

Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

David C. Brennan, Esq.
Writer's Telephone Extension: 224
dbrennan@youngsommer.com

NARRATIVE STATEMENT

LATHAM SOUTH COMMUNICATIONS FACILITY 396 WATERVLIET-SHAKER ROAD (Tax Map Parcel No. 31.4-5-38)

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS July 31, 2020

This project concerns the construction, installation and operation of a new public utility/personal wireless service facility (a "communications facility") on an undeveloped parcel of land owned by the Colonie New York Lodge No. 2192 Benevolent and Protective Order of Elks of the United States of America, Inc. located in the SFR (Single Family Residential) District. While the proposed installation is located near the Elk's Lodge, it is on a separate, vacant parcel of land.

The proposed communications facility would be located within an approximately 57.5' x 44' fenced compound. The proposed communications facility consists of a 79± ft. monopine¹ tower, base station equipment on a 4.0± ft. x 7.0± ft. concrete pad and "H" frame; and all associated antennas, improvements and access/utilities. The project has been granted a Wireless Telecommunications Special Use Permit from the Town of Colonie Zoning Board of Appeals pursuant to Town Code Chapter 189 - Wireless Telecommunications Facilities Siting Law along with a Negative Declaration under SEQRA. An emergency generator is not proposed and the Applicant will not be pursuing barbed wire on the fenced compound.

There will be no impact on the 396 Watervliet-Shaker Road property or on any adjoining properties. The proposed communications facility is unmanned, and will be visited for routine maintenance purposes approximately 2-3 times per year. As such, the project will not have any impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be impacted. The facility produces no odors and makes no noise.

¹ A "monopine" is a monopole telecommunications facility that is camouflaged as a tree to blend the facility in with the natural surroundings. There is an existing tree canopy of trees near and around the proposed facility.

The site will be accessed via the existing driveway off Watervliet-Shaker Road. This access is sufficient for emergency and non-emergency use, and will not be changed as part of this project. Two parking spots will be available at the site. New utility services (power and telephone/fiber) will be run underground to the project site, from the nearest existing service point adjacent to the compound as shown on the plans.

The project will be constructed in one phase and is anticipated to take approximately two to three months to complete. All construction and demolition debris will be disposed of off-site at proper facilities.

The project will have no impact on the Town communications system or any proposed or existing communications devices. Verizon Wireless is licensed by the FCC to exclusively transmit on certain frequencies. A commercial wireless communications licensee's system operates at the frequencies and power levels authorized by the FCC and, with proper precautions, will not interfere with antenna systems of other commercial wireless services, public safety telecommunications, airport navigation, broadcast radio and television, cordless phones, computers, etc., or other community office or residential household appliances. The different operating frequencies and relatively low power that commercial wireless communications licensee's systems operate allow these systems to co-exist in close proximity.

The Project has undergone a comprehensive review by the ZBA and its consultant which commenced by application package dated June 28, 2018. At the request of the Town, Colonie Seniors and Elks Club, the proposal was redesigned and relocated from the King Thiel parcel to its present proposed location by application package dated September 30, 2020. The ZBA issued its Wireless Telecommunications Special Use Permit and Negative Declaration at its June 25, 2020 and July 16, 2020 meetings.

Following the DCC Submittal Checklist, we note the following:

a.) Address of site (street and number):

396 Watervliet Shaker Road.

b.) Name of applicant with name and phone number of contact person:

Cellco Partnership d/b/a Verizon Wireless
c/o Young/Sommer, LLC
David C. Brennan, Esq.
Executive Woods
Five Palisades Drive
Albany, New York 12205
(518) 438-9907
(518) 438-9914 (fax)

dbrennan@youngsommer.com

c.) Name of design professional with name and phone number of contact person:

Costich Engineering, P.C.
David A. Weisenreder, P.E.
217 Lake Avenue
Rochester, New York 14608
(585) 458-3020
(585) 458-2731 (fax)
dweisenreder@costich.com

d.) Site zoning:

SFR (Single Family Residential) Zoning District

e.) Site acreage:

Parcel Acreage = 4.04 acres
Project Area = 0.56 acres
Area of disturbance = 0.33 acres

f.) Description of existing site and use:

The site is currently vacant land that is heavily treed. The parcel also contains a secondary means of egress (emergency egress) for the King Thiel Senior Housing Community.

g.) Description of proposed project, including proposed use, number of lots, number of dwelling units, and/or building floor area as applicable:

Please refer to narrative statement above.

h.) Note if application of incentive zoning provisions, waiver of design standards, or parking waiver will be requested:

No incentives or waivers are requested.

As to the sketch plan that is submitted herewith and in accordance with the DCC Submittal Checklist, we note the following:

a.) Property boundary with approximate dimensions: This information is identified on Site Plan sheets GA001 (sheet 1 of 9); CA100 (sheet 2 of 9) and CA110 (sheet 3 of 9).

b.) Existing zoning district, with district boundaries on or adjacent to the site: The zoning district is noted on the Site Plan on Sheet CA110 (sheet 3 of 9). The surrounding area is all zoned SFR except the PDD for the King Thiel/Colonie Seniors to the south and a PDD on the east side of Delatour Road.

c.) Existing and proposed utilities and easements: Existing and proposed utilities and easements are shown on Sheet CA110 (sheet 3 of 9).

d.) If project is a subdivision, proposed lot and street layout: Not applicable.

e.) If project is a site plan, show general site layout of building, parking, access, and green space, including approximate building dimensions and setbacks and green space percentage: The project details are shown on Sheets CA110 (sheet 3 of 9) and CA111 (sheet 4 of 9). The Green Space percentage is 96.5% existing green space and 93.8% green space after development.

f.) Location of proposed storm water management facilities: Due to the minor amount of disturbance and limited impervious area, it is proposed to utilize silt fencing, a stabilized construction entrance and rock check dams. The Grading and Erosion Control Plan is located on Sheet CA130 (sheet 5 of 9) and the Erosion Control Details and Notes are located on Sheet CA503 (Sheet 9 of 9).

g.) Identify State and Federal Wetlands, Town protected watercourse areas, steep slope areas, and Federal flood hazard areas. If site is in a Conservation Development Overlay District, identify lands proposed to be preserved: The Colonie Map Viewer does not identify any of these areas on the property. There are no state or federal wetlands at the Site. There are no portions of the property that contain Town protected watercourse areas, steep slope areas, and Federal flood hazard areas. The site is not in a Conservation Development Overlay District. While portions of the site have slopes, the proposed site is immediately off the existing emergency access road and is not in an area of steep slopes.

Major Site Plan Review Requirements located in Zoning Law 190-56(C)

As to the Major Site Plan Review Requirements located in Zoning Law 190-56(C) which identifies the general review criteria to be considered by the Planning Board in acting on an application for Major Site Plan approval:

(i) Traffic access and roads. Once constructed the site is visited for routine maintenance approximately 3-4 times per year. Access to the site will be via the existing curb cut for the emergency ingress/egress that was installed for the King Thiel/Colonie Seniors building.

(ii) Frontage on street. There is adequate street frontage complying with the underlying zoning district and consisting of approximately 520 feet.

- (iii) **Pedestrian safety and access.** The facility is unmanned and not open to the public. There will be no pedestrian access.
- (iv) **Circulation and parking.** The site plan identifies parking for 2 to 3 vehicles as well as an adequate location for vehicles to turn around and exit to the existing driveway.
- (v) **Screening and landscaping.** The existing screening and landscaping will be maintained at the site except at the location of the tower compound and parking area where existing trees will be removed. The tower facility itself will be a stealth monopine tower that will blend with and be concealed within the existing trees on the site.
- (vi) **Environmental quality.** The facility is sited in a location that will not impact any significant or unique natural topography, geological features or other sensitive receptors. A minor amount of clearing limited to the tower compound and access areas is required. However the majority of the existing trees will remain on the property.
- (vii) **Fire protection.** The facility is located within the existing water district. Adequate hydrants are located both at the Elks club property as well as along Watervliet Shaker Road. There are no buildings proposed at this project.
- (viii) **Drainage.** The site plan identifies grading to address a limited amount of runoff generated by this facility.
- (ix) **Refuse and sewage disposal.** The facility is unmanned and only visited 3-4 times per year. As such there is no water supply or sewage disposal required. Similarly there is no on-site collection of refuse or garbage.
- (x) **Lighting.** There is no required FAA lighting at the top of the tower. A small work light will be provided for the base station equipment. That light works on a spring wound timer so that it will not remain on for an extended period of time. It is rare event that a technician is on-site in lowlight conditions.
- (xi) **Water supply.** The project is unmanned and not occupied. Accordingly water supply is not proposed.
- (xii) **Location and dimension of buildings.** The attached site plan identifies all of the improvements for the project. There are no buildings proposed.
- (xiii) **Impact of the proposed use on adjacent land uses.** The applicant submits that there will be no impact on adjacent land uses. The facility is unmanned and visited in very limited circumstances. Once constructed (approximately a two to three month construction period) there is no noise associated with the operation of the facility. There is no emergency backup generator proposed. There are no fumes or smells associated with the facility.

Because of the significantly low height of the facility along with its proposed concealment as a stealth monopine tree, there is no aviation lighting required and no other visual impact to the surrounding community. For these and related reasons, the Zoning Board of Appeals, based on the recommendation of the Town Attorney's Office, issued a Negative Declaration under SEQRA.

(xiv) Snow clearance and removal. Verizon Wireless does not typically plow its sites during the winter months. Rather, the technicians will walk in or bring a snowmobile in rare instances where access is required. However, there is adequate room for snowplowing if that were required on an occasional basis to access the site.

(xv) Design elements review. The proposed site will be a stealth monopine tree of a limited height thereby maintaining harmony with the existing community.

(xvi) Impact of the proposed use on both on-site and off-site infrastructure. Given the nature of this unmanned facility it is submitted that there is no impact on-site or off-site to existing or proposed infrastructure. The site generates no schoolchildren, uses no water, produces no sewage, produces no noise and produces no odors.

A digital copy of the plans is included. A check in the amount of \$2,500.00 for the initial Town Designated Engineer process is included. However, I note that the Applicant has already likely spent in excess of \$10,000.00 on the consultant employed by the ZBA on this matter.

Dated: August 3, 2020

Respectfully submitted,



David C. Brennan, Esq.