

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES FEBRUARY 14, 2023

Members

Jeff Pangburn, Chairman
Bob Seward III
Scot Strevell
Matt Ostiguy
Tom Hickey

Also Present:

William Hessney, Attorney
Alison Lovely, Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present.

PUBLIC HEARINGS:

ZBA Appeal #2023-01–Verizon– 25 Hampton Inn Drive/I-90/Route 4- Special Use Permit-Wireless Telecommunications Pole for equipment

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Planning Board Recommendation with supplemental report by John Conway Jr.
- ZBA Special Use Permit Application Packet submitted 11/8/2022
- Supplemental letter dated 1/13/2023 & a supplemental letter dated 2/7/2023
- Site Plan showing proposed location of utility pole

Rob Panasci from Young Sommer, LLC. was present as well as Rick Andras & Nico Facey. Rob Panasci explained that as you as you hit a dip in I-90 right when your approaching Exit 9 there is a drop in coverage in Verizon's service. So, their proposal is to fix this loss in coverage in that area. Rob Panasci explained that their first preference is to put this equipment and antenna on an existing National Grid utility pole. If the pole has a transformer on it, they can't go on it, if there is a transformer on a pole next to the pole they'd like to go on, they can't go on it or if there are two wires, they can't go on it, so that really limits the area of poles that they could go on. Rob Panasci stated that you then do the site acquisition analysis to find a location that works, which is why they found the location they did. They received a permit from NYS DOT to put it in their right away. Rob Panasci stated that it's a pole with one antenna with some equipment in the middle and some underground lines. Rob Panasci stated that they are requesting a Special Use Permit for the pole with some specific waivers.

Chairman Pangburn asked the Board if anyone had any questions.

•Tom Hickey asked what the height of the pole relative to the other poles that are in close proximity. Rick Andras stated that it's 34', not taller than a utility pole, maybe shorter.

Chairman Pangburn asked if the intent was to go directly above the pole, so it mounts another 3 or 4 feet above the utility pole. Rob Panasci stated that is correct.

Chairman Pangburn asked what the reason was that the existing tower right up the street can't be expanded with additional capacity. Rob Panasci stated that it's not just the existing capacity, it has to have an increase in height, which would be at least 20' and to expand the size of that and the cost it was feasible.

•Matt Ostiguy asked if it's just the pole & antenna and nothing else. Rob Panasci stated that's it.

•Scot Strevell as far as a technology reason for the proposed location & you can't put it on an existing pole because there's a proximity or range to an existing pole. Nico Facey stated that National Grid has a lot of safety requirements to meet in order to go on a pole, so there were no poles in that search area that they could get on.

•Bob Seward asked if their able to put this type of setup on a building. Nico Facey stated that looked at that as well, they asked Denny's, Cracker Barrel and the two hotels and no one was interested. Putting a pole in a right away is always the last option.

Chairman Pangburn stated that Rensselaer County has recently taken over a building about a ½ mile south of the site, and asked if that was looked at. Nico Facey stated it was not.

•Bob Seward asked that it only has coverage for about a ¼ mile radius so if they did move it deeply impacts the service area that you're trying to increase. Nico Facey stated exactly.

Chairman Pangburn stated that there is a requirement on page 8 of the local law about visual impacts. Also, this can't be collocated on, it's Verizon & Verizon only. Rick Andras stated it's possible they could. Chairman Pangburn asked if Rick knew of any wooden poles in the area that were collocated on. Rick Andras not as far as this area.

Chairman Pangburn stated that there is an open window about 50' south of the proposed location, that's not immediately on the intersection where there is a cross utility line across Route 4 and goes down the hill, which as an opening through the tree canopy, was that looked at. Rick Andras stated that there is one tree that is blocking that, so they would have to go 30' higher.

Chairman Pangburn stated that there is a requirement for visual placement on page 9 in the requirements from the Local Law.

Chairman Pangburn asked if there were any other questions from the Board.

Chairman Pangburn asked if it's possible within 2 weeks to provide a revised look at that subsequent location and also a pictorial representation as to how this would look at this intersection. Rob Panasci stated that they wouldn't be interested in going across the street because of #1 the cost.

•Matt Ostiguy asked Chairman Pangburn to clarify that he's asking for a pictorial representation of the current selection of choice as opposed to the other selection of choice. Chairman Pangburn stated it would be worth while to look at both, because the visual impacts of what's being proposed may or may not be acceptable to the Town.

•Matt Ostiguy asked if there was any sense of the cost difference. Rob Panasci stated that he doesn't have that.

Nico Facey stated that they can provide a visual photo simulation of what it will look like.

Chairman Pangburn asked if there were any other questions from the Board.
There were none.

Chairman Pangburn asked if the applicant's had anything more to add.

Rick Andras asked for clarification as to what the Board is looking to see.

Chairman Pangburn stated a photo simulation as per the visual impact requirements as outlined in the local law & the potential for the added cost to move the pole to the other corner & if that's less of a visual obstruction and potentially a better signal to the north, seeing as that one tree to the south would block most of the signal.

•Tom Hickey asked Chairman Pangburn to clarify if he wanted the simulation just on the entrance way from the ramp or all four directions. Chairman Pangburn stated the code says from all major road ways so one from the ramp and one view headed south on Route 4.

Chairman Pangburn asked if the member of the public had any questions.

•Dave Terpening stated that he's confused as to where it's going to be. Tom Hickey stated that John Conway gave the best location in his report.

•Dave Terpening asked if it's only for Verizon customers at this time. Rob Panasci stated only Verizon at this time.

•Dave Terpening asked if the coverage area will include Regeneron as well. Rick Andras guesses it's too far and would be blocked by trees.

•Dave Terpening asked if the Town will get any financial benefit from this.

Chairman Pangburn stated just the application fee.

•Dave Terpening asked if Verizon will have a tax-free status. Chairman Pangburn stated that no, it's located in the DOT right away via a permit.

•Dave Terpening stated that on page 99 on their document, it shows specifications, has warnings for radio frequencies emissions, will there be any kind of health concerns. Ron Panasci stated that there will be no impact, it's well below the FCC thresholds. Rick Andras stated that there is a warning sign on the pole, which is for people working on the equipment/device.

Chairman Pangburn made a motion to table the public hearing for two weeks from today which is 2/28/23.

Seconded by Scott Strevell. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

NONE

WORKSHOP:

NONE

NEXT MEETING: The next meeting is on February 28, 2023

Reconvene ZBA Appeal #2023-01-Verizon-25 Hampton Inn Drive-I-90/Route 4-SUP-small cell

ZBA Appeal #2023-02-Barner- 9 Eileen Drive-Area Variance-Garage

APPROVAL OF MINUTES:

Motion by Bob Seward to approve the January 24, 2023 meeting minutes. Seconded by Tom Hickey. Motion carried by a 5-0 vote.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Tom Hickey. Seconded by Matt Ostiguy. Motion Carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary