

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*

4 LOUDONVILLE PRESBYTERIAN CHURCH  
5 22 OLD NISKAYUNA ROAD  
6 PROPOSED 360 SQUARE FOOT EQUIPMENT CABINET  
7 AND 60 FOOT HIGH BELL TOWER  
8 REVIEW AND ACTION ON SEQRA AND FINAL APPROVAL

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10 THE TAPED AND TRANSCRIBED MINUTES of the above  
11 entitled proceeding BY NANCY STRANG-VANDEBOGART  
12 commencing on January 12, 2010 at 7:03 p.m. at the  
13 Public Operations Center 347 Old Niskayuna Road,  
14 Latham, New York 12110

15 BOARD MEMBERS:

- 16 CHARLES J. O'ROURKE, CHAIRMAN
- 17 THOMAS NARDACCI
- 18 TIMOTHY LANE
- 19 PAUL ROSANO
- 20 PETER GANNON
- 21 ELENA VAIDA
- 22 MICHAEL SULLIVAN
- 23 PETER STUTO, Jr. Esq., Attorney for the Planning Board

24 Also present:

- 25 Joe LaCivita, Director, Planning and Economic Development
- Mike Lyons, Planning and Economic Development
- Paula Mahan, Supervisor
- Michael C. Magguilli, Esq., Town Attorney
- Mike Cusack, Esq., Verizon Wireless
- Joe Sorrentino, Verizon Wireless
- Sarah Mayberry-Stevens, Verizon Wireless
- Gary Mittleman

1                   CHAIRMAN O'ROURKE:   Onto our agenda,  
2                   which I like this evening.

3                   The way that we operate is that we  
4                   generally do an overview by the Planning and  
5                   Economic Development Department. They will  
6                   give an overview to the board members and then  
7                   we ask that the applicant or their  
8                   representative bring us up to speed on what  
9                   the project is.

10                  MR. LACIVITA:   This project is overseen  
11                  by Mike Lyons in our Planning Department so  
12                  I'll have Mike run through a brief summary. We  
13                  also have Mr. Cusack who is going to oversee  
14                  it from the developer's prospective.

15                  MR. LYONS:   Good evening. I'm Mike Lyons  
16                  from the Planning Department. The project  
17                  before the Planning Board tonight is the  
18                  Loudonville Presbyterian Church's bell tower  
19                  which is a stealth tower that will conceal a  
20                  cell tower within that structure. It's located  
21                  at 22 Old Niskayuna Road.

22                  This application would be considered a  
23                  minor commercial site plan application and  
24                  normally would not go before the board for  
25                  review. However, since there has been interest

1 and concern as per Mr. Mittleman's  
2 e-mail -- there were copies provided to the  
3 board dated August 4, 2009. This department  
4 decided that a public meeting and action by  
5 the board would be more appropriate rather  
6 than administrative action.

7 The proposal is for a 360 square foot  
8 equipment cabinet and a 60 foot high bell  
9 tower to conceal a cell tower.

10 An unconditional area and use variance  
11 has been granted by the Zoning Board of  
12 Appeals as of June 18, 2009. A copy has also  
13 been provided to the Planning Board. A balloon  
14 test was provided for the Planning Board and  
15 Zoning Boards for review on March 14, 2009.

16 MR. NARDACCI: C.J., I have a question  
17 for the department.

18 Mike, Joe and maybe Pete: Since this was  
19 classified as a minor site application -- I  
20 have no problem with a public meeting taking  
21 into consideration resident interest, but I  
22 was wondering legally is this something that  
23 legally the Planning Board is allowed to  
24 consider and take action on? It's something  
25 that we haven't done in the last two years.

1           MR. LYONS: The board has taken action on  
2 other minor projects. Some of those minor  
3 projects include the incentive zoning and the  
4 waivers that you have granted in regard to the  
5 Land Use Law. Actually this is the first minor  
6 application that has been before the board.  
7 The Land Use Law identifies that, should there  
8 be public interest or other variables in a  
9 project.

10           MR. LACIVITA: That's also written right  
11 in Chapter 11, Section 87 where it says  
12 referral to the Planning Board, PEDD, at its  
13 discretion. They also refer any minor site  
14 plan application to the Planning Board for  
15 review and approval.

16           CHAIRMAN O'ROURKE: We did have a balloon  
17 test on this also, right?

18           MR. LYONS: Yes, that was back in March  
19 of 2009. The balloon test was designed for  
20 both the Planning Board as well as the Zoning  
21 Board of Appeals.

22           MR. NARDACCI: Because it's before us for  
23 a review, is this something that our TDEs  
24 should be involved with? Was consideration  
25 given that they should review this

1 application?

2 MR. LACIVITA: Tom, on this one it was a  
3 minor application. It's been the decision that  
4 all major application are going to the TDE.  
5 Because this was a minor application, we kept  
6 it in-house.

7 MR. NARDACCI: Okay, thanks. I just  
8 wanted that clarification.

9 Thanks C.J.

10 MR. O'ROURKE: Okay, you're up. If you  
11 would, please state your name for the record.

12 MR. CUSACK: My name is Mike Cusack. I'm  
13 an attorney from Albany, New York representing  
14 Verizon Wireless on this application.

15 With me this evening is Sarah  
16 Mayberry-Stevens, the real estate manager from  
17 Verizon Wireless who is responsible for this  
18 project. Also, Joe Sorentino from the radio  
19 frequency engineering department of Verizon  
20 Wireless.

21 Just to touch on a couple of the points,  
22 this project has been around since September  
23 of 2008. That's when we originally started it.  
24 It's made its way through the process slowly  
25 but surely.

1           There was a TDE appointed to review the  
2 project. It was C.T. Male and they did review  
3 it at the zoning level and offered a number of  
4 comments which were incorporated into the  
5 version of the plans that you have before you  
6 tonight. We did get that assigned to us as  
7 part of the project and there was a review.

8           The questions that they had were  
9 basically, if the facility was to go forward,  
10 what was its purpose and how visible would it  
11 be to the surrounding community.

12           To touch first on the purpose: Our  
13 nearest cell site is located a mile to the  
14 north at the Town Hall on the water tank  
15 behind Town Hall. That's one mile to the north  
16 of the current location. That cell site is not  
17 covering far enough south down Route 9 and  
18 it's also not getting over Latham Ridge over  
19 to the west. On the opposite side of Latham  
20 Ridge we have a desire, as Verizon Wireless,  
21 to go on the Osborne Road water tank, which is  
22 off of Tower Heights. That facility, because  
23 it's on the opposite side of the ridge,  
24 doesn't get over to the side that Route 9 is  
25 on.

1                   Historically for the past 25 years or so  
2                   we have had a gap in coverage at Ireland's  
3                   Corners where Route 9 intersects with 378, Old  
4                   Niskayuna Road and Osborne Road - basically in  
5                   that intersection. There is no real way to  
6                   cover that area without being somewhat close  
7                   to that. So, the purpose of this site, from a  
8                   radio frequency/engineering standpoint is  
9                   really to fill in that gap and connect service  
10                  from our existing town site, going north down  
11                  Route 9 and also give us a connection to the  
12                  future town site that we hope to build someday  
13                  at the Osborne Road water tank. The site also  
14                  will provide additional coverage in going past  
15                  that area, but it is a relatively small area.  
16                  Hopefully with that explanation it gives you a  
17                  sense of what we're trying to do. We're trying  
18                  to provide mobile service and also integrate  
19                  the sites with each other so that there is a  
20                  smooth transition or hand-off between the  
21                  sites. The network integration piece is a very  
22                  important piece for Verizon Wireless. They  
23                  don't want to just put coverage on the air,  
24                  they want to relate to the rest of the sites  
25                  and the network.

1           From a visual impact standpoint, the  
2           balloon test that was done verified that the  
3           visual impact would primarily occur within the  
4           area right around the site. When I say right  
5           around, that would be in front of the church,  
6           on the road in front of the church and not too  
7           much further beyond that. We had three  
8           photographs in the visual analysis. That's in  
9           your application package. As you can see from  
10          those photographs when the balloon was in the  
11          air, it was very well screened inside the tree  
12          coverage on that site. The site is  
13          characterized by trees in the 60 to 65 foot  
14          range, as is much of the area surrounding in  
15          Loudonville.

16                 The church itself was very particular  
17                 about the height that they were going to  
18                 allow.

19                 If I can turn back a little bit in the  
20                 discussion here, primarily from their  
21                 standpoint this is a bell tower. It is a  
22                 feature that they intend to keep when all of  
23                 this is finished and we remove our equipment  
24                 in accordance with our lease. This is  
25                 something that they want to integrate in their

1 church. Historically they had a cross  
2 approximately 60 feet that was in that same  
3 location. So the location is very important to  
4 the church membership. They feel that  
5 architecturally their structure needs some  
6 sort of steeple or a bell tower to make it  
7 look more like a church. I hope that I  
8 explained that correctly. I can refer to the  
9 pastor for any further explanation.

10 When we were looking for a site, we found  
11 very quickly that there is not readily  
12 available land. No one wants the facility. So,  
13 the church was willing but they were only  
14 willing to let us on there at this restricted  
15 height of 60 feet. I hope that gives you some  
16 sort of background on the height and why we  
17 are proposing a height that is so close to the  
18 trees. It's literally because we had no  
19 alternative to go to. We were trying to cover  
20 a very small area within a mile of the cell  
21 site. This is a traditional cell site that's  
22 trying to cover a three-mile radius or even a  
23 two mile radius. This site is covering a small  
24 pocket of the town that is very significant to  
25 the network and very significant traffic wise.

1 I don't mean vehicular traffic, but call  
2 traffic on the network.

3 That's the purpose of the site, in a  
4 nutshell.

5 There was a question asked about why we  
6 didn't put the facility in a different part of  
7 the property.

8 This is a view of the entire church  
9 parcel, just over five acres (Indicating).

10 This is also in your packages at the very  
11 end of the package. It's on Tab 13. It's just  
12 not colored like it is on the presentation  
13 board here tonight.

14 Basically, we're up here in the northern  
15 corner of the property adjacent to the dense  
16 tree cover that exists on the site  
17 (Indicating). Behind the church building  
18 itself is a playground. That's part of their  
19 daycare center and recreation area that they  
20 have for children that are visiting the  
21 church. So, we didn't want to go in that area.

22 Mr. Mittleman has suggested that we  
23 perhaps move over to the south on the parking  
24 lot, but turning back to what I said earlier  
25 about the church - from an architectural

1           standpoint, it's very, very important that  
2           this bell tower integrate in with the church  
3           building. They have a location in mind where  
4           they want it. It does meet all the applicable  
5           setbacks for the district. There are no  
6           requirements that we need waivers from other  
7           than the fact that it was in a residential  
8           area. We had to get the height relief and the  
9           use relief that we attained from the Zoning  
10          Board of Appeals. There is sufficient space to  
11          put this facility in. It certainly makes sense  
12          when it's viewed from that perspective, but if  
13          we move the tall structure to the parking area  
14          here (Indicating), it would not be part of the  
15          overall architecture of the church and would  
16          not blend in. That's a significant objective  
17          when you're building the camouflage  
18          facilities. You want to make sure that the  
19          facility blends in to the extent that it  
20          practically can. For that reason, we did not  
21          propose a tree type tower or any of the other  
22          camouflage type towers that you have no doubt  
23          heard about over the years. That was an  
24          important point from the church's standpoint  
25          and it was certainly acceptable to us from the

1 site design standpoint to work with any of  
2 those parameters.

3 I think that is all I want to comment on  
4 about Mr. Mittleman's letter that I did  
5 receive yesterday. I want to make sure that it  
6 was understood by the board that this is an  
7 integrated approach that the church is taking  
8 to propose a bell tower that will become an  
9 architectural feature of their facility for  
10 years to come. It was very important from  
11 their standpoint to stay on the side of the  
12 property where the facility is currently  
13 proposed.

14 CHAIRMAN O'ROURKE: Mr. Cusack, how long  
15 is the lease?

16 MR. CUSACK: The lease is a 20 year term.

17 MS. VAIDA: If this is approved, this use  
18 is now part of the property and is going to be  
19 used as a public utility.

20 MR. CUSACK: That is correct. We will  
21 have our own obligations to the town for our  
22 part of that facility.

23 MS. VAIDA: So that changes the use of  
24 the land because part of it is religious use.  
25 I assume it's tax exempt and this part will

1 not be tax exempt?

2 MR. CUSACK: This part will not be tax  
3 exempt. We will be paying real property taxes  
4 on the improvement and the lease itself did  
5 undergo a review by the Albany County Supreme  
6 Court in accordance with applicable sections  
7 of Religious Corporation's Law. So, it has  
8 been reviewed and approved and as long as we  
9 adhere to the terms that are in the document  
10 that is in front of the board, we are in  
11 compliance with that corridor.

12 Yes, we will be paying our own taxes and  
13 that's specifically provided in the lease  
14 itself.

15 CHAIRMAN O'ROURKE: You did explain the  
16 location that was chosen, but is that the only  
17 location that was looked at?

18 MR. CUSACK: On the site or in the  
19 neighborhood?

20 CHAIRMAN O'ROURKE: In the neighborhood.

21 MR. CUSACK: Here is how we looked at the  
22 neighborhood. We tried to follow the siting  
23 power key that's in the town's laws. The first  
24 thing that we are required to look for are  
25 existing towers or other small structures that

1 we can put our equipment on without having to  
2 come in and do something new. Given the  
3 precision that was required to provide  
4 services to this area because it is tight, we  
5 were looking at a very, very small search area  
6 right around in that area. There were no  
7 existing tall structure or existing towers.

8 CHAIRMAN O'ROURKE: So there is a school  
9 right there.

10 MR. CUSACK: Right. The school structure  
11 itself - in terms of us being able to use it,  
12 it's not something that we traditionally do.  
13 We don't generally get on school buildings  
14 because of access requirements and  
15 restrictions and things like that. We felt  
16 that we would be better to be slightly north  
17 of the intersection to provide a slightly  
18 better elevation and slightly better coverage.

19 CHAIRMAN O'ROURKE: I didn't understand  
20 the answer that you gave me. Is it because you  
21 stay away from schools or because you want to  
22 be more -

23 MR. CUSACK: Unless Joe wants to add  
24 anything else, I'll just say that generally we  
25 stay away from schools for the reasons related

1 to the logistics of getting that approved.

2 CHAIRMAN O'ROURKE: So you don't have any  
3 on schools?

4 MR. CUSACK: Not in this area.

5 MR. SORRENTINO: We don't have any in  
6 this area but sometimes they are at schools -

7 MR. NARDACCI: There is one in Bethlehem,  
8 correct?

9 CHAIRMAN O'ROURKE: The only reason that  
10 I even am going down this path is because the  
11 movement certainly across the county is to  
12 have these public utilities on public  
13 property. So, we as a board, would certainly  
14 prefer - and again, I won't speak for the  
15 entirety of the board but I think that we  
16 certainly prefer that locations were chosen in  
17 a public nature.

18 MR. CUSACK: when we secured our approval  
19 to go on this site and prior to submitting it  
20 to the Supreme Court, we did talk to the  
21 school district to make sure that they  
22 consented to us going forward with this  
23 transaction. There just wasn't any interest  
24 expressed at that time. You know, we didn't  
25 get a call saying hey Mike, we'd be happy to

1 have this on our property. So, we were in  
2 touch with them. I forgot the name of the  
3 attorney that I had worked with, but he's been  
4 a school district attorney for a long time and  
5 I just don't remember that there was any  
6 interest at that time.

7 It seemed like the interest, if anything,  
8 was in allowing us to go forward with the  
9 church. Everyone thought that this was a good  
10 idea for the community and for the church. I  
11 just didn't encounter any opposition or any  
12 adverse comments.

13 MS. MAYBERRY-STEVENSON: I think that  
14 historically working with school districts  
15 tends to be problematic. We have worked with a  
16 number of school districts in a number of  
17 municipalities and I have yet to be able to  
18 succeed with a school site. A good example is  
19 that a power company was looking to do some  
20 installations in Bethlehem at some school  
21 district properties and ended up walking away  
22 from those. They just historically are  
23 problematic and do not yield a lot of promise.

24 So, when we have an interested land owner  
25 at a site that works for us where we can

1 find -- churches are generally considered a  
2 public property. There is a community  
3 interest.

4 CHAIRMAN O'ROURKE: Some of that is true  
5 but again, the zoning in a residential  
6 area -- one of the only things that you can do  
7 in a residential area is to put a church. I  
8 think that our responsibility as a board is  
9 certainly to ensure that those people that  
10 have homes - that we not only listen but we  
11 respect their ability to own those properties.

12 I had one other thing in regard to the  
13 dense trees. That ice storm last year probably  
14 took down half of those, or it certainly took  
15 down a lot. It took down a power pole right in  
16 front. Again, it's just one of my concerns.

17 The other question that I had was  
18 answered.

19 Mike, do you have anything?

20 MR. SULLIVAN: I had a few questions,  
21 yes.

22 Do you have a rendering of what this  
23 would look like from the street with the  
24 tower?

25 MR. CUSACK: The tower itself will look

1           like the bell tower.

2                     In your application packages on sheet  
3 SE-1, if you go to Tab 13 which is the site  
4 plan, it's a fold out. About one-fourth of the  
5 page down there is an architectural elevation,  
6 as required.

7                     MR. SULLIVAN: I just wanted to see what  
8 it would look like from the road. Maybe  
9 something from the balloon test.

10                    MR. CUSACK: The question was: Do we had  
11 something from our balloon test that shows a  
12 rendering of the site?

13                    The closest one that we have is number  
14 six, which is a view of the balloon through  
15 the trees. On the next page is a simulation  
16 labeled S-6.

17                    MR. LANE: Wouldn't some of the trees  
18 have to come down to build this?

19                    MR. CUSACK: Yes.

20                    MR. SULLIVAN: Is there anything on the  
21 side of the church so they could move this  
22 back farther and have a buffer of trees in  
23 front of it so that it's not exposed to the  
24 road?

25                    MR. CUSACK: We have to clear some of

1           that area out to get the equipment in to build  
2           this. Whatever landscaping that you'd like to  
3           see us do, we can add in after the fact but  
4           there is not a way to leave what is there.

5           MR. LANE:   So do you know how many trees  
6           you'll have to remove?

7           MR. CUSACK:  It's approximately at the  
8           area where the shelter is located. The tower  
9           base has, counting the shrub trees, about 14  
10          trees. That's what the engineers told me. A  
11          number of those are less than six-inches. They  
12          are more saplings than trees. We're looking at  
13          approximately six to eight larger size trees.  
14          If you've been to the site, the trees don't  
15          have a lot of growth on the bottom of them.  
16          Most of the growth is way up at the top. We  
17          have proposed a solution to further screening  
18          that view.

19          MR. SULLIVAN:  I was hoping that we could  
20          keep some of the existing trees to screen the  
21          tower itself and to extend the driveway. I  
22          realize that you need to get equipment in  
23          place to build, but I'm hoping that if you  
24          move back farther and you have a buffer -

25          MR. CUSACK:  Unfortunately, you have to

1 get a driveway in there for access.

2 MR. SULLIVAN: Right, but the  
3 driveway -- you could still leave some of the  
4 existing trees in front of the tower itself.

5 MS. MAYBERRY-STEVENSON: The church's  
6 preference was something that would have some  
7 visibility, although not visibility as a  
8 communications facility. In our mind the way  
9 that this was architecturally done, this was a  
10 way to balance this and constructing something  
11 that will be aesthetically pleasing for the  
12 area and for the type of facility that exists  
13 there. This was a way to accommodate all of  
14 the various goals of the project. This was a  
15 way for the church to get something that met  
16 their goals and a nice structure and this was  
17 part of mitigating all of that.

18 If you put something behind the trees, it  
19 would be easier to build poles and things of  
20 that nature. We thought that this was a good  
21 balance of all the interests.

22 MR. SULLIVAN: Thank you.

23 CHAIRMAN O'ROURKE: Tom?

24 MR. NARDACCI: In your remarks and in the  
25 project narrative that you submitted, it

1 references that the drawings were updated to  
2 reflect the comments of the TDE, C.T. Male and  
3 Associates. I'm just wondering - C.T. Male is  
4 not one of the town designate engineers.

5 MR. CUSACK: There was a resolution  
6 passed -- when we filed this project in  
7 September of 2008 and it went through the  
8 initial internal review, the Town Board passed  
9 a resolution in January of 2009 appointing  
10 C.T. Male as the TDE for this particular  
11 project. So they weren't taken off the list of  
12 Clough Harbour and the other firm.

13 MR. NARDACCI: It was prior to this Town  
14 Board approving the TDEs of Clough and Barton  
15 and Loguidice.

16 MR. CUSACK: It was actually shortly  
17 after that. I think that they approved them in  
18 October or November of 2008. I think that this  
19 resolution was a different course because of  
20 BLJ and Clough Harbour were doing work for the  
21 industry. I believe they had to set that  
22 aside.

23 MR. NARDACCI: I didn't see in our  
24 information the comments by that TDE.

25 John or Mike, I was wondering do you have

1           those comments that C.T. Male made? I mean as  
2           a Town Designate Engineer, that's something  
3           that I would have liked to have seen.

4           MR. LACIVITA: I guess I need some  
5           clarification. You said that it was done via  
6           the Zoning Board, though. You said that the  
7           TDE was appointed via the Zoning Board review?

8           MR. CUSACK: The TDE was appointed by the  
9           Town Board for the project. I don't know what  
10          that means.

11          MR. NARDACCI: In the project narrative,  
12          it says:

13                 With regards to the zoning site plan  
14          drawings.

15                 Now as it comes to us. I see the approval  
16          by the Zoning Board, but if we have this if  
17          and we were able to take the time to have the  
18          engineers review it, I think that it's  
19          important for us to see that information.

20                 What were the comments? Can you speak to  
21          that, at least?

22                 MR. CUSACK: The comment letter is dated  
23          May 13, 2009. It's four or five pages long. On  
24          page one it gives a general overview of the  
25          project and talks about its SEQRA

1 classification and concurs that it's not a  
2 Type I action. It's an unlisted action. It's  
3 very consistent with what the Planning Staff  
4 has stated in their memorandum.

5 On page two it talks about lead agency  
6 responsibilities and generally covers SEQRA up  
7 to the top of page three. Then it begins with  
8 the technical review comments.

9 The first technical review comment was  
10 that the application references approximately  
11 2,275 square feet for the facility and the  
12 full EAF reference is 5,725 square feet. It  
13 asks for clarification between the  
14 differences.

15 We explain in our response letter that  
16 the 2,275 square feet is just the area where  
17 the compound is. The bell tower and the  
18 equipment shelter is 35 feet by 65 feet.  
19 That's what gets to the full calculation. The  
20 full EAF talks about all of the remaining  
21 disturbance for underground utilities and the  
22 50 foot driveway extension to get back to this  
23 area.

24 The second comment talks about the gravel  
25 surfaces and asks that the calculations be

1 revised to include the square footage of the  
2 concrete tower and foundation and the  
3 equipment shelter. That was addressed in the  
4 EAF that's before you; so that's counted as  
5 impervious area.

6 The third comment talks about the mobile  
7 and security bond and the applicant's  
8 obligation to provide that.

9 Sarah has submitted a letter on behalf of  
10 Verizon Wireless agreeing that whatever the  
11 town imposes -- at the time we were talking  
12 about \$25,000 for the Verizon Wireless  
13 equipment that would be collocated on this  
14 facility. Again, the theory was that the bell  
15 tower itself would remain as a church feature,  
16 but we would take our ground equipment and  
17 antennas away.

18 Comment number four referenced a  
19 discrepancy in the tax map listed in two  
20 different locations on the application. That  
21 was corrected to the correct tax map number.

22 Comment five asked that questions 15 and  
23 16 on the full EAF be answered and those two  
24 questions were also addressed on the revised  
25 full EAF that's in the package.

1                   Comment six related to a review of the  
2                   project by the New York State Historic  
3                   Preservation Office. It asks that the  
4                   applicant demonstrates to what level they have  
5                   corresponded with New York State SHPPO  
6                   regarding archeological resources potentially  
7                   present on the project site.

8                   We did have a SHPPO determination letter  
9                   that was provided to the town and that's in  
10                  your application package. I believe it's the  
11                  last item. It's a one page letter.

12                  In our application papers we had stated  
13                  that the project site is not within the five  
14                  miles or less of a structure or site listed on  
15                  the state or National Register of Historic  
16                  Places. C.T. Male correctly pointed out that  
17                  according to the GIS public access database,  
18                  the proposed project site is within a  
19                  half-mile of several state or national  
20                  registered properties including the Tremont  
21                  House, Springwood Manor, Whitney Mansion,  
22                  Senator William T. Burn House and four other  
23                  facilities. The proposed project site is also  
24                  within one mile of the National Register site  
25                  listed Albany Rural Cemetery. They point out

1           that while the project will not be visible  
2           from any of these structures because we were  
3           completing a visual EAF at the time - that  
4           they thought that the resources should be  
5           listed on the visual EAF for accuracy. So,  
6           when they completed the visual, the engineers  
7           said no, because -- just so that they would  
8           not have a view toward this project. C.T. Male  
9           thought that since there were so many  
10          resources, that they should at least be listed  
11          on the form. So, that's been addressed.

12                    Comment eight relates to the applicant  
13          providing information to demonstrate need for  
14          the facility as required by the town's  
15          regulations and it points out that the  
16          applicant is proposing to build a 60-foot tall  
17          telecommunications tower camouflaged as a bell  
18          tower, which only partially meets the  
19          applicant's coverage objectives because the  
20          property owner has limited the tower height to  
21          approximately the 60 feet. The applicant has  
22          accepted this condition from the property  
23          owner because they have found no other  
24          available alternatives. The proposed site  
25          integrates well with the applicant's other

1 telecommunications towers sites and solves  
2 some of their coverage objectives. Due to the  
3 proposed height of the tower, only one  
4 collocator can likely be placed.

5 That was just a comment that they had  
6 made. And it says hopefully this  
7 correspondence has provided some insight of  
8 the SEQRA process and gives the board a better  
9 idea on how to best proceed with the project  
10 and to please call with any questions.

11 I kind of wanted to touch on as many of  
12 these items and technical points with my  
13 presentation as I could. Especially with the  
14 height and why we were doing this.

15 MR. NARDACCI: I appreciate you going  
16 through that because it is helpful. Tonight  
17 we're expected to take action on SEQRA. I'm  
18 sure that I'm not the only one on the board  
19 right now that is surprised to hear that  
20 C.T. Male was appointed the TDE for this  
21 project and that the information wasn't  
22 available for review. Now, while probably we  
23 can all agree that it is an unlisted action, I  
24 still think that in the future - this is more  
25 directed toward the Planning Department staff

1 that when we're doing SEQRA, we need this  
2 information.

3 I even asked in the beginning of the  
4 meeting about the TDEs and I got a no  
5 response. I think that from our standpoint, in  
6 an effort to be consistent and consistently  
7 reviewed and act upon SEQRA that we have all  
8 of the proper documentation, every time. I  
9 really would just like to ask that in the  
10 future - and I know it's a lot of work when  
11 you're putting together these packets, but  
12 that when you do, that we have information  
13 like this. Frankly if C.T. Male or someone  
14 else is hired as a TDE on a special basis, I  
15 would have liked them to be here tonight. We  
16 might have had specific environmental  
17 questions related to the EAF or there was  
18 something specific in the application.

19 I appreciate the applicant reading  
20 through this. I think that as I said, I'm not  
21 concerned that this is not an unlisted action.  
22 I think that it's more to a point of the  
23 procedure of a process. This is something that  
24 we've worked hard on; everyone has. We're all  
25 trying to do a good job and it comes back to

1 consistency.

2 That was my question. Dealing with SEQRA  
3 tonight is -- while they were clearly the TDEs  
4 not for zoning; they were clearly reviewing  
5 the forms.

6 This is a copy?

7 MR. CUSACK: Yes, this is a copy of the  
8 Town Board resolution.

9 MR. STUTO: Do you know if the ZBA took  
10 any action on SEQRA?

11 MR. CUSACK: Yes, they did their own.  
12 Because it's unlisted you don't have to  
13 coordinate so they did their own negative  
14 declaration.

15 MR. NARDACCI: That's all, thank you,  
16 C.J.

17 CHAIRMAN O'ROURKE: No, thank you.

18 Mike, have you seen the neg dec from the  
19 Zoning Board of Appeals?

20 MR. LYONS: I haven't. The Zoning Board  
21 made their own determinations. As Mike said,  
22 this is not a coordinated lead agency. Each  
23 agency makes its own determination.

24 MR. LACIVITA: That is part of your  
25 action tonight, Peter. It does say action on

1 SEQRA.

2 MR. STUTO: Yes, I know.

3 CHAIRMAN O'ROURKE: If ownership were to  
4 change on the property, is the lease  
5 transferable?

6 MR. CUSACK: On our side or the church's?

7 CHAIRMAN O'ROURKE: On your side.

8 MR. CUSACK: On our side, it is  
9 transferable. You would be talking about a  
10 sale of all of Verizon Wireless.

11 CHAIRMAN O'ROURKE: Mr. Cusack, I really  
12 don't think that we're going to be able to  
13 move on this tonight, in my opinion. Again,  
14 there is the lack of documentation to be able  
15 to make a proper SEQRA determination. I think  
16 that Tom is right. Nobody is going to admit  
17 that it's not being able to be moved on with  
18 SEQRA -

19 MR. LACIVITA: C.J. before that is  
20 mentioned in your packet there is a short form  
21 environmental EAF.

22 CHAIRMAN O'ROURKE: Yes, I saw that.

23 MR. LACIVITA: It was actually signed by  
24 Mike. I didn't see it signed by Jean. This was  
25 action that we were taking for tonight; is

1           that correct, Mike?

2           MR. LYONS: That's correct.

3           MR. LACIVITA: You're saying there is not  
4 enough information based on the content -

5           CHAIRMAN O'ROURKE: I would like to  
6 see -- without just being handed the C.T. Male  
7 information that went through the Zoning Board  
8 of Appeals. Certainly we're going to be the  
9 lead agency, but because they did make a neg  
10 dec I'd like to see the documentation.

11          MR. LACIVITA: I'm certainly not  
12 questioning you, but in the Zoning Board of  
13 Appeals process would an approval have to come  
14 with a SEQRA determination - the one that was  
15 granted on June 19, 2009?

16          CHAIRMAN O'ROURKE: That's the Board of  
17 Appeals. They were denied. There was another  
18 thing in the packet.

19          MR. LACIVITA: Right, and we have an  
20 approved decision in the packet.

21          CHAIRMAN O'ROURKE: Right, and that was  
22 for June 19<sup>th</sup>.

23          MR. LYONS: The Zoning Board made a  
24 negative declaration. After that they made use  
25 of an area variance as requested. The Planning

1 Board makes their own SEQRA determination  
2 independent of the Zoning Board of Appeals  
3 because they was not lead agency coordination  
4 between the Zoning Board and the Planning  
5 Board. Each agency will make their own  
6 determination.

7 CHAIRMAN O'ROURKE: I understand that  
8 we're going to be the lead agency.

9 MR. LYONS: You are your own agency.  
10 You're not a lead agency for other departments  
11 or boards.

12 MR. LACIVITA: I apologize the  
13 information from C.T. Male is not here  
14 tonight. That information didn't come to us.  
15 That's more information that we're going to  
16 have to gather and we'll have to look at these  
17 documents based on the prior board's action.

18 MR. LYONS: We provided the variance and  
19 decision but it didn't get back into the SEQRA  
20 determination that the Zoning Board of Appeals  
21 made because their SEQRA determination is  
22 independent of the Planning Board's. The  
23 Planning Board makes their own independent  
24 SEQRA separate of the Zoning Board of appeals.

25 MR. NARDACCI: It kind of delves back

1           into my initial question before we started the  
2           review about the need for a TDE and I think  
3           that it's not necessary if we have an engineer  
4           who has already reviewed it -- they went  
5           through the forms and there's a whole  
6           assessment. I hate to throw a wrench into this  
7           tonight, but the fact of the matter is that we  
8           have a pretty substantive letter from an  
9           engineer reviewing it and all signs point to  
10          an unlisted action. I think that as a board  
11          we'd like a chance to review that information.

12                 As everyone here knows, we've taken SEQRA  
13          very seriously. We've been fairly consistent  
14          about SEQRA. It's complex and it's  
15          complicated. I, for one, would rather take  
16          some air out of the ball and slow it down and  
17          do it right than just plow ahead.

18                 MR. LYONS: That's why one of the things  
19          that was done was with the Planning Board and  
20          the Zoning Board. The balloon test that was  
21          done back in March was done before the leaves  
22          were on the trees so that you could get a full  
23          view of the visual potential.

24                 MR. LACIVITA: I know that actually this  
25          whole communications process is going through

1 a revamping right now. It's currently going  
2 through the Town Attorney's review. I believe  
3 that it's probably things like this that in  
4 the future will be coming into our department  
5 that way.

6 Is that correct, Michael? It's going to  
7 go through building?

8 This whole telecommunications law is in  
9 the process of being revamped.

10 MR. MAGGUILLI: It's all done.

11 MR. LACIVITA: It's been approved. Any  
12 action like this in the future is not even  
13 going to come to the Planning Department. It's  
14 going to go through Building, correct?

15 MR. MAGGUILLI: Just to clarify one thing  
16 if I may? On the C.T. Male, they weren't hired  
17 that I can recall.

18 It's Mike Magguilli, Town Attorney, for  
19 the record.

20 With regard to the wireless  
21 telecommunications law: Either board may  
22 retain C.T. Male, not as a town designated  
23 engineer but merely as a general consultant  
24 when any wireless project in the town came up.  
25 It may be done by either the Zoning Board or

1 the Planning Board if they needed extra help  
2 on the review. I believe that's what  
3 Mr. Cusack is referring to.

4 There was no resolution that I'm aware of  
5 that hired C.T. Male specifically for this  
6 project. It was an annual resolution that was  
7 done each year. We didn't do one in 2007  
8 because of the new wireless law. They were  
9 typically done in January of each year. Again,  
10 it was a blanketed resolution and it allowed  
11 the PED or boards to retain an expert on this.  
12 They may have called in C.T. Male for this.

13 MR. NARDACCI: That's a big  
14 clarification.

15 CHAIRMAN O'ROURKE: That helped me move  
16 this further, actually, because now I'm not  
17 sure who contacted C.T. Male and why we're  
18 looking at documents from C.T. Male. We need  
19 to find out where it came from. If it didn't  
20 come from the Town Board as part of a  
21 resolution, then who contacted C.T. Male to  
22 help them with the EAF?

23 MR. NARDACCI: I think that as part of  
24 the review, it makes sense to first of all  
25 have the letter to review it, but also have

1           them be available if there is a question.  
2           Every other project that we review that goes  
3           to the TDE process - even our own engineers  
4           are here to answer questions. I'm not  
5           extremely concerned about this and the  
6           classification of this application. I'm  
7           concerned more about procedure and that's our  
8           own internal procedure that we have smoothed  
9           out a great deal, but we still have some  
10          things that we're trying to work on. I just  
11          feel that it wouldn't be given the scrutiny  
12          that we have given other SEQRA applications.  
13          Those are applications that we have given  
14          consideration to just two meetings ago.

15                 CHAIRMAN O'ROURKE: Anybody else on the  
16          board have any questions?

17                 MS. VAIDA: I have a question.

18                 In the project narrative there is a  
19          reference to a full environmental assessment  
20          form that was prepared for -- was it zoning?  
21          Why would there have been a full environmental  
22          assessment form done and a short form for us?

23                 MR. CUSACK: This is the application  
24          package that I submitted to you for the  
25          project that was filed with the Economic and

1 Development Department.

2 In my cover letter I indicated that we  
3 were including both short form EAF and a full  
4 EAF for this review because sometimes when we  
5 appear before a board they say, yeah, I  
6 understand the EAF is allowable for this type  
7 of project, but we'd like to see the detail  
8 that's in the full environmental assessment  
9 form. Could you get us that form? So we  
10 provided each in this application package and  
11 it's exhibit one that's the full environmental  
12 assessment form. The short EAF was what was  
13 copied and inserted into your package because  
14 technically for an unlisted action you can use  
15 the short EAF.

16 MR. STUTO: This is the board that has to  
17 make the SEQRA determination. This is the  
18 board that has to take a hard look. If that  
19 information is available, this board should  
20 have that in front of them.

21 MR. CUSACK: You should have a booklet  
22 that looks like this (Indicating).

23 MR. LYONS: There were copies of the  
24 application and the narratives - the EAF and  
25 the site plans were submitted to us.

1 MR. CUSACK: Okay, because I filed eight  
2 copies of this and you just have to find them  
3 or make new ones.

4 CHAIRMAN O'ROURKE: Joe, what's the  
5 schedule look like to bring them back on? What  
6 time frame do you think that you need to get  
7 us all the pertinent information?

8 MR. LACIVITA: We have on the January 26<sup>th</sup>  
9 agenda four items currently. Depending on how  
10 long you'll be able to review and get that  
11 done - I don't know if that's going to be  
12 timely to put that on then.

13 We could move that potentially to the  
14 February 9<sup>th</sup> meeting.

15 CHAIRMAN O'ROURKE: What do we have on  
16 there?

17 MR. LACIVITA: Currently there is a  
18 public hearing continuation from Archmont  
19 Knolls Phase V, Berkshire Bank and Sable Gate  
20 are being considered by the TDEs for action  
21 those nights. We could get that on that  
22 evening as well.

23 CHAIRMAN O'ROURKE: Put them in first on  
24 that one.

25 MR. LYONS: Mr. Chairman, are you going

1 to bring in C.T. Male in as the TDE on the  
2 project for the board to review?

3 CHAIRMAN O'ROURKE: No, but what I do  
4 want is a full EAF so that we can make the  
5 proper SEQRA. I want the letter from C.T. Male  
6 addressing the points.

7 Joe, if we could get that by e-mail so  
8 that if there are questions beforehand, all of  
9 the board can take a look at them. Because if  
10 in fact there are questions for C.T. Male,  
11 then we will bring them in.

12 I don't suspect, Mike, that we'll have to  
13 do that. But we certainly we need that  
14 information to make a determination. All the  
15 full attachments - all the radio frequency  
16 will all be part of the EAF, correct?

17 MR. CUSACK: Well it's part of this  
18 application package. I just took a count and  
19 there are nine people here. How many more  
20 copies of this do you want? Maybe they  
21 circulated through the departments.

22 MR. LYONS: We would need eight.

23 MR. CUSACK: I'll get some more of these  
24 over.

25 CHAIRMAN O'ROURKE: I appreciate that.

1           MR. CUSACK: That's no problem. I want to  
2           make sure that you have the actual application  
3           that I submitted.

4           MR. LACIVITA: Mike, you said that eight  
5           were submitted with the original?

6           MR. LYONS: They were up there with the  
7           department with the initial minor application  
8           review which goes to various town departments.

9           SUPERVISOR MAHAN: So, you did receive  
10          eight copies?

11          MR. LYONS: Yes, and they went out to the  
12          various town departments. We asked for eight  
13          packages initially for the board to review.  
14          You have the site plans, the application and  
15          the descriptions and the environmental  
16          assessment form.

17          MR. MAGGUILLI: Who would have made the  
18          referral from the Planning Board, do you know?

19          MR. LYONS: I had spoken to Joe about  
20          that.

21          MR. MAGGUILLI: So it was your  
22          recommendation?

23          MR. LYONS: It was probably a joint  
24          recommendation, I would assume.

25          MR. MAGGUILLI: When do they find out

1 when they're going to the Planning Board?

2 MR. LACIVITA: We put everything on an  
3 agenda at least a week prior to this and  
4 everyone gets information via the packets.

5 MR. MAGGUILLI: Did this all just happen  
6 Joe?

7 MR. LACIVITA: As far as what, Mike?

8 MR. MAGGUILLI: As far as it being  
9 confirmed in Planning?

10 MR. LACIVITA: It was on the agenda a  
11 week ago. We finalized the agenda and all the  
12 packet information went to the Planning Board  
13 members, so they got it last week.

14 MR. LYONS: Joe reviews the upcoming  
15 agendas with the Chairman -

16 MR. MAGGUILLI: I was talking about a  
17 document that Mr. Cusack has to make eight  
18 more copies of. Why wasn't that gathered from  
19 the departments and given to the Planning  
20 Board?

21 SUPERVISOR MAHAN: Mike, I don't think  
22 that you should have to make eight more  
23 copies. The departments are done with it. They  
24 are done with their review and their comments.  
25 They have done that and I think that it would

1 be easier to get it back from the departments.

2 MR. LACIVITA: Well, I guess the further  
3 concern would be that both the short form and  
4 the long form were submitted. A determination  
5 was made that this was an applicable short  
6 form because it was a nonaction; correct Mike?

7 MR. NARDACCI: Well, who makes that  
8 determination?

9 MR. LACIVITA: That's what I'm getting  
10 at.

11 MR. LYONS: My recommendation to the  
12 Planning Board was to use the short form.  
13 Actually in some cases the short form can be  
14 more thorough than the long form because the  
15 long form goes through and you check boxes.  
16 With the short form you get the answer and  
17 when you look at the Part II of the short form  
18 you have to answer these questions. Part II of  
19 the long form, you check yes in the boxes.

20 MR. NARDACCI: The biggest thing is that  
21 in this packet he filed a short form and a  
22 long form and there was a five-page letter  
23 from C.T. Male that we should have had. That's  
24 what it really comes back to.

25 Look Mike, I don't know how it was done

1 in the past with making determinations on  
2 SEQRA, but in the last two years we've been  
3 very fair and through in acting on SEQRA. I  
4 think that we need to keep that and maintain  
5 that same level of consistency. So I think  
6 that when there is a letter floating around  
7 from an engineer whether it's a TDE or some  
8 other appointed consultant, that's information  
9 that we definitely need to have.

10 When we started the meeting, I saw TDE  
11 pop up a couple of times as I read through  
12 this and asked: Do we have a TDE? Why don't  
13 we? And the answer that I got was no, we  
14 didn't.

15 MR. LYONS: No, the Zoning Board of  
16 Appeals had a TDE.

17 MR. NARDACCI: But the information that's  
18 provided to the Zoning Board - the five-page  
19 letter is applicable to what we need  
20 information on.

21 MR. LACIVITA: That will be more  
22 information that we'll have to gather in the  
23 future, if that's the case.

24 MR. NARDACCI: Like I said, on this  
25 specific project, I'm sure that there is

1 confidence that it's unlisted. In looking  
2 through what I've seen and have reviewed and  
3 hearing the presentation tonight - we still  
4 need that information.

5 CHAIRMAN O'ROURKE: Mr. Cusack, I guess  
6 we'll be seeing you on the 9<sup>th</sup>.

7 Joe, can you get them on first?

8 MR. LACIVITA: Yes.

9 CHAIRMAN O'ROURKE: Mr. Cusack if you can  
10 just make sure that these attachments are in  
11 fact with the packet. There are 13  
12 attachments.

13 MR. CUSACK: I'm going to get them. I  
14 have no problems with that and I appreciate  
15 the Supervisor saying that we don't have to  
16 copy them, but I'll make as many copies as you  
17 want.

18 MR. LACIVITA: We'll take them from all  
19 the different departments and if there are any  
20 needed, we'll definitely talk to Mr. Cusack. I  
21 ask that you retain your copies and we'll give  
22 you the supplemental information over the next  
23 couple of days.

24 MR. GANNON: I have forgotten your name  
25 but you had mentioned earlier these are

1 generally hard decisions when it comes to  
2 schools. Is that in your opinion simply  
3 because of the perception that these are  
4 dangerous or a danger to public health?

5 MS. MAYBERRY-STEVENSON: There are a number  
6 of issues with regard to school property.  
7 Space is one, access is one, perceived  
8 potential health impacts is one. There are a  
9 lot of those, but yes that is certainly one of  
10 them.

11 MR. GANNON: I'm referring based on the  
12 presentation tonight and all the information  
13 that I read that the only reason that you're  
14 not coming under the structure of the new town  
15 Local Law is because of the date that you  
16 started this application process.

17 MR. CUSACK: Yes, we have to defer even  
18 for that, but that is my understanding. Mike  
19 Magguilli is here tonight and I'll defer to  
20 whatever he says.

21 MR. MAGGUILLI: Yes.

22 MR. GANNON: I just have one last  
23 question. Your counsel to Verizon or Cellco?

24 MR. CUSACK: That's correct.

25 MR. GANNON: You don't have any official

1 counsel with the Loudonville Presbyterian  
2 Church?

3 MR. CUSACK: No, I do not. They are  
4 represented by Carolyn Snyder.

5 MR. GANNON: Is Carolyn here tonight?

6 MR. CUSACK: I don't believe so.

7 MR. GANNON: My only other question that  
8 I'd like to maybe hear a sentence about on the  
9 9<sup>th</sup> is how much input did the church have on  
10 the design and how that whole process worked.  
11 Is this something that the church would  
12 otherwise be looking to add to their land or  
13 visa versa?

14 MR. CUSACK: It took a year and a half to  
15 go through their architectural review.

16 MR. GANNON: I just want to make sure  
17 that they're satisfied with the proposed site.  
18 That's all I had. Thank you.

19 CHAIRMAN O'ROURKE: You're welcome.  
20 Paul?

21 MR. ROSANO: Nothing right now.

22 CHAIRMAN O'ROURKE: Anyone from the  
23 audience? We'll certainly allow you the  
24 opportunity. If you would just state your name  
25 for the record?

1                   MR. MITTLEMAN: Thank you for hearing me.  
2                   My name is Gary Mittleman. I live at  
3                   33 Old Niskayuna Road, which is the property  
4                   directly across from the church.

5                   We have heard the term bell tower used  
6                   quite a bit tonight. When I think about this,  
7                   this is not a bell tower. This is a 60 foot  
8                   cell phone antenna tower going up on a  
9                   residential road. A road that has two  
10                  elementary schools and the Pruyn House. I  
11                  appreciate the work that the committee is  
12                  doing in order to keep in mind that this is a  
13                  residential road to the extent that the church  
14                  is already becoming more and more  
15                  commercial-like. What was once a wooden sign  
16                  in front of the church is now a florescent  
17                  sign. We have two large Verizon telephone  
18                  utility boxes right on the road in front of  
19                  the church. This is just one more thing that  
20                  will start to make the church more and more  
21                  commercial-like as opposed to residential.

22                  In the letter that I have written to you,  
23                  I'd just like to go through a few points  
24                  quickly. On this map here with  
25                  Old Niskayuna Road we have a setback of

1           127 feet. That's what's being proposed. I  
2           would propose that with the property depth  
3           being close to 500 to 600 feet that we locate  
4           the tower at least half way back so that it  
5           would be a minimum of 250 to 300 feet from the  
6           road as opposed to the 127; thereby reducing  
7           the impact to the community.

8                         Secondly, we heard tonight talk about  
9           needing access to the cell phone antenna.  
10          Well, to me much easier access would be  
11          locating it on the south side of the church  
12          which again, already has a large parking lot.

13                        Now, I may have inferred some of this  
14          from the comments made but it sounded as  
15          though the church didn't like this so much  
16          because it didn't fit into the church's  
17          architecture.

18                        Well, in my view, if the church wants to  
19          build a bell tower or give something to the  
20          church, that's entirely within their rights.  
21          But here we're talking about building a  
22          60 foot cell phone antenna, not building a  
23          bell tower. Therefore, we should think about  
24          the best location for this antenna relative to  
25          the community and not relative to the church.

1           We also heard a lot of talk tonight about  
2           the large evergreen trees. No doubt, there are  
3           many large - roughly 60 or 70 feet evergreen  
4           trees all through here and also through here  
5           (Indicating). What was not said is that these  
6           evergreen trees are susceptible to Blight.

7           I have taken down on my property over 20  
8           of these evergreen trees, Austrian Pines, in  
9           the 10 years that I've lived there and these  
10          are big trees. If you drive up and down  
11          Old Niskayuna Road, the trees on my property  
12          here (Indicating) are suffering from that  
13          Blight. The trees on Sandy Keeler's, which  
14          extend up this way (Indicating), are suffering  
15          from the Blight. I don't know if it's going to  
16          be one year, four years or 10 years but at  
17          some point, the Blight is going to kill these  
18          trees. We're talking about minimum without  
19          renewals of a 20 year lease on the cell phone  
20          antenna. What happens when these trees die?

21          I would like to see an escrow fund set  
22          aside so that when the trees do die, no one is  
23          running around trying to figure out where do  
24          we get the money for relandscaping? Let's set  
25          that money aside right now so that if and when

1 we need to use it - and we will - it will be  
2 there so that we can use it.

3 With regard to the camouflage: At the  
4 zoning board meeting we heard the term  
5 camouflage used quite a bit. I would think  
6 that if they wanted to hide or mask this  
7 making it look more like a green tree with the  
8 surrounding evergreen trees would have been a  
9 much better thing to do.

10 My last point is that to the extent that  
11 a commercial cell phone antenna does go up and  
12 it affects all of the local community, I think  
13 that it would be wonderful if the majority of  
14 the revues that were being given from Verizon  
15 to the church were turned around and given  
16 back to the community at large.

17 My recommendation as the easiest way to  
18 do this would be to give half to the  
19 Loudonville Elementary School and half to the  
20 Southgate Elementary School, the two public  
21 elementary schools that are located sort of on  
22 either side of the church, within roughly a  
23 mile or so. Thereby, the people that live in  
24 the surrounding communities are receiving the  
25 benefits or some benefits as opposed to the

1           supposed detrimental costs of what the tower  
2           will look like in return.

3           Again, I appreciate your giving this the  
4           weighty thought that it needs. I think that it  
5           is a big thing anytime the communities that we  
6           live in are impacted by things that we have  
7           some control over and we didn't expect would  
8           occur when we built or bought our homes. Thank  
9           you.

10           CHAIRMAN O'ROURKE:   thank you.

11           MR. GANNON:   Mr. Mittleman, I think that  
12           it's great point about the community benefits  
13           of something like this. Unfortunately, I don't  
14           know of a mechanism that exists to make that  
15           happen. Although going forward with the new  
16           policy the Town Board has adopted, I believe  
17           that it gives the municipality the right to  
18           refuse any of these cell towers first as they  
19           would have to go on municipal property. We,  
20           the taxpayers, would reap the benefit of  
21           whatever the revenue is generated from siting  
22           one of these towers. Going forward I think  
23           that's something that I think we're going to  
24           be able to do and have a mechanism to do that.

25           CHAIRMAN O'ROURKE:   Yes, ma'am.

1 MS. WOROBY: I'm Elaine Woroby. I'm the  
2 pastor of the church and have some church-folk  
3 with me. I just want to say that we are not  
4 trying to hide the tower. That has not been  
5 part of the plan at all. We actually think  
6 that the tower is a beautiful addition to our  
7 church. There is a different architectural  
8 choice here, but we do think that the tower is  
9 attractive. The intent is to hide the cell  
10 tower part of it, not the bell tower part.

11 Our church suffers from being almost  
12 invisible in the pines and this is a beautiful  
13 addition that says this is a church. We really  
14 want the bell tower. We don't want it to be an  
15 eye sore. We want it to be a beautiful part of  
16 our church. That is important to us and we  
17 worked for a long time to make the lease right  
18 for us and to make the drawings right for us.  
19 We looked at our whole property to site it  
20 somewhere else. In the beginning, we talked  
21 about a huge tower in the back but that's very  
22 close to our Laural Drive neighbors. This side  
23 is very close to the Mehtas who are our  
24 neighbors on this side (Indicating). This side  
25 is far away from our neighbors for a lot of

1 reasons. It's going to be beautiful and look  
2 like part of our church. We're really excited  
3 about that.

4 I just want to tell you that we serve the  
5 community. Obviously, we're not for profit. We  
6 are a church. We are not putting this money  
7 away and saving it for some other purpose to  
8 enrich ourselves. This money is going into our  
9 mission and ministry.

10 We have two local families that come to  
11 our church every single month to get food for  
12 their families. In addition, we have one to  
13 two families a week - different families that  
14 come for food, used clothing and household  
15 items. We have a not for profit counseling  
16 service at the church that uses our building  
17 rent-free that serves 600 Loudonville, Latham  
18 and Watervliet clients during this past year.

19 The money that the church is getting in  
20 this lease is critically important to ministry  
21 mission and not to enriching any of us. We do  
22 service the community and that's why we exist.

23 AA meets at our church and lots of other  
24 organizations meet there.

25 We have tried very hard over the years to

1 make sure that this project makes sense  
2 financially and that it adds to the beauty and  
3 the design of our building and it serves the  
4 community. Critical needs are rising and we  
5 need to find new ways to make sure that  
6 happens.

7 This cell tower is really a blessing to  
8 us as move forward and try to meet all of our  
9 community needs. We hope that you'll keep that  
10 in mind as you think about this addition to  
11 our church. We hope that you'll move forward  
12 with it. Thank you.

13 CHAIRMAN O'ROURKE: You're welcome.

14 Anyone else?

15 *(There was no response.)*

16 CHAIRMAN O'ROURKE: Okay, we'll see you  
17 Mr. Cusack, on the 9<sup>th</sup>.

18 MR. CUSACK: Do I have to renounce  
19 everyone?

20 CHAIRMAN O'ROURKE: You do.

21 MR. CUSACK: Okay. Thank you.

22 *(Whereas the proceeding concerning the above*  
23 *entitled matter was adjourned*  
24 *at 8:17 p.m.)*

25

1 **CERTIFICATION**

2

3

4 **I, NANCY STRANG-VANDEBOGART, Notary**

5 **Public in and for the State of New York,**

6 **hereby CERTIFY that the record taped and**

7 **transcribed by me at the time and place noted**

8 **in the heading hereof is a true and accurate**

9 **transcript of same, to the best of my ability**

10 **and belief.**

11

12

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14 \_\_\_\_\_

15 **NANCY STRANG-VANDEBOGART**

16

17 **Dated January 29, 2010**

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