

TOWN OF CORINTH
ZONING BOARD

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WILLIAM CLARKE
CHAIRMAN

Sigrid Koch
Tracey Chandler
Glenn Tearno

Jackie White, Esq.
Zoning Board Attorney
Lynn Summers -*Secretary*

September 3, 2020
Zoom Meeting – because of COVID19
Meeting Minutes

MEETING CALLED TO ORDER by the Chair at 7:06 PM.

Roll Call: Confirmed on Call

William Clarke, Chairman-Yes
Tracey Chandler- Yes
Sigrid Koch- yes
Glenn Tearno -yes

Jackie White, Attorney-Yes
Lynn Summers, Secretary-Yes

Motion to Approve the Previous Minutes as written from March 5, 2019 made by Sigrid Koch, seconded by Tracey Chandler, All in favor-Aye

Motion to Approve the Previous Minutes as written from August 5, 2019 made by Tracey Chandler, seconded by Sigrid Koch, All in favor-Aye

Applications

AT&T Cell Tower- Use Variance Application

TM# 73.52-1-19.122 & 73.52-1-34.15

First St/Sycamore St.

R-1 Zone

William Clarke stated that before the Zoning Board can make a final decision on the AT&T Cell Tower, he would like an independent study from an outside company completed for validation of the coverage claims provided by AT&T. He asked Kimberly Revack if AT&T would sponsor the study. Kimberly said she is not sure; she will check with AT&T. Kimberly asked Matt Kerwin if he thought AT&T would sponsor the independent study. Matt didn't know if they will and will have to check with AT&T. He deferred to Jackie White, attorney for the ZBA.

Jackie White, Attny said that it is not expressed in the Town Code, but the board is within their realm to request an outside study be completed.

Matt will ask AT&T if they will sponsor the independent study. He stated they did not know there were any concerns at this point and thought they were coming to this meeting for a resolution, and they are up against time.

Matt asked that the Town Zoning Board put something in writing regarding their concerns so that AT&T will be able to answer them going forward.

William Clarke stated that the town is looking to improve the cell coverage for the entire area in the least obtrusive location and would like that validated by an independent study. He said the town is looking for additional radio frequency data on the propagation map.

Matt asked if the Town will be willing to extend the Shot Clock time. William Clarke said yes, they are willing to extend the Shot Clock time.

Matt Kerwin said that the coverage for every town is different and that the current site is in a good location for the best coverage. He said they did a study for the Butler Dr. location and that it is not acceptable coverage. AT&T also looked at different locations in the town.

Kimberly Revack said there is an existing tower north of Corinth which is maxed out with carriers. There is room for more carriers. AT&T's objective is to have good coverage in the populated area near the school. She said the Verizon tower location will provide coverage for the West side of town.

William Clarke said that the town is looking to improve coverage for the entire area in the Town and the Village and provide good coverage for the emergency services.

Matt Kerwin stated that without this facility in this location that there would be a gap in coverage. This location will provide coverage for First Net for the first responders, coverage for people working from home.

Grahame Champagne from the Public asked if he could speak.

William Clarke asked who is speaking, Grahame identified himself. William said we haven't formerly opened the public hearing, but you can go ahead.

Jackie White asked if the Public Hearing was opened and closed at the last meeting.

William said I can't allow testimony at this time. Jackie clarified that the board can entertain further public comments although certainly not required to even though the public hearing had been closed.

William said he wanted to hear what Grahame had to say.

Grahame stated that since the last meeting he discovered additional information that he was not aware of at the 8/5/20 meeting. He recommends that the zoning board delay decision on this action at this time that he has consulted an attorney. Grahame also stated that the Shamulkas have requested information for the cell application through a FOIL and the attorney has not received the information at this time.

Jackie White stated that they would not recommend that the board delay hearing the application for the purpose of further public information. The Public Hearing had been closed.

Grahame asked if the board could reopen the Public Hearing. Jackie said they could, or they can allow the public to speak as they are doing now.

William said he is not prepared to reopen the public hearing at this time.

Tracey Chandler (ZBA Member) moved to adopt a resolution tonight to approve AT&T Application, they have provided enough documentation.

Glenn Tearno (ZBA Member) asked Tracey if she has a resolution in mind? Tracey said the resolution that had been drafted. William said that resolution is a work in progress therefore not ready tonight. He said he is uncomfortable sharing the resolution tonight.

Jackie stated that any board member has the ability to propose a motion if they choose to do so, it might not have a seconded or no action taken on it.

Sigrid Koch (ZBA Member) asked if the board approved a resolution tonight would it just be for the AT&T application and would they still entertain the Verizon Application?

William replied that the Verizon Public Hearing was on the agenda for tonight.

Glenn asked are we only addressing AT&T not Verizon with this resolution?

Sigrid said she would like to consider the 2 proposals pro's and con's following the Verizon presentation.

Tracey asked if the 2 towers overlap coverage. Do we need 2 cell towers?

William stated that the board can approve 2 separate cell towers.

Kimberly Revack, AT&T stated that their location covers the east side near the school, residential & businesses plus the 2 main travel routes Main St and 9N. She said Verizon tower is located 2 miles west and there isn't an overlap of coverage.

Glenn stated that these are 2 separate applications, 2 separate cell towers, different coverage, should consider separately, not tied together in any way other than they are both cell service.

William – Kimberly and Matt it doesn't look like the board is prepared to approve the application tonight. Would like to entertain an outside study for validation of the claims of coverage area. Hopefully be ready to take up at the October Zoning Board meeting.

Jackie- Bill is that the consensus of all the board members? Is that the course of action to hire an independent engineer to review the materials and AT&T reimburse the town for the costs?

Tracey – no but it really doesn't matter because there is a quorum.

Glenn – while some additional information may provide some reassurance as to coverage area and needs. I think the documentation provided addresses the coverage area, but there doesn't appear to be a consensus. There is no motion to approve and if it's not moved forward then it appears, we need additional information.

Jackie stated what I'm hearing is – There is no motion, so you want some independent guidance? William said that's correct.

Matt would like something in writing as to what the Town is looking for. He will send a letter to Jackie White. Matt would like the town to identify who the town wants to identify as independent consultant.

Kimberly – Coverage is the beginning factor that drives AT&T for the location. They do the research before presenting the project.

Glenn – Asked the Zoning Board, what additional value aside from confirming what AT&T has provided, will an independent study provide? AT&T made a valid point, they complete the research before presenting the project. What is our gain?

Sigrid – I think because we received many questions from the Public that the board does not have the expertise to answer.

Glenn – we will receive the same information that they have already provided unless you provide them with specific questions to answer.

Jackie – My understanding William is that your looking for engineer to help understand the scientific aspects that has been presented, not necessarily answer the public questions.

William- That is correct

The propagation maps provided gave us some information, but I would like independent validation.

Matt Kerwin- we were not aware after the Public Hearing of any more information needed. It was my understanding that the board was preparing a resolution for tonight's meeting. Not aware of any outstanding issues at that time.

William – does any board member have a resolution currently?

Tracey – I am satisfied with the resolution prepared. I don't want to make it so costly that they just don't cover the area.

William – I agree with you Tracey. I don't think we have a resolution formulated tonight to approve the application.

Kimberly – if time allows would board hold a special meeting prior to 10/1/20 if information is provided, so we won't lose another 30 days?

William – yes that would be possible

Matt – how long will it take the town to retain an individual consultant? AT&T will not provide a consultant to review the documents they have already provided and are accurate.

Jackie- William is asking if the Town retains a consultant will AT&T reimburse the Town for the consultant?

Matt- how quickly will the town obtain the consultant?

Jackie – as quickly as possible, can't commit to a time.

Matt – will go back to AT&T to ask for reimbursement for the consultant.

Asked the town to provide to him the specific issues to be addressed and submit to him in writing.

Looks like the board is not ready to make a determination tonight. So nothing further.

Public Hearing- Open Public Hearing at 7:55PM

Verizon Cell Tower – Represented by Jared Lusk and Sara Coleman

TM# 59-2-57.1

Jared Lusk – presentation was provided at the previous meeting on 8/5/20

Located on the Ricci property

Referred to Exhibit E of application – Site selection/design analysis containing radio frequency propagation studies

Coverage – South and North- coverage to north of Corinth to Luzerne

APA- received approval – 7/8/20

William – will it provide coverage for the emergency responders

Jared – it will provide the coverage to the emergency responders any time they want to use it

Location is tucked into the trees

7/31 conducted a balloon test – balloon landed in the trees

Antenna Height 96 ft. – above ground level- APA agreed not tall

Enough- need tower height to be 110 ft- just above the trees- get the tower above the trees

Jackie- the 8/28 letter had the wrong exhibit M- it was for a location in Essex Co.

Jared apologized- sent wrong information- will send the correct information

Board questions- none

SEQR addressed at the last meeting.

Public comments- none

Jackie- suggested to hold Public Hearing open until the next meeting. William said ok we will do that.

Board Discussion – none

William- would Verizon be willing to reimburse the town for an independent propagation studies?

Jared – Yes, Verizon will be willing to pay any reasonable outside consultant fees, he has a consultant in mind that they have used before – Dr William Johnson a wireless telecommunications professor at Rochester and only represents municipalities.

William – will put Verizon on the 10/1/20 ZBA Agenda

Board – no questions.

Meeting Adjourned: Motion to adjourn at 8:15 PM made by William Clarke,
Seconded by Glenn Tearno, All in Favor – Aye
William Clarke- yes
Tracey Chandler – yes
Sigrid Koch – yes
Glenn Tearno-yes

Submitted by Lynn Summers