

**Minutes for the Ticonderoga Planning Board held on  
June 4, 2015 commencing at 7:00 p.m.**

**Present:** Chairman Stu Baker, Mike Powers, Ben Leerkes, Scott Manning, Karen Crammond, Don Meserve, Walt Lender

**Others:** Chris Howell, Jillian Fancher, Grey Densmore, Dick Lavallie, Attorney Robert Brenner, Danielle Drinkwine-Holman, Bill Ball

Mr. Baker opened the meeting with the Reciting of the Pledge of Allegiance at 7:00 p.m.

**Resolution #13-2015** brought by Mike Powers, seconded by Don Meserve to approve and accept the minutes from March 5, 2015. **All in Favor** 4 - Aye, 0 - Nay. 3 - Abstain. **Carried.**

**Resolution #14-2015** brought by Walt Lender, seconded by Mike Powers to approve and accept the minutes from May 7, 2015. **All in Favor** 4 - Aye, 0 - Nay. 3 - Abstain. **Carried.**

Mr. Baker updated the board on what just occurred at the ZBA meeting that was held just previous to this meeting tonight. Many may be aware on how he personally feels on the determination of the Code Enforcement Officer to the Zoning Board. They did hear that appeal at 6:00 p.m. and he did lose that appeal. At this time, he is considering appealing their decision on his appeal. Thus, he is going to step down and reclude himself from review of this application. He will ask Mike Powers to chair this evening and ask Scott Manning to sit as a full board member for this application review. (Mr. Baker left the meeting).

**NY RSA 2 Cellular Partnership c/b/a Verizon Wireless - 266 NYS Route 9N (160.1-3-18) Wireless Telecommunication Facility - represented by Nixon Peabody LLC**  
**Attorney Robert Brenner** (Application/Packet is on file)

- Site Plan Application submitted late April
- Letter of Intent
- 99' foot wireless telecommunications facility at 266 New Hague Road
- Rural Residential - Essential Public Service is an allowed use
- ZBA/Code Enforcer's determination is Essential Public Service

Review of Submitted Packet

- A. Municipal application form
- B. Project description (99' tower w/11'7"x30' equipment shelter at the base and associated improvements necessary ie: cabling, security fencing,) This facility does not pollute, it is an unmanned facility, visited for periodic routing maintenance only, no septic or water, no bathroom facility.
- C. Overview of applicable legal standards of public utilities in NYS - wireless communication providers such as Verizon wireless are public utilities under the law and are therefore entitled to relaxed zoning treatment.
- D. Excerpts and copies of the Town's Site Plan Review Law - have responded to each section of this law.
- E. Letter regarding the project from LGPC and their recommendations (modifications to the access drive) APA - still in final stages of review

**Minutes for the Ticonderoga Planning Board held on  
June 4, 2015 commencing at 7:00 p.m.**

F. Site selection and design analysis - prepared by the Verizon Wireless Radio Frequency Engineer; determination of gaps in coverage and recommended site. Many areas in and outside the park to the South and West with no coverage at all. Macro cell technology will fill in these gaps. Two parcels were located, this parcel was located over the other because of wet lands on the other parcel. Report - justification of antenna configuration as dictated by the APA.

G. FCC license.

H. Land use agreement w/land owner.

I. Companies co-location policy (other companies can co-locate on the tower)

J. Visual report - in connection w/requirements w/APA, extremely minimal visual impact.

K. FCC compliance cert. - operates below 1% of the FCC threshold for emissions

L. Half size Copy of the Projects Site Plan

M. Title history of parcel

N. Local Government notice form

O. SWIPP

Mr. Leerkes would like to know if there will be a co-location at this facility and about the 1% emissions?

Mr. Brenner explained that the co-location will be dictated by other providers who approach Verizon Wireless; they will certainly work with other providers. Mr. Brenner went on to explain that there is a bulletin put out by the FCC where based upon the height of the proposed panel and the tilt of the panel and its elevation and proximity to adjoining residences, they do a study based on the radio frequency emissions that are being emitted out of the antenna panels. The FCC has established an upper limit where facilities cannot transmit RF emissions above a certain threshold. Our facility only operates at below 1% of what the FCC deems acceptable. It is both for interference and general health, safety and welfare.

Mr. Brenner went on to show the board the general overview on the full set copy of the plans.

- General overview map (2nd page) - location in connection to Lake George and Lake Champlain.
- Tax Parcel where the site is to be constructed - vicinity of proposed access road - set back is between 2300 and 2400 feet from the adjoining parcel.
- Driveway to tower was designed in conjunction with the LGPC - meant to screen the facility from view)
- 200' radius of no disturbance, no cut area around the tower - preserves a portion of trees around the tower to screen it to maximum extent as possible and to maintain the canopy of trees that surround the tower at the time it is approved by the APA

Mr. Lender inquired if the no disturbance area allowed for ingress and egress for actual construction.

**Minutes for the Ticonderoga Planning Board held on  
June 4, 2015 commencing at 7:00 p.m.**

Mr. Brenner answered yes. Essentially it is a no cut zone - per APA, but we will do modest clearing to get the access road to the tower.

- Topography map of the proposed compound area - more detailed of the compound area. Fencing, equipment shelter (pre-fab unit brought in to site 12'x30' - land telephone lines connected in to the shelter along with computer equipment and the coax cable that runs up the center of the tower to the antenna panel for operation.
- Grading and access road plan.
- Final grad and erosion plan
- Tree preservation plan - requirement of the APA
- Proposed tower, antenna configuration and equipment shelter , 99' tower w/4' lighting rod on top, 8' antenna panels, 12 panel antenna array (3 sectors of 4 panels) fence detail
- No strobe light or red light on top of tower - FAA thresholds for lighting is 200' unless you are in close proximity to an airport or other air passers
- Motion sensor 26.45 watt LED light over the door of the equipment shelter.
- Storm sewer detail, driveway detail
- SEQR - project is subject to the jurisdiction of the APA - the SEQR regulations provide that this is a Type II action - this board does not need to undertake review of an environmental assessment form

Mr. Leerkes asked if there are provisions to keep the growing trees under a certain height?

Mr. Brenner stated that provisions are already made in the design of the site to accommodate tree growth over a number of years and it has anticipated for growth in excess of 20 years. It is situated above the trees and has accommodated the growth.

Mr. Leerkes inquired if the access road exists already and will the owner have access?

Mr. Brenner believes the majority of the road does need to be constructed with the project and the owner will have access.

Mr. Powers mentioned that the cell equipment will interface with land lines, how will those land lines be routed to the equipment shed.

Mr. Brenner noted that the plan is to bury the lines along the access road - all utilities.

Mr. Powers also mentioned that the application was first a 65' tower, now it is 99'.

Mr. Brenner stated that APA came with the engineer and the determination was made to pursue additional height because they were also looking to pick up as much coverage as we could along 9N, APA gave us what they thought would be a maximum height without visual impact. This recommendation came directly from the APA.

**Minutes for the Ticonderoga Planning Board held on  
June 4, 2015 commencing at 7:00 p.m.**

Mr. Lender mentioned that they will be working with some pretty steep slopes on this access drive, you have check dams and some other erosion control structures in place in this place - will this be adequate.

Mr. Brenner explained that their engineer's specialty and expertise is wireless telecommunications facilities for Verizon and the APA, he has done this for a number of years and is aware of the slopes and the issues and this is a design that he thinks is adequate and will stand behind it.

Mr. Meserve thinks this is very well done, very detailed. The land owner is here in support of it. The board of appeals feels this way, so do we have a complete application?

**Resolution #15-2015** brought by Ben Leerkes, seconded by Don Meserve to declare a complete application in regards to NY RSA 2 Cellular Partnership c/b/a Verizon Wireless - 266 NYS Route 9N (160.1-3-18) - 99' wireless telecommunications facility. **All in Favor** 6- Ayes, 0- Nays. **Carried.**

Mr. Meserve again stated that this is very well detailed and nothing has been left out. He spent a lot of time going through all of this, he is very concerned being, not an adjacent land owner, but he is a close by land owner and everything looks like it has been done very well and professionally and he is all for it.

Mr. Leerkes asked the Town Attorney if we need to reference environmental review at all in our motion to approve.

Mr. Fuller stated that you could if you wanted to, but it is not absolutely necessary. It is a Type II action under SEQR because it is a Class A regional project with the height.

**Resolution #16-2015** brought by Ben Leerkes, seconded by Scott Manning to approve the complete application in regards to NY RSA 2 Cellular Partnership c/b/a Verizon Wireless - 266 NYS Route 9N (160.1-3-18) - 99' wireless telecommunications facility with the condition of the Applicant receiving APA approval of the project. The Planning Board finds, based on review of the Applicant's materials, that the applicant has satisfied the showing of necessity of the service and an evaluation of alternate locations. **All in Favor** 6- Ayes, 0- Nays. **Carried.**

Mr. Leerkes added that he feels that this is a project well needed, it boggles his mind when he sees a trucker standing there at the bypass trying to get coverage and he is sure other people feel the same way when they are half way to Hague and they cannot get any service.

**Resolution #17-2015** brought by Ben Leerkes, seconded by Walt Lender to adjourn at 7:45 p.m. **All in Favor** 6- Ayes, 0- Nays. **Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk