

1 STATE OF NEW YORK COUNTY OF ALBANY  
2 TOWN OF COLONIE  
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4 VERIZON WIRELESS SERVICE FACILITY  
5 396 WATERVLIET SHAKER ROAD

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7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY L. STRANG, a Shorthand Reporter  
9 commencing on September 22, 2020 at 6:00 p.m.  
10 at Memorial Town Hall 534 New Loudon Road,  
11 Latham, New York.

- 12  
13 BOARD MEMBERS:  
14 PETER STUTO, CHAIRMAN  
15 CRAIG SHAMLIAN  
16 PAUL ROSANO  
17 SUSAN MILSTEIN  
18 LOUIS MION, RECUSED  
19 FREDERICK ASHWORTH  
20 STEVEN HEIDER

- 21  
22 ALSO PRESENT:  
23 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE BOARD  
24 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT  
25 OF PLANNING AND ECONOMIC DEVELOPMENT

1 ZACHERY HARRISON, PLANNING AND ECONOMIC  
DEVELOPMENT

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3 DAVID BRENNAN, ESQ., YOUNG SOMMER

4 JOSEPH GRASSO, RLA, CHA

5 RUSS SAGE

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1           CHAIRMAN STUTO: Welcome everyone the Town  
2 of Colonie Planning Board. The meeting is  
3 called to order. I will note for the record  
4 that all seven Planning Board Members are in  
5 attendance.

6           The next item on the agenda is a report  
7 from the Planning and Economic Development  
8 Director, Sean McGuire.

9           Sean?

10          MR. MAGUIRE: There is no report tonight.

11          CHAIRMAN STUTO: Okay. Onto the order of  
12 regular business.

13          First item on the agenda is 396  
14 Watervliet Shaker Road, Verizon Wireless  
15 Service Facility. The Applicant is Cellco  
16 Partnership doing business as Verizon  
17 Wireless. Sketch plan review for the  
18 construction of a 79-foot tall stealth  
19 monopine telecommunication facility.

20          Do you have any introductory remarks,  
21 Sean, before we turn it over to the  
22 applicant?

23          MR. MAGUIRE: Sure, we will just note that  
24 the applicant already received a special use  
25 permit from the Zoning Board of Appeals on July

1 16th. We've looked at this and we've seen that  
2 they are providing screening from the existing  
3 neighborhoods using a pine tree type screening.

4 I will turn it over to the applicant.

5 MR. MION: For the record, I am going to  
6 recuse myself.

7 CHAIRMAN STUTO: Okay, thank you, Lou.

8 MR. BRENNAN: Good evening ladies and  
9 gentlemen. My name is Dave Brennan from the law  
10 firm of Young Sommer in the Town of Colonie.  
11 With me tonight is Rick Andress who is an RF  
12 Engineer from Verizon Wireless. I'm speaking on  
13 behalf of Verizon Wireless on this application.

14 By way of quick introduction to the  
15 project. this is a proposed 79-foot stealth  
16 monopine tree to provide Verizon wireless 4G  
17 service to the Town of Colonie, primarily in  
18 the Watervliet Shaker and Delatour Road  
19 areas of the Town.

20 The parcel property is located on a  
21 parcel property owned by the Elks Club, but  
22 not at the Elks Lodge, itself. It's actually  
23 on a separate parcel of land that fronts on  
24 Watervliet Shaker Road and is distinct from  
25 the Elks Club facility and is zoned

1 single-family residential, as opposed to the  
2 Elks Lodge itself. Behind the Elks Lodge is  
3 the King Thiel apartment complex zoned as a  
4 PDD, probably going 4 to 5 years ago at this  
5 point. The facility itself is needed. The  
6 existing Verizon Wireless sites that serve  
7 this area of the Town will serve it at a  
8 distance.

9 Very quickly we have antennas on the  
10 water tank directly out the back door,  
11 antennas on the monopole next to Feiden  
12 Appliances up at the circle, antennas on the  
13 Miller Road or Johnson Road water tank  
14 opposite Alternate 7 and then there's a set  
15 of antennas on the fleet water tank going  
16 down to into the City of Watervliet. All of  
17 those range about a mile or two away. As a  
18 result, we don't have good service for the  
19 community in this area of Town.

20 As Mr. Maguire pointed out, this site  
21 went for about a year long or more process  
22 in front of the Zoning Board and the Town of  
23 Colonie. The Zoning Board has special use  
24 permit jurisdiction over telecommunications  
25 facilities under Chapter 189 of the Town

1 Code. We did receive that special use permit  
2 authorizing the use of this piece of  
3 property for telecommunications.

4 In the Code itself Chapter 189  
5 incorporates major site plan review  
6 requirements into that chapter for any new  
7 tower. So, although we have a lot of new  
8 Verizon Wireless projects at different times  
9 in the community, we really have a new  
10 tower. My office has not appeared in front  
11 of the Planning Board in quite a few years.  
12 In conjunction with the project itself, at  
13 the base of the stealth monopine tree there  
14 will be a concrete pad with equipment on it.  
15 No generator is proposed so we don't have a  
16 noise issue.

17 CHAIRMAN STUTO: Do you have a rendition  
18 of it?

19 MR. BRENNAN: As Zach is pulling up,  
20 that's probably the best photo. We have a  
21 series of about eight photos sims that we have  
22 taken from the project site.

23 This is the one with the most  
24 visibility, as you can imagine, if you've  
25 ever been up at the Elks Club or the King

1 Thiel Apartments. There is basically nothing  
2 between the proposed site. To do this set of  
3 photo sims, we flew a balloon at both 79  
4 feet above ground and if you look closely  
5 there's a second balloon in the blue fly at  
6 99 (Indicating). That is done as a spotter  
7 because at 79 feet it gets hard to see. So,  
8 we typically float another one so you can  
9 see and find the location at that distance.

10 CHAIRMAN STUTO: It's in a different  
11 picture, right?

12 MR. BRENNAN: Yes, so the lower balloon is  
13 the top of the monopine at 79 feet. During the  
14 Zoning Board process - because at that time we  
15 were talking about alternatives - we also did  
16 simulations as a monopole tower.

17 CHAIRMAN STUTO: Where is that from?

18 MR. BRENNAN: That's on the lawn  
19 (Indicating). The asphalt in the foreground is  
20 the loop road around King Thiel, so I would say  
21 it's on the lawn - the flowers are probably  
22 close to the front door of King Thiel.

23 CHAIRMAN STUTO: Can we see the other  
24 renditions because that's going to be  
25 important, I'm sure, for the residents.

1           MR. BRENNAN: We do have eight different  
2 photos. I can run through them. If you want to  
3 go through them, we can start at the beginning  
4 and go through all eight and we can describe  
5 them quickly.

6           CHAIRMAN STUTO: Yes, please.

7           MR. BRENNAN: So, this is photo one and  
8 this is taken from Watervliet Shaker Road near  
9 the intersection with Elks Lane (Indicating).  
10 It's 454 feet from the site looking southwest  
11 from 155.

12          CHAIRMAN STUTO: There's one balloon in  
13 there. What is the height of that one?

14          MR. BRENNAN: There are two. The top one  
15 is the 99 foot one. Slightly lower you can see  
16 the line for the 79 foot.

17                 That one was not simed because it was  
18 fully behind the trees. This one is taken  
19 from the cemetery at the Sisters of St.  
20 Joseph. It is looking southwest 881 feet  
21 away. So, you see the two balloons through  
22 the semi-leaf off conditions of these trees.  
23 If you go forward, you can see the  
24 simulation. That is a monopole (Indicating).  
25 The next one is what the top of the stealth

1 tree looks like at that distance.

2 Photo three is looking west from  
3 Watervliet Shaker Road, 703 feet from the  
4 site (Indicating). So it's about halfway  
5 down the road going toward Delatour. So this  
6 is going east and looking back West.

7 CHAIRMAN STUTO: Were these all taken at  
8 the same time?

9 MR. BRENNAN: Yes, they were.

10 CHAIRMAN STUTO: What was the date on  
11 that?

12 MR. BRENNAN: They were taken October 26,  
13 2019.

14 CHAIRMAN STUTO: So, the beginning of  
15 autumn.

16 MR. BRENNAN: Yes. If you go forward, this  
17 is the monopole which is 75 feet tall and then  
18 that's the tree which is a little bit taller  
19 because you need to put a peaked crown of the  
20 stealth branches to make it look like a stealth  
21 tree (Indicating). The stealth tree is actually  
22 79 feet tall, so that's what that looks like  
23 from that perspective.

24 This one is looking from what I will  
25 describe as the North Colonie Central School

1 District administration facility. It's 1,419  
2 feet away. You can see the two balloons  
3 through that tree - the top and the bottom.

4 If you go forward, you will see the tip  
5 of the monopole showing above the trees and  
6 the next one is the simulation of the  
7 monopine.

8 This view is from Jessica Court, which  
9 is on the north side of 155. It's taken  
10 1,582 feet away. Both balloons are visible  
11 and you can see at the bottom as we scroll  
12 forward, the monopole - a small portion is  
13 visible and you can barely see it.

14 If you go forward, you can see the top  
15 of the stealth monopine in the distance.

16 The next one is with as we see from the  
17 front of the King Thiel Apartments.

18 This one is looking due east from  
19 Abidar Lane. That particular photo was taken  
20 370 feet from the site. That yellow house in  
21 the foreground is the third house on the  
22 left after you turn off of 155 on Abidar.  
23 You can see the balloons through the trees.

24 If you scroll forward, you can see the  
25 monopole is low and the monopine is in the

1 back.

2 If you don't mind, can you toggle back  
3 and forth so the Board can see?

4 The last picture is taken from Ridge  
5 Road. It's 2,400 feet away. You can see the  
6 top of the first balloon and the model  
7 balloon is just in the trees (Indicating).

8 If you scroll forward, the monopole is  
9 out of view and the monopine peeks over the  
10 edge of the trees. To go along with this, it  
11 was provided to the Board -- we do have  
12 zone visibility map. It basically  
13 corresponds to those photos on the edges of  
14 it.

15 So, based upon using the computer GIS  
16 system along with photographs and driving  
17 the area to confirm areas of visibility,  
18 these are areas where some or all portions  
19 of the tower would be visible. As you can  
20 see through the photos, in the majority of  
21 the locations you're catching glimpses of it  
22 or the top portion of it and not the entire  
23 height which is actually confined to the  
24 Elks property or King Thiel property.

25 The other reason Verizon is

1 consistently working to build and maintain  
2 and expand its network - this particular  
3 site - there's an actual gap in coverage.  
4 There is also capacity issues with the zone  
5 around it.

6 So, in the Planning Board process we  
7 demonstrated there was a gap in coverage  
8 both through RF plots, as well as drive test  
9 data. We also provided capacity plots  
10 showing that some of the sectors,  
11 particularly at the water tank behind us,  
12 are at capacity and so this would also  
13 provide relief and better service from those  
14 sites to serve those localized  
15 neighborhoods.

16 At this point in time, over 70% of the  
17 911 calls in Albany County come through the  
18 cellular telephone system. Over 50% of  
19 people across the country have given up  
20 their land lines and rely solely on cellular  
21 telephones for their service.

22 In the Town itself, the Town Police  
23 Department uses Verizon Wireless hotspots in  
24 their cars for data transmission to their  
25 terminals. In most communities the ambulance

1 services using - like in Clifton Park. are  
2 using iPads with wireless connectivity for  
3 dispatch for their electronic PCR's and  
4 navigation to calls.

5 Of course, unfortunately we are living  
6 or many people are working from home and  
7 learning from home and at a distance and the  
8 reliance on the wireless network is even  
9 more important at this point.

10 I can talk about wireless facilities  
11 and questions to your dismay as long as I  
12 have the floor. That is a general overview  
13 of the project.

14 Stormwater is going to be handled -  
15 there is access to the site off the existing  
16 emergency backup road for King Thiel. That  
17 was mandated during the PDD process. We are  
18 going to utilize that.

19 Once constructed, the facility has  
20 about three or four trips a year. So, once  
21 it's built, the technician arrives once or  
22 twice a year to check on things but by and  
23 large it runs by itself and is remotely  
24 monitored. So, there is no traffic. There is  
25 no water or sewer facility associated with

1           it. We connect through electricity and fiber  
2           optic cables which existed just over the  
3           property line on the Elks Club. There is a  
4           little bit of increase in impervious  
5           service.

6           The plan, based upon discussions with  
7           the stormwater department, is to see if we  
8           can use the existing dry swale on the side  
9           of the emergency road to handle that small  
10          increase. We are looking at that. We will  
11          detail that with the stormwater department.  
12          That's the bulk of the presentation.

13          CHAIRMAN STUTO: Okay, this is being  
14          reviewed by our Town Designated Engineer, CHA.  
15          Joe Grasso is here with them.

16          Joe, I know you have not done a  
17          complete review. This is only sketch plan.  
18          Can you tell us your thoughts so far?

19          MR. GRASSO: Sure thing, Peter.

20          There is no letter that we have issued  
21          yet for the project. We're just getting into  
22          the review.

23          We did attend the DCC meeting with the  
24          Town Departments last month and there was no  
25          significant issues raised. As Dave

1 mentioned, there may be a need for some  
2 stormwater components to deal with the  
3 stormwater disturbance as well as the  
4 increased impervious area but we don't feel  
5 like it's going to be a significant hurdle  
6 for them to overcome.

7 Dave also mentioned that this has gone  
8 through a long accessory use permit process  
9 where the need of the tower and its location  
10 has already been demonstrated and it is our  
11 understanding that it was reviewed by an  
12 independent person on behalf of the Town.  
13 Our review was more geared toward the site  
14 plan issues.

15 We would expect that the Planning Board  
16 will do its own SEQRA as part of the site  
17 plan review process.

18 One of the things that Dave had  
19 mentioned is on the access to the tower site  
20 they are proposing to use an emergency  
21 access road that was established when the  
22 King Theil Senior Housing Project was  
23 developed. Although we understand that there  
24 is going to be only a few vehicles after the  
25 site is operational, our preference would be

1 that Elks Lane is used for primary access  
2 for both the long-term operation and just a  
3 few vehicles as well as the construction  
4 process, which obviously is going to result  
5 in many more trips to the site over the span  
6 of a few months. If the Board feels like  
7 direct access to Watervliet Shaker Road with  
8 the emergency access road is preferred, we  
9 would want to then have the site distance  
10 reevaluated at that intersection location.

11 The other thing to keep in mind is that  
12 we recommended primary access to the senior  
13 housing by Elks Lane because the emergency  
14 access location has a very short offset from  
15 Deborah Lane across Watervliet Shaker Road.

16 Regarding the tower itself, I think  
17 it's important when Dave mentioned that the  
18 top of the monopine is at 79 feet. That is  
19 relatively low, when it comes to looking at  
20 typical heights of towers - which we commend  
21 the applicant for only proposing a height  
22 that satisfies their RF needs.

23 I think it's also important to note  
24 that the actual antenna is 10 feet less than  
25 that. The top of the antenna would be at 69

1 feet and the top of the monopole itself is  
2 74 feet and then another 5 feet for the top  
3 of the fake vegetation. So, speaking of the  
4 monopine, we would recommend the applicant  
5 provide a more photorealistic close-up view  
6 of the simulated pine just to verify the  
7 realism and see how it may blend into the  
8 surroundings because I think that's a  
9 critical part of the visual impact of the  
10 project. We've all seen a number of these  
11 monopines being developed and some fit into  
12 the context of the surrounding as well and  
13 sometimes they don't. So, I think it would  
14 be good to see a more realistic close-up  
15 photo sim to be provided of that.

16 In terms of the visibility analysis,  
17 they've done quite a bit of work last year  
18 and there is some useful information in  
19 those documents and I think it's important  
20 for public view. So, the Planning Board may  
21 want to suggest making that information  
22 available on the Town's website only because  
23 it's very difficult and it's a lengthy  
24 packet of information and it's difficult for  
25 residents to FOIL and make copies of that.

1           CHAIRMAN STUTO: Okay, I'm going to ask  
2 Sean if he can address that.

3           MR. MAGUIRE: We'll have to figure out how  
4 to post that. The way the website is currently  
5 set up, we post the active meeting and we don't  
6 have an archive. We're working on that, but  
7 we're not quite ready for it yet.

8           CHAIRMAN STUTO: Keep us posted.

9           MR. GRASSO: In terms of the SEQRA review,  
10 an important component of SEQRA, when it comes  
11 to cell towers, is the visual EF addendum so we  
12 would look to see that got added as part of the  
13 environmental assessment documents.

14           One of the questions, Peter, I think  
15 you had asked when the photos were taken  
16 which is obviously in the fall when not all  
17 the leaves have dropped -- so, the viewshed  
18 analysis and the photo sims may be a little  
19 bit different during the leaf-off condition.  
20 So, I think it's important that the Board  
21 evaluate the significance of that to  
22 determine whether or not additional analysis  
23 is prudent, given the time of year. It looks  
24 like from the viewshed analysis that there's  
25 going to be limited visibility from Abidar,

1           which are the closest residential properties  
2           to the tower site. It may be helpful to have  
3           additional photos all the way down Abidar -  
4           maybe every 100 or couple hundred feet and  
5           those views to the backyards of the  
6           residences that actually show those same  
7           arrows as to where the top of the tower  
8           would be, so you can kind of see its  
9           relative height to the existing vegetation  
10          that currently exists in all those  
11          backyards.

12                 In terms of the equipment yard, we  
13           would recommend that new screening be  
14           provided around the three sides of the  
15           equipment area that would be facing towards  
16           the residences.

17                 That's all we've got in our comments  
18           thus far.

19                 CHAIRMAN STUTO: Okay, I've asked our  
20           attorney to review what the Local Law is on  
21           this. I know there is Federal Law.

22                 Kathleen, if you could briefly tell us  
23           what your understanding is.

24                 MS. MARINELLI: There is Federal Law on  
25           this and there is State Law on this. There was

1 a decision in the 70's, I believe, which set  
2 out the standard for reviewing the cell towers.  
3 Basically, they have a special status in law so  
4 that in terms of the zoning, the applicant has  
5 already done that and gone through, I would  
6 say, the more difficult hoops of passing the  
7 Zoning Board review.

8 In terms of the Planning Board the  
9 review is more specifically screening and  
10 site review types of things; not really an  
11 approval.

12 CHAIRMAN STUTO: Okay, so things like  
13 screening and drainage.

14 MS. MARINELLI: Correct.

15 CHAIRMAN STUTO: By a show of hands can I  
16 ask who amongst the crowd is interested in this  
17 project?

18 (Numerous audience members raised their  
19 hands.)

20 Okay, we are in sketch plan review  
21 where we do not take public comment. I'm  
22 going to go to the Board and if you want to  
23 make a couple of brief comments, you can. It  
24 will be noticed at a subsequent meeting and  
25 the neighbors who are within a certain

1 number of feet will get letters and that's  
2 where we normally take public comment.

3 Did you want to make public comment  
4 now?

5 MR. SAGE: Chairman Stuto and Board  
6 Members, thank you for this opportunity to  
7 speak to you. My name is Russ Sage. My mom and  
8 I own 4 Abidar Lane. It is one of what I would  
9 say is the more affected properties on Abidar  
10 Lane. I don't have it in front of me and it's a  
11 little blurry, but it's about 173 feet from the  
12 property line.

13 The reason I feel that there are not  
14 more residents here is because of the  
15 process to date. It has been a long review  
16 process. My mom bought this house in 2011  
17 and we are frequent flyers at either a  
18 Planning Board or Zoning Board because this  
19 property behind Abidar Lane - whether it's  
20 the Thiel center, the Elks pavilion and now  
21 the cell tower -- it has always been  
22 something. I don't blame anyone for Covid  
23 and the anxiety that this has brought, but  
24 this has been another thing; meetings moved,  
25 emails not answered and I'm not here to

1 vent. I may be a little bit, but I will try  
2 to stay composed. I don't want to be that  
3 guy.

4 The process that the residents have  
5 gone through and seen as Boards that are  
6 supposed to represent them has been  
7 unfortunately lacking and I know that's not  
8 this Board. I appreciate you not telling me  
9 to sit down. With 173 feet from the rear  
10 property line - another 30 feet and you're  
11 on my mom's deck barbecuing.

12 Not even a show of hands, but I would  
13 venture to guess there's not a person in  
14 this room that hasn't gone skiing with their  
15 kids, gone to a baseball game out to  
16 Cooperstown or something, driven up towards  
17 Plattsburgh and you're driving along and  
18 what do you see sticking out the side of a  
19 mountain? It is certainly not what the  
20 applicant referred to as a tree.

21 This is a tower. This is a tower that's  
22 173 feet from the back property line. The  
23 Zoning Board, as mentioned - they have gone  
24 through that hard hoop and to come up here  
25 and say put it over by Vent Fitness, put it

1 over here or there - that ship has sailed.  
2 From my understanding, the zoning for this  
3 property, which is 4.04 acres - to my level  
4 of knowledge, that means this tower can go  
5 anywhere within reason on that 4.4 acres.

6 I know this process has been hard for  
7 the applicant, but this is not some mom and  
8 pop putting up a cell tower. Cellco is a \$57  
9 billion annual revenue company, big business  
10 for profit that is moving into this  
11 neighborhood. You would not put a Walmart at  
12 the Crossings because there is clear land by  
13 the flats. I would ask you to keep that in  
14 mind.

15 I believe the Town is going to be the  
16 leaseholder on this. Please correct me if  
17 I'm wrong. That is a sizable amount of money  
18 to have them come in and it's easy to wave  
19 them on and say yes, we have this revenue  
20 stream but that is destroying this  
21 neighborhood. Whether you like it or not and  
22 whether it's going to fit into this  
23 vegetation - this canopy - I invite you guys  
24 to come over and see this canopy in January.  
25 You can almost see over to Troy through the

1 valley. That's no joke. You can see the  
2 sunrise. I'm not asking that you move this  
3 100 miles away. It is done. As we have  
4 talked to representatives, as we've talked  
5 and neighbors, as we've talked to former  
6 people who have sat on this very Board, this  
7 was a done deal a long time ago. This thing  
8 was originally located behind the Thiel  
9 center. They weren't even in existence when  
10 the applicant first showed this on the radar  
11 in 2006. Correct me if I am wrong.

12 Look at the waters that the two  
13 applications are navigating. You've got the  
14 Thiel center where people who can get  
15 together readily in non-Covid situations.  
16 When the application got moved to this  
17 project, to this area, we couldn't meet with  
18 residents. We couldn't go door to door. We  
19 couldn't even use the library. We couldn't  
20 even get our emails answered. The Town was  
21 shut down - this very building. It has been  
22 a David and Goliath battle and now it's  
23 going to be there and it is what it is.

24 I have three solutions because if  
25 you're not part -

1           CHAIRMAN STUTO:  If you're not part of the  
2           solution, you're part of the problem.

3           MR. SAGE:  What do people say?  I'd rather  
4           die than public speak.

5           There are three solutions.  The  
6           applicant stated they are rarely putting up  
7           a new tower.  On June 18th there was a  
8           miscommunication supposedly with the Town  
9           and the people in the applicant was here and  
10          we were not.  They wore a mask and we wore  
11          duct tape.  Unfortunately, this got reviewed  
12          and thankfully the agenda got pushed off.

13          On the 25th when we finally had our  
14          day, the zoning was changed.  On the 18th the  
15          agenda item that immediately following this  
16          application was for a 5G tower over by the  
17          World Class Gym in a commercially zoned area  
18          and minimally residential.

19          The applicant talks about capacity  
20          issues.  To me, sound planning is to allow  
21          that 5G tower to go in and then reassess.  
22          See what the supply and demand issue for  
23          wireless communication needs in the area is.

24          Other concerns I have, as indicated -  
25          the Elks Club owns the land, but doesn't own

1 the lease, I believe. I would like that  
2 question ironed out.

3 What happens if the Elks Club sells?  
4 Because if you look at their bulletins since  
5 the spring, it's been back and forth as to  
6 whether or not they're going to vote to  
7 sell. So, if somebody else comes in, what  
8 happens? Who do we call if there's an issue  
9 with this tower? Verizon is going to come  
10 out. I have seen in this letter from the  
11 applicant anywhere from 2 to 3 to 4 times a  
12 year. So, the solution I have is.

13 1. Please consider moving this tower on  
14 the side that's already approved. I'm not  
15 under any illusion that it's going to go 5  
16 miles away.

17 2. Increase the vegetation. Right here  
18 is a little field. I'm guessing. I would  
19 have to measure, but I would say 100 by 40  
20 there are trees in this area. The thought  
21 would be to put more healthy evergreen trees  
22 to maintain that area and again as much  
23 vegetation there is possible - healthy  
24 vegetation like Norway Spruce or something  
25 like that. Again, I know the applicant is

1 going to say it's going to cost more money  
2 to move this on the site, drainage,  
3 topography, all these things that you guys  
4 are going to have to consider. There is an  
5 outgrowth of trees here and here  
6 (Indicating). This is all flat in here. How  
7 do you know that's not going to make it  
8 stick out like a sore thumb for the Thiel  
9 center residents? They weren't even there  
10 when the this first started. Why is there  
11 opinion outweighing a well-established  
12 neighborhood? Because of the result of the  
13 Zoning Board's decision, there are people  
14 moving. There are people that work for the  
15 Town of Colonie that are afraid to speak out  
16 for fear of their job and there are children  
17 all up and down this area that are going to  
18 be right next to this tower.

19 Thank you for your time and I will be  
20 back.

21 CHAIRMAN STUTO: Thank you for your  
22 thoughtful comments. We appreciate it.

23 We will open up to the Planning Board.

24 Before we do that, Joe, your points on  
25 access that you made - I did not quite get

1 the whole thing.

2 MR. GRASSO: You will recall when the king  
3 feel senior housing project was approved, it  
4 required an emergency access only down to  
5 Watervliet Shaker Road to provide that second  
6 means of access. It was not approved for any  
7 more than emergency access -

8 CHAIRMAN STUTO: Is that the drive that is  
9 shown?

10 MR. GRASSO: It is and it's what they are  
11 proposing to use for the 3 to 4 times a year  
12 access to the tower, which is not a significant  
13 concern. More significant to us would be the  
14 construction access to the site. So, our  
15 recommendation would be to use Elks Lane and  
16 loop around through the Elks property.

17 CHAIRMAN STUTO: Thank you.  
18 Chief?

19 MR. HEIDER: Just a clerical thing - your  
20 photo is number eight. You're talking about  
21 Ridge Road. I think you're talking about East  
22 Ridge Road.

23 MR. BRENNAN: Yes, Chief, I think you are  
24 correct.

25 MR. HEIDER: I think I am.

1 Other than that, that's it.

2 CHAIRMAN STUTO: Lou - you are recused.

3 Chip?

4 MR. ASHWORTH: Nothing.

5 CHAIRMAN STUTO: Paul?

6 MR. ROSANO: Thank you, Peter.

7 I'm going to go on the record saying I  
8 don't believe the Town would own a lease on  
9 the cell tower. We only own one cell tower  
10 and lease and that's up at the landfill. I  
11 believe this belongs to the Elks. It's been  
12 under contract for over a dozen years so  
13 they would be the leaseholder and not the  
14 Town of Colonie. I just want to be on the  
15 record there. If I'm wrong, I apologize.

16 I've been doing cell towers starting  
17 with down the road here for years and I  
18 understand the concerns, but public safety  
19 to me, is the most important. We have an  
20 area that if you go out the door here and  
21 turn south on Route 9 I guarantee that  
22 within five minutes you won't be able to  
23 make a phone call. It's a dead area. If you  
24 go over to St. Pius Church, it's a dead  
25 area. I know because it's my church. Public

1 safety is the most important thing to me and  
2 having dropped calls - all of our Police  
3 cars and ambulances have tablets and they  
4 need maximum capacity and I just feel that  
5 it's very important.

6 Obviously we're not voting tonight, but  
7 I wanted to get that on the record.

8 CHAIRMAN STUTO: Susan.

9 MS. MILSTEIN: I just don't know if  
10 there's any way that it can be relocated so  
11 that the residents aren't as impacted by it.

12 CHAIRMAN STUTO: We will let the applicant  
13 respond to that.

14 Craig.

15 MR. SHAMLIAN: I guess maybe the only  
16 thing that the gentleman brought up that seems  
17 to be a reasonable - there were many things  
18 that he brought up that were reasonable,  
19 obviously, but providing some additional  
20 screening and that open vegetative or  
21 non-vegetative area. That's it.

22 CHAIRMAN STUTO: Okay we will ask the  
23 applicant if he can address some of the  
24 questions, but I also want to ask Joe Grasso  
25 what he thinks could be done relative to

1 screening for improvement. Maybe you won't know  
2 until you see the photos. And on the record, I  
3 would say that photos that you suggested with  
4 more detail - perhaps a little bit later in the  
5 year would be helpful. So, if you can work with  
6 the applicant on that.

7 MR. GRASSO: Sure.

8 CHAIRMAN STUTO: If you could address the  
9 screening on this particular topography - and  
10 maybe a fence would help, or more plantings?

11 MR. GRASSO: I haven't actually gone to  
12 Abidar since this application has command. I  
13 apologize for that. The screening that I was  
14 talking about was more of the typical screening  
15 you would see around an equipment yard. I would  
16 like to walk Abidar and each of those  
17 properties to see if it would be more  
18 beneficial to do screening closer to the rear  
19 of the yards that could possibly get to a  
20 height quickly that would start to screen the  
21 views to the tower. I can only provide that  
22 analysis after getting out there and really  
23 looking at it. Typically based on the scale of  
24 things and the height of the tower, you would  
25 not be able to give vegetation at a high enough

1 level to provide that screening. I like to go  
2 out and verify that there could be some things  
3 that may be appropriate.

4 CHAIRMAN STUTO: Thank you.

5 Could the applicant answer a couple of  
6 questions?

7 One of the Board Members asked if it  
8 could be relocated somewhere on the site and  
9 also the ownership issue of the lease and  
10 who owns the underlying property and the  
11 lease?

12 MR. BRENNAN: Yes, thank you. As to the  
13 ownership of the lease, the property is owned  
14 by the Elk's Club. The lease is with the Elk's  
15 Club. This is not a case where the Town of  
16 Colonie has any interest in the lease. I agree  
17 with Mr. Rosano, we are on three water tanks  
18 and there's one just recently relocated tower  
19 in front of the landfill. We are on that.

20 There is no financial benefit to the  
21 Town of Colonie or involvement with the Town  
22 of Colonie with this particular project. As  
23 far as moving in on the property, we did  
24 evaluate that with the Zoning Board's  
25 consultant as to the best location. There

1 was initial discussion to move what would be  
2 east of the emergency access road and upon a  
3 field visit with the Town's Zoning Board's  
4 telecommunication consultant it was his  
5 opinion that the ideal location from a  
6 screening perspective was where it was  
7 located. As you go down to the east towards  
8 Elks Lane, it does open up from a screening  
9 perspective so you're going to start seeing  
10 a full height view of it from 155 if you go  
11 down into that it would be the open field.  
12 So, we can certainly take a look at that  
13 with Mr. Grasso. We did evaluate that at the  
14 Zoning Board level.

15 CHAIRMAN STUTO: Joe, if you could  
16 re-evaluate the analysis that's already been  
17 done, we would appreciate it.

18 Are there any other questions from the  
19 Board at this point?

20 (There was no response.)

21 Okay, thank you. Next time you come,  
22 the neighbors will be notified at the  
23 appropriate distance and we will be taking  
24 public comment. It will be more interactive.

25 MR. BRENNAN: Absolutely. Thank you for

1 your time this evening.

2 (Whereas the above entitled proceeding  
3 was concluded at 6:32 PM)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter  
and Notary Public in and for the State of  
New York, hereby CERTIFIES that the record  
taken by me at the time and place noted in  
the heading hereof is a true and accurate  
transcript of same, to the best of my  
ability and belief.

Date: \_\_\_\_\_

\_\_\_\_\_

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