintenance.

T. Pratt also requested any plans for painting, trimming, road work, and any other related work.

J. Lusk said there should not be much that would need to be maintained since the cabinets would be weatherproof, and the pole would be galvanized. He asked if grading of the road was considered the maintenance of the road.

T. Pratt acknowledged that would be, as well as winter plowing.

J. Lusk was unsure if the road would be plowed.

T. Pratt believed he read there would two visits per month.

J. Lusk said 1 – 2 visits were the average, but he was unsure if those were performed in the winter since the tower would be remotely monitored. He thought the only time a technician would visit the site in the winter would be if there were a problem.

T. Pratt asked if there would be any interference with any other radio signals or consumer electronics.

J. Lusk said a non-interference report had been completed and submitted. He explained it was against the law for there to be interference with other RF frequencies. He was aware there was a neighbor, Mr. Alton, who has been in contact with Verizon through Mr. Lounsbury. Mr. Alton operates a Hyman-Almy-Murray (HAM) amateur radio station. They will have Mr. Alton speak with the RF Engineer about any interference problems. He repeated the non-interference certification had been provided as well as the electromagnetic levels.

T. Pratt asked how the facility would be secured to prevent unauthorized climbing on the pole.

J. Lusk answered there would be no climbing pegs less than 20 feet from the ground and there would be a 7-foot fence topped with barbed wire.

T. Pratt asked about the bond for removal.

J. Lusk said if the proposal were approved, the bond for removal would be a condition, and they would create that for submission with the building permit application.

J. Langey asked the length of the bonds, wondering if they would multi-year in nature.

J. Lusk said they would be multi-year, but those typically were handled by Blue Sky's lender, so he was not familiar with them. He said they would provide more information about that.

J. Langey said if the Board were to approve the project, they would probably impose a condition for bond replacement with a sufficient amount of time for the Town to react before the bond were to expire.

J. Lusk commented that was not atypical.

T. Pratt then asked about co-location of the facilities.

J. Lusk said Blue Sky was in the real estate business, so he said they were hoping for co-location. Referring to drawing CA 500, the diagram of the towers showed the areas reserved for future carriers.

M. Palmer asked if there would be sufficient electricity for future use.

J. Lusk affirmed there would, saying the design included potential tenants.

J. Langey asked if Verizon was aware of a gap in service for other carriers in the specified area.

J. Lusk joked Verizon would say they have the best service in the area so if they are experiencing a gap, other providers are too, but he said in all seriousness, Verizon would have no way of measuring any other provider's service.

J. Langey explained he was wondering if any other carriers would desire space on the proposed tower, and conversely were there any existing towers owned by other carriers on which Verizon could share space.

J. Lusk said that was a routine practice, but there were no other towers in the search area. He had seen correspondence that an individual had great coverage from T-Mobile, but he had no way of verifying the service. He said he was not doubting that was true, but the request being sought was for Verizon service.

J. Langey said the same letter suggested there were additional structures in the area that could be used if Verizon would be amenable towards using that to close the gap in coverage.

J. Lusk responded any tall structure within the search ring had been evaluated for height. He thought the silos in question were across Route 13 and not within proximity of the search ring. He repeated the necessity for the 150-foot height. He said there was no silo in this part of the world that was 150 feet tall. He remarked it would be much less expensive to co-locate on an existing facility than building a new tower, so if that were an option, Verizon would be pursuing that.

J. Dunkle asked if Verizon was on all the adjacent towers in the area.

J. Lusk said he could not answer that question. He said there was a map in the submission that showed all Verizon's existing facilities, and repeated there were no towers (owned by other carriers) near the gap area.

G. Mason asked if Verizon owned the Kiley Road tower.

J. Lusk was unsure.

G. Mason said that tower was only three (3) miles from the Cobb Hill area.

J. Langey asked if this would be line-of-sight technology.

J. Lusk affirmed it would be.

J. Langey then asked about the difference between 3 Generation (3G) versus 4G and 5G. He believed the service provided in the area was 4G.

J. Lusk said that was correct and gave a brief explanation of the four (4) different frequencies and the history of development.

J. Langey asked if the proposed tower would be incorporated into a 5G network.

J. Lusk explained the technology for 5G in rural settings has not been developed.

J. Langey recalled the submitted material exclusively discussed 4G.

J. Lusk responded that was correct. He said this would be a 4G infrastructure. He elaborated he could not state that the tower would not be used for 5G, or whatever was developed in the future, but it would not be used for the 5G service being advertised in urban settings at this time.

T. Pratt asked about the construction schedule, believing it was stated it would be approximately three (3) months.

J. Lusk said typically it takes 1 – 3 months, weather permitting.

T. Pratt asked about danger to wildlife or habitat.

J. Lusk answered it would be an 80' X 80' fenced compound.

T. Pratt stated he has significant reservations about putting the tower in a viewshed identified in the Comprehensive Plan for the Town.

G. Mason said the viewshed was his primary concern as well. He was also concerned about the neighbors' view of the tower. He repeated the need for the balloons to be flown believing one location chosen was at the lowest location possible.

J. Lusk responded that he had not been present when the first balloons were flown. He said they would repeat the test, and that he appreciated the comment.

G. Mason believed the neighbors should be notified when the balloons are floated so they can also gain perspective.

J. Lusk asked if they should let Mr. Cook know so the neighbors can be aware.

J. Langey answered to let the Town know so it could be advertised on the Town website. He asked when they thought that could be done.

M. Montalto said they would probably provide the Town with a range of days since it would be weather-dependent, needing to be done when the wind was favorable.

J. Lusk elaborated that if the wind was more than 5 – 7 miles per hour the wind would become problematic.

J. Langey asked about the timeframe during the day when they expect the balloon test to be done.

J. Lusk responded the quietest time for wind was usually early in the morning.

J. Langey commented obviously it should be done when there was daylight. He explained to the audience that the Applicants would create photograph simulations from various vantage points from the

test. He advised them to check the website to see when the test would be scheduled, so they could see for themselves the scope of the height. He said the photo simulations would also be on file and available for inspection once they were created.

J. Lusk elaborated two (2) balloons would be flown. The higher balloon was a tracer balloon, but it would be the lower balloon that would be the height of the tower.

M. Montalto explained two (2) red balloons would be flown, and he said they would try to schedule the test for a Saturday for the neighbors' convenience.

J. Lusk interjected that would be weather permitting.

G. Mason said he wondered about alternative locations. He asked if it could be placed on the Hampton Inn roof, which he thought was near the ring.

J. Lusk did not think "it could go that far."

G. Mason opined what was being sought seemed very limited.

L. Gianforte believed his questions had been addressed and was interested in the public comment.

D. Vredenburgh agreed.

V. Koch asked the population of the area the Applicants were trying to serve.

J. Lusk answered a lot of the coverage involves the gap along Route 13, so it was more a geographic location than the population.

M. Palmer asked how the Applicants determine need. He asked if it was based upon complaints. He understood there were industry standards, but he wondered about the criteria used to determine need.

J. Lusk said they could ask the RF Engineer. He knew the -85 dBm was not met. He said another contributing factor was that the other towers would also gain relief from traffic from the addition of the centrally proposed tower.

M. Palmer asked if there had been complaints.

J. Lusk responded the RF Design Engineer was responsible for the network, so he has determined, based on the traffic on the surrounding towers and the hole in coverage, the FCC obligation to provide reliable coverage, through the coverage area, warrants the proposal.

M. Palmer asked if the proposal was then driven by the FCC requirements regarding the level of coverage for adequate and reliable service.

J. Lusk explained when the FCC sells the frequency, Verizon has an obligation to deliver adequate and reliable service to the licensed area.

M. Palmer asked if there was an industry standard for “adequate and reliable (service).”

J. Lusk indicated it was the -85 dBm.

J. Langey asked why the need has arisen at this time.

J. Lusk thought that was a question for the RF Engineer, but he thought it was due to a combination of the hole as described and the traffic on the surrounding sites.

J. Langey asked if the RF Engineer would attend the next meeting.

J. Lusk responded, “God willing.”

J. Dunkle recommended the Town retain an outside RF engineer to review and verify the Applicants’ RF Engineer’s report. He said he was not qualified to do that himself as a general engineer. He said the cost of the outside RF engineer would be the Applicants’ responsibility.

J. Lusk responded that was not uncommon.

J. Dunkle said he would research potential candidates.

J. Lusk knew of one, William Johnson, who is employed at Rochester Institute of Technology who works exclusively for municipalities.

M. Palmer asked about the alternate location at the McLain property. He thought the driveway was an issue, having to be longer.

J. Lusk said he would provide more information about that issue.

M. Palmer asked if the McLain property would be outside the viewshed which concerned the Town.

J. Lusk remarked it would be difficult to hide a 150-foot tower anywhere in the viewshed.

M. Palmer explained there was a designated viewshed, however, and wondered if the McLain property was outside that designated area.

J. Lusk answered the parcels were contiguous, so he doubted that would be the case.

T. Pratt asked about the drawing submitted as Exhibit I entitled *Viewshed/Photo Location Map Cazenovia – Cobb Hill CE#7539* dated 6/8/2021.

J. Lusk said this document was created to show where the proposed tower would be seen within a 3-mile radius.

J. Dunkle clarified that did not delineate the designated viewshed.

M. Palmer asked if there was a map that showed the sites in relation to the designated viewshed.

J. Langey explained the Comprehensive Plan has a documented viewshed.

J. Lusk asked if the Comprehensive Plan was on the Town website.

R. Cook said the office would see that Mr. Lusk receives the specified information in the Plan.

J. Lusk explained how the topography affects the height of the tower.

J. Dunkle informed the Board the tower has not yet been designed. He said that design would be submitted later in the review process at which time the Design Engineer would need to certify and stamp the plans for engineering review along with geotechnical data.

J. Dunkle noted there was a letter from the Engineer stating they will design the tower to accommodate up to four (4) other providers. He believed the Code requires five (5).

J. Lusk believed there would be five (5) total as proposed including Verizon.

J. Dunkle stated he would be reviewing the site plan, erosion control, and similar details.

J. Dunkle suggested the Applicants supply a letter of documentation from the gas line owner that they approve of a road crossing the gas line. He agrees the degree of traffic for the maintenance of the facility will be minimal, however heavy vehicles will be needed during construction.

R. Cook clarified the Code requires five (5) accommodations for other carriers, so six (6) carriers would be the total number to be designed.

Motion by V. Koch, seconded by G. Mason to open the public hearing was carried unanimously.

T. Pratt reminded the audience to please come forward when recognized and to provide one's name and address for the record. He asked that comments be made to the Board. He instructed the speakers to make statements, not to ask questions, and not to repeat statements after they have been stated once.

Mary McGrath of 3896 Burlingame Road was the first to speak. She said in addition to her Burlingame Road residence she and her daughter and son-in-law recently purchased Eleanor Chard's property on Cobb Hill Road, which was 155.2 acres. The Burlingame Road property has about 45 acres. She and her husband are both physicians who take calls nights, weekends, and holidays, and who completely rely on their cell phones to receive those calls. They have used both Verizon and AT&T for 21 years and have never had a problem with coverage. She works at SUNY Upstate Hospital, and her husband works at the Syracuse VA Medical Center currently and worked at Crouse Hospital previously. They completely rely on their cell phones for emergency cases and repeated they have never had a problem with cell phone coverage. She said the Cobb Hill Road/Burlingame Road area recently has had access to high-speed internet service. She said from the neighborhood's practical perspective there was not a problem with coverage. She spoke about "the pristine, unspoiled beauty of the area" which she said, "was unmatched." She had spoken to Mrs. Chard for years about acquiring the property for its preservation and protection from development. She said the tower would impact the natural view, and it

would impact the miles of trails used by hikers, horseback riders, walkers, skiers, and snowshoers all year round. She said there was now no disruption in the natural beauty of the area, which was rare and a reason to live in Cazenovia. She spoke of wildlife such as osprey that live on the Chard pond and in the wetlands that should be protected and preserved. She was unsure if there would be an effect on migratory birds. A representative from the Audubon Society as well as a forester have both reviewed the lands and emphasized the importance of preserving this type of landscape. She stated, “the whole diversity of the area right in that spot is unmatched.” She implored everyone to think about those things.

Gary Leshkivich of 3597 Cobb Hill Road said his property was adjacent to the Lounsbury property, and the proposed road to the tower, which would be going over wetlands, would run parallel to his property line. He said he has lived in his location for more than 20 years and he commutes daily from Cazenovia to Rochester crossing seven (7) counties to support a manufacturing company making porcelain insulators for residential electricity service, driving more than 1000 miles per week, all for the sake of the beauty of Cobb Hill Road. He was appalled that the neighbors in the area were not consulted before the proposal was made. He has allowed his property to be undeveloped for over 25 years. He spoke about the wildlife, the waterfowl and “the majestic nature of the area.” He wondered if the tower would be extended even taller in the future. He said the location of the tower “is right in my backyard.” Traffic from servicing the tower would disturb him due to the proximity of the driveway. He concluded by saying that he moved to the country for “a little serenity, the peace, the quiet, the ambiance.”

Randy Nash said his property was contained in the targeted area “for improvement.” He recommended to the Board that when they hire the frequency engineer that he perform a study of the two (2) silos, which are a part of the scenic landscape, that would serve the area that needs to be covered, and are 80 feet tall and only 25 feet lower than the base of the proposed tower on the Lounsbury property. He also thought about 70 households were in the area targeted and he thought a simple survey could be performed to see if those residents were satisfied with their (current) service. He thought there were a number of groups such as the Cazenovia Preservation Foundation (CPF), Project Café, or the local chapter of Boy Scouts who would be willing to collect the information. He believed Verizon was not interested in the coverage of the area, but instead, was interested in renting their tower space to other carriers. He understood the need for towers, but where was the question. He said he felt the problem was the process of cell phone providers working with individual property owners instead of working with the Town and CPF to find the best place in the community. He did not believe the site chosen was the best location. He noted the people contacted for the project lived on a narrow strip of the area which went over the ridge toward Pompey Hollow for coverage on Route 13. He questioned the logic for that feeling the silos’ location made better sense.

Eric Knapp of 3627 Rippleton Road wanted to correct a statement made earlier. He stated to his knowledge neither he nor his wife Cristina were ever contacted in person, by telephone, or by certified mail as a landowner regarding this project. He and his wife purchased their property over 20 years ago and they built their “forever home” 17 ½ years ago. The pleasant environment, the natural beauty, and the people in this community were the reasons they moved from Syracuse. On June 8<sup>th</sup> two red balloons were flown directly behind his house. He said he works in emergency services, and he has never had a

problem with cell service in that area regardless of his provider. He did not see the need for the proposal. He said his primary issue was the impact it would have upon his view. He did not know the size of the pad, nor the diameter of the tower. He said there was a section of open field approximately 200 feet between the treed area proposed for the tower and his property. The view impacted would be in the direction he looks at the most - his kitchen, his living room, and his back patio. He hopes during the review it will be determined if there would be an actual need, which in his opinion there was not; and if there was, if a different location could be explored.

Brandon Rigby of 3593 Cobb Hill Road said he was a T-Mobile subscriber, and he never had an issue with coverage at his residence. As his letter to the ZBA indicated earlier, he performed a speed test “and the speed was fast.” He said the proposed tower would be directly outside his kitchen window which presently looks out over the pristine woodland that drew them to Cazenovia. He felt more time should be spent investigating alternative sites. He spoke of the poor resolution of the coverage drawings and questioned how it could be decisively determined that the silos previously mentioned were not in the coverage gap. He felt more information was required to make such an important decision. He also had concerns about construction across the gas line, which he felt had tremendous safety importance but had not been given “zero consideration.” He saw no engineering detail about how to avoid the danger one would expect when they run cranes over a high-pressure gas line that was 11,000 miles long. Another concern he had was for wildlife. He said biology and ecology was “about the big picture.” He felt “building a giant metal tower in the middle of pristine woods can’t possibly help.”

Micael Speirs of 4038 Burlingame Road also lives in the center of the area in question and she also stated she has not had an issue with coverage. She grew up in this area, left for 10 years, and has returned for all the reasons already described, saying she believed they were the draw to Cazenovia as a Town. She said there was a legacy of maintaining that (beauty). She appreciated the questions the Board has asked and for making the effort now. She said the tower would directly affect her viewshed as well, so she appreciated the efforts the Board was making to investigate the details, and she looked forward to seeing the results.

Stuart Singer of 3896 Burlingame Road asked the Board to consider the true cost of monetizing the wilderness that they have “grown to like.” He said a price could not be put on exploiting the natural resources, considering the irreversible damage for improved cell service that has not been demonstrated to be truly deficient. He spoke about the firing of the generator, studies in India regarding the effect on sparrows, and the disorienting of honeybees as a few side effects. He said the footprint of the cell tower does not sound big, but the impacts should be considered. He spoke about construction debris, leaks, the heavy equipment’s impact to the gas line, about the height of the electrical supply or if it would be run underground. He concluded it would be an encroachment upon the wilderness.

Hearing no other comments at this time, T. Pratt informed the audience the public hearing would remain open for the future.

T. Pratt asked Mr. Lusk if he had any general comments in response to the concerns raised.

J. Lusk said he heard the concerns and understood the Town would hire a RF consultant to help with each issue. He said Verizon would not seek to expend the cost of constructing a facility if they did not think the facility was necessary. He invited the Board to visit the site to understand the context of the proposal.

T. Pratt thought the site visit could be arranged at the time the balloon test was performed.

G. Mason agreed with the comment that the map was not easy to read. He said the silos spoken about were visible from Route 92, so he thought they would be in the range to cover the area.

J. Lusk said they would explore the silos.

M. Palmer reminded the Board that it was November 22<sup>nd</sup>. He questioned how accessible the site would be once there was snow, so sooner would be better than later for the items requested of the Applicant. He said the decision could be delayed if the weather prevented the Board's getting the information they needed.

J. Langey said the Board could take care of the business of formally making themselves Lead Agency. He suggested the Cazenovia Town Planning Board would be an Involved Agency and the following agencies would be Interested Agencies:

- 1) Ag & Markets,
- 2) SHPO,
- 3) ACOE, and
- 4) DEC.

J. Langey also thought it was advisable to get comments from the Cazenovia Advisory Conservation Commission (CACC) and CPF.

It was also stated that, as Mr. Dunkle recommended, a letter should be obtained from the gas company regarding the impact of heavy equipment on the gas line during construction.

Motion by V. Koch, seconded by D. Vredenburg to appoint the Zoning Board of Appeals as Lead Agency for this Type I Action and instructing Mr. Langey to send letters to the entities mentioned as Involved and Interested Agencies as well as letters seeking comments from the advisory groups mentioned, was carried unanimously.

Regarding the engagement of a RF expert, J. Langey said the Board should have Mr. Dunkle's recommendation and then give Mr. Dunkle and himself the authority to engage the professional.

J. Langey said an estimate of the services would be provided to the Applicants for their approval of the expense. That could be authorized at the next meeting or Mr. Dunkle and he could be given the authority to engage the professional upon approval by the Applicant.

T. Pratt thought getting the process started was preferable to waiting until the next meeting to authorize the engagement.

J. Dunkle said the list of issues being requested to be evaluated included the need for the proposal, certifying what that need was, alternate locations with less visual impact, as well as issues raised by public comment.

J. Langey believed the expert hired by the Town should attend the next meeting to address any questions the Board may have. He believed the Applicants' expert would attend the next meeting as well.

Motion by V. Koch, seconded by G. Mason, to give Mr. Langey and Mr. Dunkle the authority to engage a RF engineer as an outside expert upon approval of the Applicants for the cost of the services was carried unanimously.

Motion by D. Vredenburg, seconded by V. Koch, to continue the public hearing and the file was carried unanimously.

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Motion by G. Mason, seconded by V. Koch, to adjourn the meeting at 9:14 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – November 23, 2021